



12 April 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 Tuesday, 19 April 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) Notices of Motion
- (9) Confirmation of Minutes - Ordinary Council Meeting held on 21.03.22
- (10) Matters arising from Minutes
- (11) Reports of Staff
 - (a) Executive Services
 - (b) Corporate Services
 - (c) Infrastructure Services
 - (d) Planning and Environmental Services
- (12) Delegates Reports
- (13) Closed Meeting

Yours faithfully

Rebecca Ryan
General Manager

Meeting Calendar 2022

April

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
10.30am	13 April 2022	Central Tablelands Water Meeting	Grenfell
6.00pm	19 April 2022	Council Meeting	Community Centre
12.00pm	21 April 2022	Central NSW Business HQ Board Meeting	Orange
8.30am	27 April 2022	Orange360 Board Meeting	Orange

May

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
6.00pm	16 May 2022	Council Meeting	Community Centre
8.30am	25 May 2022	Orange360 Board Meeting	Orange
9.00am	26 May 2022	Central NSW Joint Organisation Summit	TBC
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>
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

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HELD ON TUESDAY 19 APRIL 2022

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01) MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 21 MARCH 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 21 March 2022, being minute numbers 2203/001 to 2203/029 be confirmed.

MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE, ON 21 MARCH 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), Director Infrastructure Services (Mr G Baker), Director Planning & Environmental Services (Mr M Dicker), Executive Assistant to the General Manager (Mrs L Ferson) and Administration Officer (Mrs N Smith)

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 Pryse Jones	Non Pecuniary (less than significant)	13	50	Country Education Foundation	Cr Pryse Jones is on the Executive Committee
Cr Ferguson	Pecuniary	8	29	Request for Interest Free Loan Doctors Incentive Package	Cr Ferguson is related to the applicant
Cr Ferguson	Non Pecuniary (significant)	24	112	DA2021/35 – Fifteen (15) Lot Subdivision – 238 Forest Reefs Road, Millthorpe	Cr Ferguson is related to the applicant
Cr Somerville	Non Pecuniary (less than significant)	11	42	Minutes of the Financial Assistance Committee Meeting held 3 March 2022	As per the Declarations of Interest in the Minutes of the Financial

	significant)				Assistance Committee Meeting Cr Somerville is a member of Blayney Rotary who assist the RYDA program and a member of the Blayney Golf Club
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PUBLIC FORUM

Ian McRae – Roadside Weed Control

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

Rosemarie Amos – Item 24 – DA2021/35 – Fifteen (15) Lot Subdivision – 238 Forest Reefs Road, Millthorpe

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

MAYORAL MINUTE

AR BLUETT MEMORIAL AWARD

For Council information.

2022 IPWEA EXCELLENCE AWARD

For Council information.

RETIREMENT OF DAVID HOADLEY

2203/001

RESOLVED:

That Council acknowledge and thank David Hoadley for his contribution to the Canobolas Zone NSW Rural Fire Service.

(Ferguson/Reynolds)

CARRIED

CONFIRMATION OF MINUTES

MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 21 FEBRUARY 2022

2203/002

RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 21 February 2022, being minute numbers 2202/001 to 2202/024 be confirmed.

(Somerville/Ewin)

CARRIED

MATTERS ARISING FROM THE MINUTES

Nil

EXECUTIVE SERVICES REPORTS**2203/003** **ALGWA NSW CONFERENCE****RESOLVED:**

That Council approve the registration and attendance of Councillor Pryse Jones at the 2022 ALGWA Conference to be held in Fairfield.

(Reynolds/Somerville)

CARRIED

2203/004 **TOURISM DEVELOPMENT FUND APPLICATIONS****RESOLVED:**

That Council approve the following applications under the 2021/22 Tourism Event Development Program;

- a. \$1,000 for the Platform Arts Hub, Textures of One Exhibition
- b. \$1,000 for the National All Breeds Junior Heifer Show Association Inc
- c. \$1,000 for the Millthorpe Village Committee, Millthorpe Garden Ramble

(Ewin/Newstead)

CARRIED

CORPORATE SERVICES REPORTS**REPORT OF COUNCIL INVESTMENTS AS AT 28 FEBRUARY 2022****2203/005** **RESOLVED:**

1. That the report indicating Council's investment position as at 28 February 2022 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

(Somerville/Pryse Jones)

CARRIED

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

REQUEST FOR INTEREST FREE LOAN DOCTORS INCENTIVE PACKAGE**MOTION:**

That Council approve the provision of an interest free loan to Dr. Bonnie McRae pursuant to policy 6C Package for Doctors Incentives for Retention / Attraction.

(Ewin/Newstead)

An **AMENDMENT** was moved by Cr Pryse Jones and seconded by Cr Reynolds:

That this matter be deferred to a subsequent meeting.

CARRIED

The amendment became the substantive motion and was put.

- 2203/006 RESOLVED:**
That this matter be deferred to a subsequent meeting.
(Pryse Jones/Reynolds)
CARRIED

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

- 2203/007** **YOUTH WEEK 2022**
RESOLVED:
That the report on Youth Week 2022 be received and the allocations from the 2022 Youth Week Small Grants Program be endorsed as follows:
- | | |
|---------------------------|----------|
| a. Le Danse School | \$ 820 |
| b. YMCA NSW | \$ 3,850 |
| c. Blayney High School | \$ 1,750 |
| d. Millthorpe Youth Group | \$ 1,000 |
- (Ewin/Newstead)
CARRIED

- 2203/008** **AMENDMENT TO INVESTMENT POLICY**
RESOLVED:
That Council approve the Investment Policy, as amended, and it be updated to the Policy Register.
(Somerville/Reynolds)
CARRIED

- 2203/009** **MINUTES OF THE FINANCIAL ASSISTANCE COMMITTEE**
MEETING HELD 3 MARCH 2022
RESOLVED:
1. That the minutes of the meeting held 3 March 2022 be received.
 2. That the recommendations for 2021/22 - Round 1 of the Community Financial Assistance Program by the Financial Assistance Committee, in the amount of \$39,236 be approved.
 3. That an amount of \$19,326 from prior year unexpended funds be voted at the next Quarterly Budget Review.
- (Somerville/Reynolds)
CARRIED

- 2203/010** **APPOINTMENT OF INDEPENDENT MEMBER - AUDIT, RISK**
AND IMPROVEMENT COMMITTEE
RESOLVED:
That Council endorse the appointment of Ron Gillard as the Independent Member to the Audit Risk and Improvement Committee.
(Reynolds/Somerville)
CARRIED

- 2203/011** **COUNTRY EDUCATION FOUNDATION**
RESOLVED:
That Council supports the request from the County Education Foundation for sponsorship in the amount of \$3,000.
(Reynolds/Somervaille)
CARRIED

- 2203/012** **ADDITIONAL SPECIAL VARIATION**
RESOLVED:
1. That Council make an application to the Independent Pricing and Regulatory Tribunal (IPART) under section 508(2) of the Local Government Act (1993) for a permanent Additional Special Variation of 2.5% including the population factor; for the 22/23 Operational Plan.
2. In making this application for the Additional Special Variation, Council has undertaken an assessment against the current Long Term Financial Plan, which assumed a 2.5% Rate Peg for 22/23 and noted;
a) the additional income that Council will receive if approved compared to that Rate Peg of 0.7% as determined by IPART in December 2021 totals \$167K
b) is required to maintain Councils current levels of services and operations to the Blayney Shire
c) that Council has considered the impact on ratepayers and the community in 2022/23 Operational Plan and future years and that the impact is reasonable.
(Reynolds/Pryse Jones)
CARRIED

- 2203/013** **LEASE OF INDUSTRIAL LAND FOR AGISTMENT PURPOSES**
RESOLVED:
That Council lease industrial land for the period ending 29 February 2024 with a 1 year option to the following party:

Lease lot 8: ex-Saleyards Paddocks, 31 Gerty Street (part Lot 2 DP 881155): C.Haynes \$2,500p.a.
(Gosewisch/Ewin)
CARRIED

- 2203/014** **NAIDOC WEEK SCHOOLS INITIATIVE**
RESOLVED:
That Council support the request for sponsorship from NAIDOC for the NAIDOC Week Initiatives contribution and approve an amount of \$450 be included in the 3rd Quarter Budget Review for this purpose.
(Reynolds/Newstead)
CARRIED

INFRASTRUCTURE SERVICES REPORTS**DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT****2203/015****RESOLVED:**

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

(Ewin/Gosewisch)

CARRIED

CENTRAL WEST COUNCILS ENVIRONMENT AND WATERWAYS ALLIANCE**2203/016****RESOLVED:**

That Council continues to support and participate with the Central West Councils Environment and Waterways Alliance.

(Newstead/Ewin)

CARRIED

PESTICIDE NOTIFICATION PLAN**2203/017****RESOLVED:**

That the Pesticide Notification Plan be placed on public exhibition for a period of not less than 28 days.

(Ewin/Pryse Jones)

CARRIED

BLAYNEY MAINSTREET MASTER PLAN**2203/018****RESOLVED:**

1. That Council endorse the draft Blayney Mainstreet 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.

(Pryse Jones/Ewin)

CARRIED

REVISED RECYCLED WATER POLICY**2203/019****RESOLVED:**

That Council place the revised Recycled Water policy on public exhibition for a period of at least 28 days.

(Somerville/Gosewisch)

CARRIED

PLANNING AND ENVIRONMENTAL SERVICES REPORTS**DRAFT CENTRAL WEST AND ORANA REGIONAL PLAN
2041 SUBMISSION****2203/020****RESOLVED:**

That Council note the submission to the NSW Department of Planning and Environment regarding the 2041 Draft Central West and Orana Regional Plan.

(Reynolds/Newstead)

CARRIED**CENTREPOINT MANAGEMENT AGREEMENT EXTENSION****2203/021****RESOLVED:**

That Council

1. Due to extenuating circumstances, being impacts preventing continual operations from COVID19 NSW public health orders and the stage 2 roof project, Council will not proceed to invite tenders for the operational management of CentrePoint Sport and Leisure Centre Blayney because a satisfactory result would not be achieved.
2. Extend the current Management Agreement with YMCA for a period of 2 years until 30 June 2024, to provide the operational management of CentrePoint Sport and Leisure Centre Blayney.
3. Authorise the General Manager to negotiate and execute the Management Agreement extension and associated documentation with YMCA for the operational management of CentrePoint Sport and Leisure Centre Blayney.

(Newstead/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.

DA2021/35 - FIFTEEN (15) LOT SUBDIVISION - 238 FOREST REEFS ROAD MILLTHORPE

2203/022

RESOLVED:

That Council consents to Development Application DA2021/35 for a fifteen lot subdivision of 238 Forest Reefs Road, Millthorpe, being Lot 3 DP546309, subject to the recommended conditions of consent.

(Ewin/Reynolds)

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

FOR	AGAINST
Councillor Ewin	
Councillor Somervaille	
Councillor Reynolds	
Councillor Newstead	
Councillor Pryse Jones	
Councillor Gosewisch	
Total (6)	Total (0)

CARRIED

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

DELEGATES REPORTS

REPORT OF THE CENTRAL NSW JOINT ORGANISATION MEETING HELD 24 FEBRUARY 2022

2203/023

RESOLVED:

That Council note the report from the recent Central NSW Joint Organisation Board meeting.

(Reynolds/Newstead)

CARRIED

CLOSED MEETING**2203/024 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:

ELECTRICITY PROCUREMENT - CENTRAL NSW JOINT ORGANISATION

This matter is considered to be confidential under Section 10A(2) (c) (di) 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; AND commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

LEGAL MATTER

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

LAND ACQUISITION FOR ROAD RE-ALIGNMENT AT 143 FOREST REEFS ROAD - DP1280817

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.

LAND ACQUISITION FOR ROAD RE-ALIGNMENT AT 133 AND 150 CARBINE ROAD – DP1281949

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.

(Ewin/Gosewisch)
CARRIED

CONFIDENTIAL MEETING REPORTS**ELECTRICITY PROCUREMENT - CENTRAL NSW JOINT ORGANISATION****2203/025****RESOLVED:**

That Council;

1. Advise Central NSW Joint Organisation that Council's decision and term of contract will be subject to further review given current investigations into the Blayney Solar Farm
2. Resolve that because of the extenuating circumstances set out in the report a satisfactory result would not be achieved by inviting tenders for the aggregated procurement of electricity for large market sites and streetlighting which are due to commence on 1 January 2023.
3. Note that the reasons for this decision are as follows:
 - a. The services with respect to which the tender relates can only be provided by energy retailers.
 - b. Council has received expert advice that due to the nature of the relevant market, offers from those retailers which will be made in response to the request for tender will only be open for acceptance for a period of 1-2 weeks.
 - c. Even if the tender period was shortened to 7 days as permitted under the Regulations, some if not all of the relevant tenders would expire prior to Council being able to undertake an assessment of tenders, report the matter to Council and resolve to accept or reject any tenders.
 - d. This would result in Council either having no valid tenders which it is able to accept, or it would not be able to consider for acceptance all of the tenders lodged in response to the request for tender.
 - e. This would not be a satisfactory result for Council.
4. Delegate the authority to execute the contracts for the supply of electricity for large market sites and streetlighting to the General Manager.

(Newstead/Somerville)

CARRIED**LEGAL MATTER****2203/026****RESOLVED:**

That Council receive and note the report.

(Reynolds/Somerville)

CARRIED

**LAND ACQUISITION FOR ROAD RE-ALIGNMENT AT 143
FOREST REEFS ROAD - DP1280817**

2203/027

RESOLVED:

That Council approve;

1. The compulsory acquisition of Lot 2, in DP1280817 registered 18/01/2022; and
2. The making of an Application to the Minister for Local Government and Governor for the approval of such compulsory acquisition; and
3. Upon acquisition the land be classified as “operational land” under Section 31 of the Local Government Act (1993); and
4. The placement of Council’s seal on all documentation associated with the compulsory acquisitions for the realignment of Forest Reefs Road including on any Deed of Agreement for Compulsory Acquisition pursuant to Section 30 of the Land Acquisition (Just Terms Compensation) Act (1991).

(Gosewisch/Ewin)
CARRIED

**LAND ACQUISITION FOR ROAD RE-ALIGNMENT AT 133
AND 150 CARBINE ROAD - DP1281949**

2203/028

RESOLVED:

That Council approve:

1. The compulsory acquisition of Lots 1 and 2 in DP1281949 registered 21 March 2022; and
2. The making of an Application to the Minister for Local Government and Governor for approval of such compulsory acquisition; and
3. Upon acquisition the land be classified as “operational land” under Section 31 of the Local Government Act (1993); and
4. The placement of Council’s seal on all documentation associated with the compulsory acquisition for the realignment of Carbine Road including on any Deed of Agreement for Compulsory Acquisition pursuant to Section 30 of the Land Acquisition (Just Terms Compensation) Act (1991).

(Somervaille/Pryse Jones)
CARRIED

2203/029

Recommended:

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

(Gosewisch/Reynolds)
CARRIED

**AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR
ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBERS 2203/025
TO 2203/028.**

There being no further business, the meeting concluded at 8.05pm.

The Minute Numbers 2203/001 to 2203/029 were confirmed on 19 April 2022 and are a full and accurate record of proceedings of the Ordinary Meeting held on 21 March 2022.

Cr S Ferguson
MAYOR

Mrs R Ryan
GENERAL MANAGER

02) COUNCIL RESOLUTION REPORT

Department: Executive Services

Author: General Manager

CSP Link: 2. Local Governance and Finance

File No: GO.ME.1

Recommendation:

That Council notes the Resolution Report to March 2022.

Reason for Report:

The General Manager is responsible for ensuring that Council's policies, decisions and priorities are implemented in a timely and efficient manner, consistent with the goals and objectives of Council. The General Manager provides the management oversight in relation to all information progressing from appropriate staff to Council for consideration via the Business Paper.

After a Council meeting, each resolution is allocated to the General Manager or responsible officer to action in accordance with the intent of the Council decision. Directors then provide feedback to the General Manager as to the progress of these resolutions on a monthly basis.

Council have requested an Outstanding Resolution Report on a quarterly basis.

Report:

This Council Outstanding Resolution Report includes Council Resolutions up to and including the previous Council Meeting.

Council currently has 24 resolutions 'in progress'.

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

Date of Meeting	Res. No	Resolution	Owner	Comments
19-Oct-20	2010/014	<p>Minutes of the Traffic Committee Meeting held 9 October 2020 RESOLVED 2. That Council:- a. Support the request from WIRES in principle subject to the use of Transport for NSW (TfNSW) approved Injured Wildlife sign (G6-361-1), b. The signage be installed in accordance with relevant standards, c. Council provide a quote to WIRES for the installation of the signs, and, d. Council refer the request for wildlife signage on the State classified network to TfNSW for consideration.</p>	DIS	2. Awaiting further advice from TfNSW
21-Dec - 20	2012/027	<p>EO13/2016 - Sale of Industrial Land by Council RESOLVED 1. That Council accept the offer for sale of part Lot 4 DP 871015 and part Lot 1 DP134341 for the amount of \$49,500 including GST plus survey and subdivision costs; and 2. That Council endorse execution of relevant contracts and associated documentation by the Mayor and General Manager under Council seal if required.</p>	DCS	Recorded Land Acquisition/Sale Register
15-Feb-21	2102/018	<p>Land Passed in at Sale of Land for Unpaid Rates RESOLVED 1. That Council offer land to the State of NSW (Crown Lands) for sale of Lots 9 & 10 DP 1138533 Danvers Street, Carcoar for the amount of \$1 to be incorporated into the Carcoar Showground Crown Reserve (R590109). 2. That Council endorse execution of relevant contracts and associated documentation by the Mayor and General Manager, and if required under Council seal.</p>	DCS	Form 01TS draft prepared for review by Crown Lands. Upon approval document will be executed then registered.

Date of Meeting	Res. No	Resolution	Owner	Comments
15-Mar-21	2103/018	<p>Land Acquisition for Road Re-Alignment at 333 Newbridge Road – Stonestreet RESOLVED That Council approve the acquisition of land for the purpose of road widening, being part of Lot 236 DP600751 as required for the Newbridge Road reconstruction works, and the land be classified as Public road as detailed in the Manager Operations Report.</p>	MO	Recorded Land Acquisition/Sale Register
19-Apr-21	2104/013	<p>Change of Tenure - Crown Land Cemeteries RESOLVED That Council seek approval from Department Planning, Industry and Environment – Crown Lands for amendment of the management structure of Crown Land cemeteries located at Carcoar, Lyndhurst, Neville and Newbridge from ‘Devolved to Council’ to ‘Crown Land Manager’.</p>	DCS	Notification sent to DPIE – Crown Lands with cemetery mapping. Assessment being undertaken. Council awaiting response.
19-Apr-21	2104/020	<p>Minutes of the Blayney Shire Cemetery Forum Meeting held 24 March 2021 RESOLVED 2. Council investigate options and consider establishment of a memorial garden for early pregnancy loss within the Blayney Shire.</p>	DPES	In progress

Date of Meeting	Res. No	Resolution	Owner	Comments
19-Apr-21	2104/025	<p>Sale of Land for Unpaid Rates - Land Title Anomaly 6370 Mid Western Highway, Lyndhurst RESOLVED</p> <p>1. That the rates outstanding from A348636 in the name of Edward James Earl 6370 Midwestern Highway, Lyndhurst (Lot 12 DP 1173235) in the amount of \$3,562.77 be written back and the rates record be noted as a duplicate valuation and therefore not to be rated.</p> <p>2. That the property owner of 6376 Midwestern Highway, Lyndhurst seek legal representation to establish a “Good root of title” to resolve ownership of 6370 Midwestern Highway, Lyndhurst (Lot 12 DP 1173235).</p> <p>3. That following issue of an amended title deed that the Valuer General be informed of the duplicate valuation for 6370 Midwestern Highway, Lyndhurst (Lot 12 DP 1173235).</p>	DCS	Property owner contacted. advised no action taken due to financial constraints and seeking Council to assist with solution.
31-May-21	2105/E006	<p>Sale of Land Gerty Street Blayney RESOLVED</p> <p>That Council delegate to the General Manager, authority to negotiate the sale of 33 and part 31 Gerty Street, Blayney.</p>	GM	In progress
19-Jul-21	2107/008	<p>Sale of Land – Frape Street Blayney RESOLVED</p> <p>That Council authorise the General Manager to execute the Sales Contract for 11A and 11B Frape Street (Lots 2 and 1 DP1263957) Blayney at a total price of \$290,000 ex GST.</p>	GM	Settlement scheduled 12 April 2022
20-Sep-21	2109/013	<p>Proposed Bridge Naming – Carcoar Road RESOLVED</p> <p>That Council defer this matter.</p>	MA	No progress

Date of Meeting	Res. No	Resolution	Owner	Comments
20-Sep-21	2109/017	<p>Sale of Part Dungeon Road, Kings Plains RESOLVED</p> <p>1. Conditional upon the McPhillamys Gold project being approved by the NSW Independent Planning Commission and the Regis Board; that Council accept the offer of \$722,000 plus GST for the sale of 6.49 km of Dungeon Road to Regis Resources from 560m from the Mid Western Highway to the shire boundary.</p> <p>2. That Council commence the process of road closure pursuant to the Roads Act subject to project approval and sale conditions being satisfied.</p> <p>3. That Council endorse execution of relevant contracts and associated documentation by the Mayor and General Manager, and if required under Council seal.</p> <p>4. That Council establishes an internal reserve and allocates the sale of Dungeon Road funds to those shire roads around the Walkom Road, Village Road, Guyong Road and Vittoria Road areas.</p>	DCS	Pending DPIE Major Projects Assessment Process
18-Oct-21	2110/014	<p>Draft Planning Proposal to amend the Blayney Local Environmental Plan 2012 - Six Unsewered Villages & Surrounds RESOLVED</p> <p>That Council;</p> <p>1. Endorse the Draft Planning Proposal “PP3: Six Unsewered Villages and Surrounds” to the Blayney Local Environmental Plan 2012 prepared by IPLAN PROJECTS attached to this report,</p> <p>2. Forward the Draft Planning Proposal to the Minister for Planning and Public Spaces seeking a Gateway Determination for an amendment to the Blayney Local Environmental Plan 2012.</p>	DPES	In progress

Date of Meeting	Res. No	Resolution	Owner	Comments
18-Oct-21	2110/015	<p>Future Blayney Residential Land Concept Investigation RESOLVED That Council;</p> <p>1. Proceed to undertake a preliminary concept investigation of land identified for future residential growth in South Blayney.</p> <p>2. Approve a supplementary vote of \$32,000 in the 2021/22 Operational Plan from the Property Account to fund the preliminary concept investigation</p>	DPES	In progress
15-Nov-21	2111/007	<p>Blayney Medium Scale Solar Array Project RESOLVED That Council;</p> <p>1. Endorse the Blayney Medium Scale Solar Array project Business Case and refer to the new Council for consideration following receipt of a Peer Review of the Business Case, finalisation of the Capital Expenditure Review and assessment of financial implications.</p> <p>2. Approve the General Manager progressing discussion with another Council(s) for a potential joint arrangement for the project.</p> <p>3. Approve a supplementary vote of \$40k from the Property Account, to engage a consultant to prepare documentation required for the Development Application and fees associated with lodgement of the Development Application.</p>	DCS	In progress

Date of Meeting	Res. No	Resolution	Owner	Comments
17-Jan-22	2201/024	Minutes of the Traffic Committee Meeting held 3 December 2021 RESOLVED 2. That: b. a further report, detailing any submissions received, be presented to the Traffic Committee following the conclusion of the exhibition period.	DIS	2b. In progress
21-Feb-22	2202/019	Employment Zone Reforms and changes to the Blayney Local Environmental Plan 2012 RESOLVED That Council 1. Note the employment zones reform being progressed by the NSW Government to the Standard Instrument Principal Local Environmental Plan. 2. Endorse the Return Translation Detail outlining the proposed amendments to the Blayney Local Environmental Plan 2012. 3. Delegate to the General Manager authority to finalise the Return Translation Detail document including any minor typographical or editorial changes prior to public exhibition. 4. Delegate to the General Manager authority to finalise the amendments to the Blayney Local Environmental Plan 2012.	DPES	In progress
21-Mar-22	2203/006	Request For Interest Free Loan Doctors Incentive Package RESOLVED That this matter be deferred to a subsequent meeting.	CFO	In progress

Date of Meeting	Res. No	Resolution	Owner	Comments
21-Mar-22	2203/012	<p>Additional Special Variation RESOLVED</p> <p>1. That Council make an application to the Independent Pricing and Regulatory Tribunal (IPART) under section 508(2) of the Local Government Act (1993) for a permanent Additional Special Variation of 2.5% including the population factor; for the 22/23 Operational Plan.</p> <p>2. In making this application for the Additional Special Variation, Council has undertaken an assessment against the current Long Term Financial Plan, which assumed a 2.5% Rate Peg for 22/23 and noted;</p> <p>a) the additional income that Council will receive if approved compared to that Rate Peg of 0.7% as determined by IPART in December 2021 totals \$167K</p> <p>b) is required to maintain Councils current levels of services and operations to the Blayney Shire</p> <p>c) that Council has considered the impact on ratepayers and the community in 2022/23 Operational Plan and future years and that the impact is reasonable.</p>	DCS	In progress
21-Mar-22	2203/017	<p>Pesticide Notification Plan RESOLVED</p> <p>That the Pesticide Notification Plan be placed on public exhibition for a period of not less than 28 days.</p>	DIS	Document on Public Exhibition until 21 April 2022

Date of Meeting	Res. No	Resolution	Owner	Comments
21-Mar-22	2203/018	<p>Blayney Mainstreet Master Plan RESOLVED</p> <p>1. That Council endorse the draft Blayney Mainstreet Master Plan and it be placed on public exhibition for a period of at least 28 days.</p> <p>2. That a further report, detailing any submissions received, be presented to Council following the conclusion of the exhibition period.</p>	DIS	Document on Public Exhibition until 21 April 2022
21-Mar-22	2203/019	<p>Revised Recycled Water Policy RESOLVED</p> <p>That Council place the revised Recycled Water policy on public exhibition for a period of at least 28 days.</p>	DIS	Document on Public Exhibition until 21 April 2022
21-Mar-22	2203/021	<p>CentrePoint Management Agreement Extension RESOLVED</p> <p>That Council</p> <p>1. Due to extenuating circumstances, being impacts preventing continual operations from COVID19 NSW public health orders and the stage 2 roof project, Council will not proceed to invite tenders for the operational management of CentrePoint Sport and Leisure Centre Blayney because a satisfactory result would not be achieved.</p> <p>2. Extend the current Management Agreement with YMCA for a period of 2 years until 30 June 2024, to provide the operational management of CentrePoint Sport and Leisure Centre Blayney.</p> <p>3. Authorise the General Manager to negotiate and execute the Management Agreement extension and associated documentation with YMCA for the operational management of CentrePoint Sport and Leisure Centre Blayney.</p>	DPES	In progress

Date of Meeting	Res. No	Resolution	Owner	Comments
21-Mar-22	2203/027	<p>Land Acquisition for Road Re-Alignment at 143 Forest Reefs Road - DP1280817 RESOLVED That Council approve;</p> <ol style="list-style-type: none"> 1. The compulsory acquisition of Lot 2, in DP1280817 registered 18/01/2022; and 2. The making of an Application to the Minister for Local Government and Governor for the approval of such compulsory acquisition; and 3. Upon acquisition the land be classified as “operational land” under Section 31 of the Local Government Act (1993); and 4. The placement of Council’s seal on all documentation associated with the compulsory acquisitions for the realignment of Forest Reefs Road including on any Deed of Agreement for Compulsory Acquisition pursuant to Section 30 of the Land Acquisition (Just Terms Compensation) Act (1991). 	MO	Recorded Land Acquisition/Sale Register

Date of Meeting	Res. No	Resolution	Owner	Comments
21-Mar-22	2203/028	<p>Land Acquisition for Road Re-alignment at 133 and 150 Carbine Road – DP1281949 RESOLVED</p> <p>That Council approve:</p> <ol style="list-style-type: none"> 1. The compulsory acquisition of Lots 1 and 2 in DP1281949 registered 21 March 2022; and 2. The making of an Application to the Minister for Local Government and Governor for approval of such compulsory acquisition; and 3. Upon acquisition the land be classified as “operational land” under Section 31 of the Local Government Act (1993); and 4. The placement of Council’s seal on all documentation associated with the compulsory acquisition for the realignment of Carbine Road including on any Deed of Agreement for Compulsory Acquisition pursuant to Section 30 of the Land Acquisition (Just Terms Compensation) Act (1991). 	MO	Recorded Land Acquisition/Sale Register

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

03) CENTRAL NSW BUSINESS HQ**Department:** Executive Services**Author:** General Manager**CSP Link:** 2. Local Governance and Finance**File No:** GO.ME.1

Recommendation:

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, as the Appointed Delegate from Blayney Shire Council to attend this Special Meeting of Biz HQ and until the constitution is amended as above.

Reason for Report:

To provide an update to Council on the governance arrangements of Central NSW Business HQ (BizHQ) in particular the proposed amendments to the constitution to amend the Founding Council Membership class to a Council Membership Class.

Report:

In 2021, Council endorsed changes the constitution of BizHQ and the conversion of the organisation from NSW Incorporated Association to a Public Company Limited by Guarantee (**Resolution No 2106/001**).

The 3 member Council's; Blayney, Cabonne and Orange are currently allocated Council Appointed Director roles on the Board. This was identified as both a risk to Council and a limiting factor to the growth and flexibility of BizHQ that has become a very large regional business support service.

At the BizHQ Board Meeting held on 24 March 2022, it was agreed to establish a General Membership class with such membership clause to hold full rights as members of the company including the right to vote.

The Founding Council Membership class will become a Council Membership class with such membership class open to any Council. The revised Council membership class will not have the right to vote. This will not preclude a Councillor from any member Council interested in BizHQ activities and programs seeking a position on the Board as Director.

The Board endorsed the amendments to the constitution as proposed and recommended the adoption of such amendments to a Special Meeting of Members. The proposed amended constitution is attached under separate cover for Council's information.

The Chair has called a Special Meeting of Members to consider the adoption of the recommended changes to the constitution.

Risk/Policy/Legislation Considerations:

Blayney Shire Council is a founding member Council, along with Cabonne and Orange City and it is the responsibility of the members, to adopt any changes to the constitution.

Since the resignation of Council's appointed delegate, Ms Heather Ferguson last year; the General Manager has been attending BizHQ Board meetings.

If all individual member Councils endorse the recommendations through their Council meetings, the new amended constitution will be presented to a Special Members Meeting scheduled for Thursday 19 May 2022 for approval. This meeting will be attended by each of the Founding Members appointed delegates.

The amending of the founding member Councils membership classification and including more Councils as members is a positive one. Given the evolution of the organisation and delivery of services throughout the Central NSW, Orana and Far West regions, the sustainability of BizHQ would be enhanced by extending and facilitating local government involvement beyond that of the BCO Alliance.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

1 Recommended Amended Constitution - V2_March 32 Pages

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

Recommendation:

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.

Reason for Report:

One of the many tasks to be undertaken by a new Council is the review of the number and structure of the Council Committees, charter, delegates, role and objectives.

This report provides a summary and background of the establishment and purpose of each Council Committee, not already appointed with a recommendation as to continuation or not.

Report:

Committees of Council used to play an important role in providing a mechanism for consultation, input and community engagement with residents, stakeholders and our various Town and Progress/Village Associations. There are some committees however, which have evolved to a different platform and level of engagement which work well, and this has questioned the need for a Council committee.

At the January and February 2022 meetings, Council approved the purpose, delegation, Councillor delegates and community representation to the Blayney Shire Floodplain Risk Management Committee, and Blayney Shire Financial Assistance Program Committee.

Section 355 Committees have rules and regulations around their establishment and purpose, designed when the current Local Government Act was introduced in 1993. This was before Integrated Planning and Reporting (IP&R), social media, websites, emails and Council meetings broadcast live on YouTube.

Information and feedback is now faster, open and transparent, shared widely and very responsive.

The implementation of the IP&R framework, the development of our individual Town and Village Community Plans that form the basis for the Blayney Shire Community Strategic Plan has seen a real shift in how we engage and consult with the community. Council is very informed and aware of a village's aspirations, project priorities, concerns, gaps and opportunities.

Adding onto this a number of strategic planning documents which have involved the community in the past 4 years including;

- Blayney Mainstreet Masterplan (2016)
- Active Movement Strategy 2017, and yearly reviews
- Disability Inclusion Action Plan (2018, and reviewed 2021)
- Cemetery Management Plan (2020)
- Blayney Shire Sports and Recreation Masterplan (2016)
- Blayney Open Space Beaufort Street and Belubula River Walk (2020)
- CentrePoint Masterplan (2018)
- Blayney Showground Equestrian Users Strategic Plan (2017, 2021)
- Regional Economic Development Strategy (2017)
- BCO Industrial Lands Strategy (2019)
- Local Strategic Planning Statement (2020)
- Blayney Shire Settlement Strategy (2020)

A number of these plans were reviewed in 2021 with updated strategies to be presented to Council, including the Blayney Mainstreet and Millthorpe Mainstreet Masterplans, Blayney Shire Settlement Strategy, the Active Movement Strategy and the Blayney Shire Sports and Recreation Masterplan reviews planned for 22/23.

In 2020 and 2021, COVID-19 Public Health Orders forced significant changes to how Council engages and communicates with the community, with many committee meetings held online or not at all. Despite this, there has been no Council service missed and no village or group have reported that they felt left out.

Council is very proud of the number of projects delivered in each of our villages, cemeteries, improvements made in terms of accessibility of amenities, disabled parking, village and mainstreet beautification, tree planting, construction of new shared paths, playground improvements, new sporting facilities and road works.

The Village Plans, first developed in 2016 and updated in 2018 are in varying stages of review and remain valuable source documents for the update of the Blayney Shire Community Strategic Plan by June 2022. These demonstrate the community support needed for any community or transport infrastructure funding opportunities from both state and federal government programs, and Blayney has an excellent reputation for being inclusive and delivering valuable projects around the whole Shire that make a big difference to our communities.

Council advocacy to federal and state governments, has been relevant, on point and made without formal requests from our Committees.

1. Access Advisory Committee

This committee was given the task of monitoring and developing strategies to maintain Council's commitment to improving access for all community members to a range of services implementing the Disability Inclusion Action Plan.

The committee membership comprised of 5 community representatives and 2 Councillors; with governance support provided by the Director Planning and Environmental Services. With a quorum of 4 members, attendees averaged 8 in number. The committee met every 4 months, however post COVID reduced their meetings to twice yearly.

Recommendations made to Council over the past 12 months, exceeds 20 in number and are very operational in nature. Matters raised are either already in progress and would be better achieved via direct contact with Council staff.

The Active Movement Strategy is being reviewed this year, and there will be engagement with stakeholders as to disability parking, pram ramps and shared path network improvements. Once adopted by Council, implementation of this strategy is planned for in the Long Term Financial Plan.

Feedback from a committee remains important for the Active Movement Strategy, Disability Inclusion Action Plan and those capital infrastructure projects that aim to improve local community amenities and facilities.

- It is recommended the Access Advisory Committee continue and renamed the Blayney Shire Disability Inclusion Working Group, and charter be developed that aligns to provide oversight of the Disability Inclusion Action Plan

2. The Australia Day Committee

The purpose of this committee is to determine the Australia Day Award recipients, meeting only once a year. Membership includes the Mayor (or delegate), the current Citizen of the Year, the President of Blayney Rotary, the President View Club and a representative from the local Ministers' Association.

- It is recommended the Australia Day Committee continue with current delegation and community representation

3. Blayney Shire Sports Council

The Sports Council has been impacted by the success of the Blayney Shire Sports and Recreation Masterplan and volunteers are preferring to make time to attend facility or project focussed working groups; such as the Blayney Showground User Group and KGO User Group.

The committee membership was extended to any sporting code, schools and representative from the local town/village associations. Attendees included the Chair, a second Councillor and the Director Infrastructure Services, who provided administrative support.

Numbers averaged at 11 per meeting and the quorum is 6 members. The committee has met 14 of the possible 18 times scheduled, cancelled due to COVID.

Recommendations include nominations of new members and endorsement of sporting projects submitted by Council to various grant programs. Each of these projects having already been identified in the Sport and Recreation Masterplan and supported by Council. There was a recommendation for Council to review sporting grounds usage charges and seasonal hire for school use of sporting grounds in 2020, and recommendations to progress improvements at King George Oval, Napier and Dakers Ovals.

Sporting and User Groups will be engaged in the review of the Blayney Shire Sports and Recreation Masterplan in 2022. At the commencement of an individual project at a sporting facility, it is proposed the more successful model of a working group of stakeholders being established continue.

- It is recommended the Blayney Shire Sports Council not continue in its current format, and that it be replaced with individual Sporting Facility/Project focussed working groups

4. Cemetery Forum

The Cemetery Committee membership of 8 included the Chair, a second Councillor and the Director Planning and Environmental Services. Numbers average 7 attendees per meeting, and the quorum is 5. The committee has met 9 of the possible 14 times scheduled, cancelled due to COVID or lack of a quorum.

Achievements of note include the establishment of a Muslim section at the Blayney Cemetery, request for an information leaflet and the adoption of the Cemetery Vegetation Plan.

The Cemetery Operations and Management Plan should be the key strategic and service level documents which could be the focus of a more targeted group of interested local people in each village.

Issues dealt with the Committee were primarily operational, which should be resolved via direct contact with a report to Council prepared if a Council decision was required.

- It is recommended the Cemetery Forum not continue in its current format, and be replaced in an annual onsite inspection facilitated by Council staff with Councillors, Family History Group, Village/Progress Association representatives and community members

5. Tourism, Town and Villages Committee

This was the Tidy Town's Committee and Economic Development Committee, evolving into a forum for Tourism and local Town and Village projects/issues. With a committee membership of 13, which included a Councillor and alternate who is the Chair and General Manager. Numbers averaged at 8 per meeting, and the quorum is 6 members. The committee has met 13 of the possible 17 times scheduled, cancelled due to COVID or lack of a quorum.

The meetings have become a general information sharing session about events, local matters and achievements. Even with attendance of the Manager Tourism and Communications, and Orange360, the numbers remain low with some village representatives not attending at all since 2017. In this current term of Council, 2 recommendations were made, both matters already being dealt with by Council.

Engagement with the individual Village Associations however is positive, either by attendance at their meetings by the Mayor, Councillors or General Manager/Council staff. Communication is ongoing and constructive, with many projects and tourism/village enhancement activities implemented.

As each Village has their own Community Plan, Council has remained on point with the individual town and village, aspirations, projects, programs and what the issues of concern and addressing advocacy matters.

The Tourism Destination Management Plan (2020) (TDMP) will be reviewed in conjunction with the Orange Regional Destination Management Plan in progress, and consultation undertaken with a number of stakeholders and importantly with local tourism operators has been constructive.

Localised attendance of the Mayor, Councillors and staff to individual Village Committees on an annual or more regular basis, has been constructive and appreciated by the village and hall committees.

- It is recommended the Tourism, Towns and Villages Committee not continue in its current format

Risk/Policy/Legislation Considerations:

Colloquially termed a Section 355 Committee, Council may establish a Committee of Council to exercise its functions on Council's behalf as per section 355(b) of the NSW Local Government Act (1993).

Division 5 (s259-271) of the Local Government Regulations (2005) details the provisions and operations pertaining to the establishment of Council Committees. In summary;

- The Mayor and any other Councillors as elected or appointed by Council are members
- The quorum for a meeting of a committee is to be determined by Council
- Council must specify the functions of each of its committees and may from time to time amend those functions
- A Councillor who is not a member of a Committee of Council is entitled to attend, and to speak at, a meeting of the Committee however, the Councillor is not entitled to give notice of business for inclusion in the agenda for the meeting, or move or second a motion at the meeting, or vote at the meeting
- Committees of Council adhere to the same Meeting Code of Practice, Code of Conduct and all Council Policies
- A Committee may regulate its own procedure in regards to voting
- Committee minutes require recording of details of each motion moved at a meeting and of any amendments moved to it, the names of the mover and seconder of the motion or amendment, whether the motion or amendment is passed or lost.
- The Chairperson of each Committee of Council must be the Mayor, or if the Mayor does not wish to be the chairperson of a Committee; a Councillor or member of the Committee elected by Council, or if Council does not elect such a member the chairperson is a member of the Committee elected by the Committee.
- If in a report of a Committee of Council distinct recommendations are made, the decision of Council may be made separately on each recommendation.
- The recommendations of each Committee are, so far as adopted by Council, resolutions of Council.

Budget Implications:

Council Committee meetings are held in Council facilities after hours in most cases, and a member of the senior staff team provides the secretarial and administration support at no additional overtime cost to the organisation.

Committees have no budget, unless specified, nor any delegation of authority to make decisions or bind Council to any action.

Councillors travel expenses in undertaking their duties, roles and responsibilities including representing Council are addressed in Councils Payment of Expenses and Provisions of facilities to Mayors and Councillors Policy.

Community representatives are volunteers and contribute without any reimbursement of travel or other meeting expenses.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

05) FLYERS CREEK WIND FARM VOLUNTARY PLANNING AGREEMENT COMMENCEMENT

Department: Executive Services

Author: General Manager

CSP Link: 2. Local Governance and Finance

File No: ED.LI.2

Recommendation:

That the Council Working Group include in their review the FAP Guidelines; 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.

Reason for Report:

To provide Council with an update on the payment terms and conditions of the Voluntary Planning Agreement (VPA) in place for the Flyers Creek Wind Farm project which has commenced.

Report:

The Planning Agreement between Infigen (now Iberdrola) and Blayney Shire Council for the Flyers Creek Wind Farm Pty Ltd was executed on 14 April 2014, and is published on Council's website www.blayney.nsw.gov.au/development/development-information/planning-agreements

Dale Wiessner, Project Manager presented an update to the February workshop and on 25 February 2022, Iberdrola issued a media release about the construction commencement <https://www.iberdrola.com.au/assets/Flyers-Creek-Media-Release.pdf>

This Planning Agreement is operational subject to clause 3.3 a) when:

- i. Final Development Consent is received
- ii. Construction Commencement achieved

Payment of the financial contributions due in the first calendar year shall be made pro-rata (Clause 3.3c) dependent on the date in that year clause 3.3 a) is met. Contributions to be made under this 25year agreement are outlined in Clause 4.1, totalling \$2.65m + CPI paid yearly. Council has received formal notification from Iberdrola Australia, the operators of the Flyers Creek Wind Farm that construction commencement will occur on 17 March 2022.

The first VPA Development Contribution is now due as set out below on how the Development Contribution value has been calculated

Development Contribution Calculation

Development Contribution value in VPA is \$107,000 per annum which includes:

1. Community Benefit Fund: \$55,000
2. Road Maintenance: \$40,000
3. Project Related Council Administration and Observations: \$12,000

The Development Contribution is payable from the commencement of construction of the Project, and CPI is applied as per the terms of the VPA. Payment of the Development Contribution due in first calendar year is pro rata, ie. payment will cover 17 March 2022 to 30 June 2022.

From 1 July 2022 the biannual payments will commence.

VPA Development Contribution 17 March 2022 to 30 June 2022

Community Benefit Fund:	\$17,977
Road Maintenance:	\$13,074
Project Related Council Admin/Observations:	\$ 3,922
Total	\$34,973

Risk/Policy/Legislation Considerations:

The pro-rata adjustment is outlined in the VPA Agreement based on the following formula; $DC_n = DC_1 * I_n / I_1$

Calculation: $\$120,425.09 = \$107,000 * 120.2 / 106.8$

Pro rata adjustment: \$34,973

Definition	Assumption
DC _n is the indexed Development Contribution (for year n)	\$120,425
Dc ₁ is the original amount of the Development Contribution	\$107,000
I _n is the CPI for the year ending 31 September in the calendar year preceding the year for which the calculation is being made	120.2 (Sept 2021)
I ₁ is the CPI for the Base year	106.8 (Dec 2014)
Pro rata adjustment	17 March to 01 July 22 = 29%

Clause 4.3 of the VPA notes that contributions may be pooled with other monies held by Council which have similar and relevant objectives, subject to Iberodrola having an opportunity to make representation for certain expenditure to benefit residents in the district near the project. Council must have regard to the opinions expressed by the proponent, but is not bound by them.

In regards to the process of distributing the Community Benefit Fund, Council has the option to:

- Nominate local projects within the Flyers Creek area and allocate funds directly via the annual Operational Plan budget process to those Council projects which demonstrate will benefit the community
- Allocate the funds to the established Village Enhancement Program with projects identified by Council and the community at the commencement of each year to be completed.
- Establish a Flyers Creek Wind Farm Committee, with community representatives including Iberdrola, and inviting applications each year for financial support
- Utilise the current Financial Assistance Program (FAP) framework, increasing the funding available by the annual contribution received, providing for local community and/or Council projects to be eligible for submitting funding applications and include on the Committee, an additional community representative from the Flyers Creek area and a representative from Iberdrola

The current Working Group established to review the FAP Guidelines should include this VPA in their considerations of the FAP Committee and funding streams.

Council has many projects that benefit the community throughout the shire, identified in the Town and Village Community Plans, which are Council assets. Similar to the Cadia SRV which allocates funding to the Village Enhancement Program; the VPA Community Benefit Fund could contribute to valuable asset renewal and infrastructure improvements around the shire that has significant social and community benefit outcomes.

Budget Implications:

Iberdrola has been invoiced for the 17 March to 1 July pro rata adjustment of 29% which will increase general income by \$34k. An adjustment will be made at the third quarterly budget review statement QBRS.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

06) RISK, WORK HEALTH AND SAFETY QUARTERLY REPORT

Department: Executive Services

Author: WHS and Risk Coordinator

CSP Link: 2. Local Governance and Finance

File No: GO.ME.1

Recommendation:

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

Reason for Report:

To update Council on Risk, Work Health and Safety activities and performance for the period of 1 January 2022 to 31 March 2022.

Report:**StateWide Mutual**

Action workbooks for the Continuous Improvement Program [CIP] continue to be reviewed and actioned. Workbooks projected to be completed by 2023.

The 2022 Member Insurance Renewal period has commenced. The process has been modified slightly with renewal questionnaires released in four stages with staggered return dates.

Heading into the 2022 renewal process, the global risk and insurance markets remain in a distressed state, exacerbated by the challenges and demands of the Covid pandemic, global weather events and ever evolving cyber exposures. Indemnity providers (insurers and reinsurers) are demanding more specific information about local government risks and their risk management practices.

StateCover

StateCover will be holding a Regional Workshop on 3 May 2022.

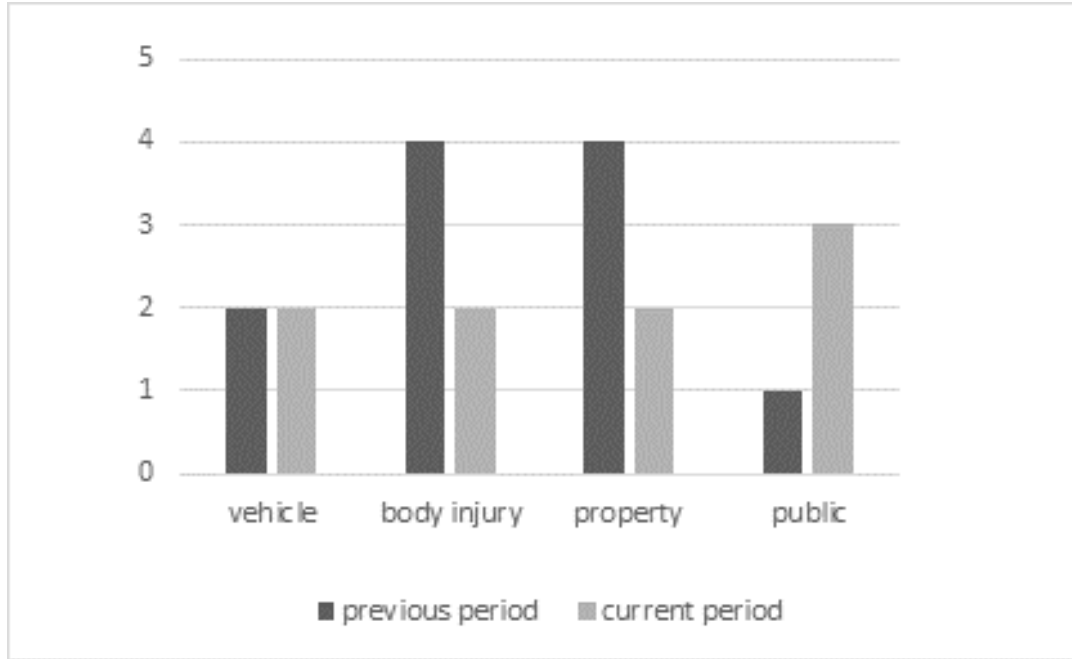
The workshop will focus on understanding the physical and mental fitness of employees and provide strategies to support staff to be fit meet the requirements of their role and mitigate any risks and cost of future illness, injury and poor health.

Council held the Wellbeing Health Fair on 31 March. 23 health and support agencies attended, providing the community with information of services available for their body and mental health wellbeing, whether it be financial, health checks, fitness and family support.

Covid has impacted on staffing with close contact isolation requirements. Rapid Antigen Testing Kits have been made available for employees.

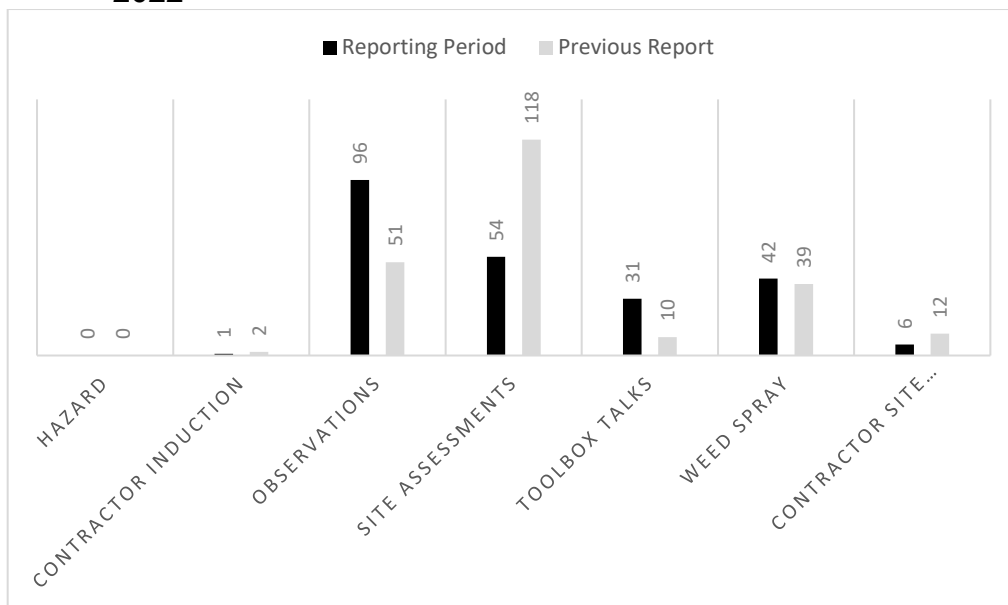
Health and Safety meetings are held quarterly, the last meeting being held on 15 February 2022, actions arising from the meeting continue to be addressed and completed.

1. Incident’s notifications submitted January 2022 to March 2022



While digging trench for storm water pipes a small gas service was hooked on excavator bucket. Work at site stopped. Dial before you dig was conducted, however the service not recorded or marked. Safework contacted, nil recommendations. Gas services contacted and requested they conduct potholing for rest of work site.

2. Internal WHS documents submitted 1 January 2022 to 31 March 2022



Risk/Policy/Legislation Considerations:

Information Report Only

Budget Implications:

Information Report Only

Enclosures (following report)

Nil

Attachments (separate document)

Nil

07) HOUSING PLUS DEVELOPMENT CONTRIBUTIONS REFUND REQUEST

Department: Executive Services

Author: General Manager

CSP Link: 1. Public Infrastructure and Services

File No: PM.RP.6

Recommendation:

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

Reason for Report:

To seek Council approval for the inclusion of Developer Contributions and Sewerage headworks charges into Council's approved financial support towards the development application expense.

Report:

At the July 2021 meeting, Council authorised the General Manager to execute the Sales Contract for 11A and 11B Frape Street (Lots 2 and 1 DP1263957) Blayney at a total price of \$290k ex GST with Housing Plus (**Resolution No 2107/008**). Council had agreed to partner with Housing Plus and support the development of an Affordable and Social Housing Project on these blocks the previous year.

The contract of sale has been signed, and settlement is scheduled to take place on 12 April 2022.

Council's financial contribution to the project includes:

- The 2 blocks of land in Frape Street Blayney, at the agreed maintained sale price of \$290k
- Owner consent for Development Application (DA) to be lodged
- DA costs estimated to be \$15,868

Consent has been issued to reconfigure the lots from 2 into 3 lots. Housing Plus has received NSW Government funding to construct 2 of the blocks, being the first 4 units. Construction of the 6 units is pending which will be a Complying Development utilising a private certifier.

A formal request, attached following this report for Council information is sought to reimburse Housing Plus \$11,151.50, in addition to the DA costs expended to date totalling \$10,219.50 which is primarily Development Application preparation and surveying costs undertaken by MPF Surveying on behalf of Housing Plus.

Detail survey, searches, boundary re-establishment, topographic survey and contour plan, adjoining information and detail	\$2,600
Development application including plans, statement of environmental effects and Council liaison	\$1,800
Survey of the allotments – creating 3 from 2 for Subdivision Certificate	\$4,800
Council DA Charges Subdivision	\$1,019.50
Total	\$10,219.50

Housing Plus have asked that Council allocate the unexpended costs of the DA/Survey preparation (\$5,648.50) and contribute to the following costs being:

Section 7.11 contributions	\$6,615.50
Sewer headworks contribution	\$4,536.00
Total	\$11,151.50

Risk/Policy/Legislation Considerations:

Housing Plus are a not for profit organisation, based in Orange with a 30 year history of providing community housing, tenancy and property management services in the Central West and Western regions of NSW. This Affordable Housing Project is aligned with the strategic objectives of the Blayney Shire Community Strategic Plan; 2.6 A diverse population with the rights to live safely and securely in our communities and villages with opportunity to develop positive neighbourhood relationships. The growth in Mining whilst delivering economic benefit to the shire has placed significant pressure on accommodation and residential availability impacting rental and housing affordability.

This project is aligned with the proposed new State Environmental Planning Policy (SEPP) which seeks to facilitate the delivery of diverse housing that meets the needs of the State's growing population and support the development of a build-to-rent sector.

Section 356 of the Local Government Act (1993) provides for how Council may financially assist others. Council may, in accordance with a resolution, contribute money or otherwise grant financial assistance, subject to there being public notice of Council's intention to do so; hence this report in open Council.

Budget Implications:

The additional \$5,503 funding sought would be sourced from the Property Account internal reserve allocation of which the balance is \$1,516,823.

The income will be received by Sewer fund and General Fund for the necessary development charges and contributions. The request if approved; will provide a reimbursement to Housing Plus for this contribution.

Enclosures (following report)

1 Request from Housing Plus

2 Pages

Attachments (separate document)

Nil



CORPORATE OFFICE
113 Byng Street
PO BOX 968
ORANGE NSW 2800

30 March 2022

Rebecca Ryan
General Manager
Blayney Shire Council
By Email: rryan@blayney.nsw.gov.au

Dear Rebecca,

Housing Plus is a not for profit charity providing much needed social housing for those in crisis or on the Pathways Register awaiting housing.

As you are aware, Housing Plus and Blayney Shire Council are constructing 6 units at 11A and 11B Frape Street Blayney, across 2 Lots.

As you are also aware, Blayney Shire Council is contributing towards the sub-division costs. We estimate these costs to date to be:

- Detail survey of the 2 allotments including Dial Before You Dig searches, boundary re-establishment, topographic survey and contour plan, adjoining information and detail extending to the centreline of Frape Street - \$2,600 plus GST
- Development application including plans, statement of environmental effects and Council liaison - \$1,800 plus GST
- Survey of the allotments (creating 3 from 2) approximately \$4,800 plus GST (depending on Council consent conditions)

These estimated costs total \$9,200.00 plus GST. We would ask that the balance of \$5,800.00 plus GST to make it up to \$15,000, is used to offset the 7.11 Contribution costs.

In addition, we request that Blayney Shire Council also consider waiving the balance of the 7.11 contribution costs and the Sewer Headworks Contributions as follows:

- \$6,615.50.00 – Waive the Section 7.11 contribution costs in specified in the Development Consent (attached), in part through utilising the balance from the \$15,000 of \$5,800 and in addition waive the remaining amount of \$815.50 plus GST.
- \$4,536.00 - Waive Sewer Headworks contributions specified in the Development Consent (attached).

As you will be aware there are other costs that Housing Plus has to pay to service the 3 x blocks including NBN, Electrical, Sewer and Water in order to receive the subdivision certificate from Blayney Council and then to be approved by the Land Registry Services.

www.housingplus.com.au

tel: 1800 603 300
email: info@housingplus.com.au

Dubbo Branch
3 Frith Street
DUBBO NSW 2830

Mudgee Branch
34 Market Street
MUDGEE NSW 2850

ABN: 83147 459 461

Bathurst Branch
61 Boyd Street
BATHURST NSW 2975



CORPORATE OFFICE
113 Byng Street
PO BOX 968
ORANGE NSW 2800

By waiving these costs, the Council will be significantly supporting this development of much needed low rent housing in Blayney, the cost of which has risen due to an increase in materials and higher labour costs due to Covid.

With kind regards,

A handwritten signature in black ink, appearing to be "D" followed by a long horizontal line.

David Fisher
CEO

www.housingplus.com.au

tel: 1800 603 300

email: info@housingplus.com.au

ABN: 83147 459 461

Dubbo Branch
3 Frith Street
DUBBO NSW 2830

Mudgee Branch
34 Market Street
MUDGEE NSW 2850

Bathurst Branch
61 Boyd Street
BATHURST NSW 2975

08) COMMUNITY STRATEGIC PLAN DRAFT 2022-2032

Department: Executive Services

Author: General Manager

CSP Link: 2. Local Governance and Finance

File No: CR.PL.1

Recommendation:

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

Reason for Report:

For Council to endorse the Draft Blayney Shire Community Strategic Plan (CSP) 2022-2032 for public exhibition.

Report:

The CSP is a community document with priorities and aspirations for the future of the Shire for the next 10 years. A review of the Blayney Shire CSP has been undertaken, updating in line with the new guidelines with reference to the Community survey completed in late 2021.

Whilst Councillors have viewed initial versions for comment and feedback, the final draft CSP document will be provided to Council prior to the Council meeting.

The review process of Blayney Shire CSP was delayed 12 months due to COVID and the postponed Council elections until December 2021. Sourced from local level Town and Village Community Plans, which remain relevant and important source plans, the collective aspirations and objectives are grouped into a number of overarching strategies categorised under the themes of:

1. Maintain and Improve Public Infrastructure and Services
2. Build the Capacity and Capability of Local Governance and Finance
3. Promote Blayney Shire to grow the Local and Visitor Economy
4. Enhance facilities and networks that supports Community, Sport, Heritage and Culture
5. Protect our Natural Environment

The CSP is developed by the community, endorsed by Council and must address civic leadership, social, environmental and economic issues. The CSP essentially addresses four key questions for the community,

- Where are we now?
- Where do we want to be in ten years' time?
- How will we get there?
- How will we know when we have arrived?

The reviewed Blayney Shire CSP retains 'A warm welcome awaits you in Blayney – The Village Shire'. The Blayney Shire collective vision is for the following;

- A busy, vibrant, and thriving rural shire – a friendly and open place where people choose to live with a strong sense of community spirit and cohesiveness.
- With positive population growth, employment opportunities, increased diversity of industry and economic growth, Blayney Shire's township, villages and settlements will be dynamic and prosperous.
- Our families and homes will continue to be safe within our caring and welcoming communities.
- Through inclusive design all residents will all have access to, and be able to enjoy the outdoors and facilities, improving our health and lifestyle whilst participating in a range of sporting and recreational activities.
- Growth will be achieved in a planned and sustainable manner with industry, coexisting with our productive farming land, and open space; protecting and restoring the natural environment and restoring our built and heritage as a feature.
- As a picturesque, centrally located shire in the beautiful central west of NSW, we will be a significant contributor to the regional visitor economy; with a creative and artistic culture, food and wine and historic villages.
- Blayney Shire will be engaged, proactive and acknowledged for undertaking major projects and delivering valuable services, collaborating at a regional, state and national level.

The Mayor and Councillors' message will be completed, along with the Community Engagement Strategy when presented to Council in May for endorsement following the public exhibition period.

Other relevant strategic documents that have contributed to the CSP 2022-32 are the Blayney and Millthorpe Mainstreet Masterplans (2022), Blayney Shire Settlement Strategy, the Active Movement Strategy currently under review (2022), the Blayney 2020 Masterplan (2017), Employment Lands Strategy (2017), Blayney Shire Destination Management Plan (2021), the Blayney Shire Sport and Recreation Master Plan (2017), Blayney Showground Strategic Plan (2021) and the Orange, Cabonne and Blayney Regional Economic Development Strategy (2018).

Risk/Policy/Legislation Considerations:

Every 4 years following the ordinary election of Councillors, Council is required, as per Part 2 Strategic Planning (s402-406) of the Local Government Act (1993), to develop or review and endorse a CSP. It needs to take into consideration other federal, state, regional and Council plans which demonstrate the alignment of the Strategic Objectives with other agencies and levels of governments.

The draft CSP document must be placed on public exhibition for a minimum period of 28 days and submissions received by Council must be considered before the final plan is endorsed by Council.

The CSP is a community document with priorities and aspirations for the future of the shire covering a period of at least 10 years. There may be many projects or issues/priorities that are not the responsibility of local government in general and Council may be limited to an Advocate or Facilitator role.

Projects which Council has a role in delivering are found in the Delivery Program with specific timeframes, and responsibilities which are actioned by specific projects and delivered services/programs/activities in the Operational Plan. At the end of each Council term a report is prepared by Council to the community which examines what progress has been made towards the achievement of outcomes identified in the Community Strategic Plan.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

09) INFORMATION TECHNOLOGY QUARTERLY REPORT

Department: Corporate Services

Author: Manager Information Technology

CSP Link: 2. Local Governance and Finance

File No: GO.ME.2

Recommendation:

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

Reason for Report:

To update Council on Information Technology activities and performance for the January to March 2022 quarter.

Report:

Council is in the process of replacing its phone system with a cloud-based solution which will offer greater flexibility around working remotely and business continuity in the event of a major disaster event.

New firewalls and high-speed Internet connection are proposed for installation and being live in April 2022. The new firewalls will offer yet another level of cyber security protection whilst the faster Internet connection will allow further migration of services to the cloud and is proposed to be installed in May 2022.

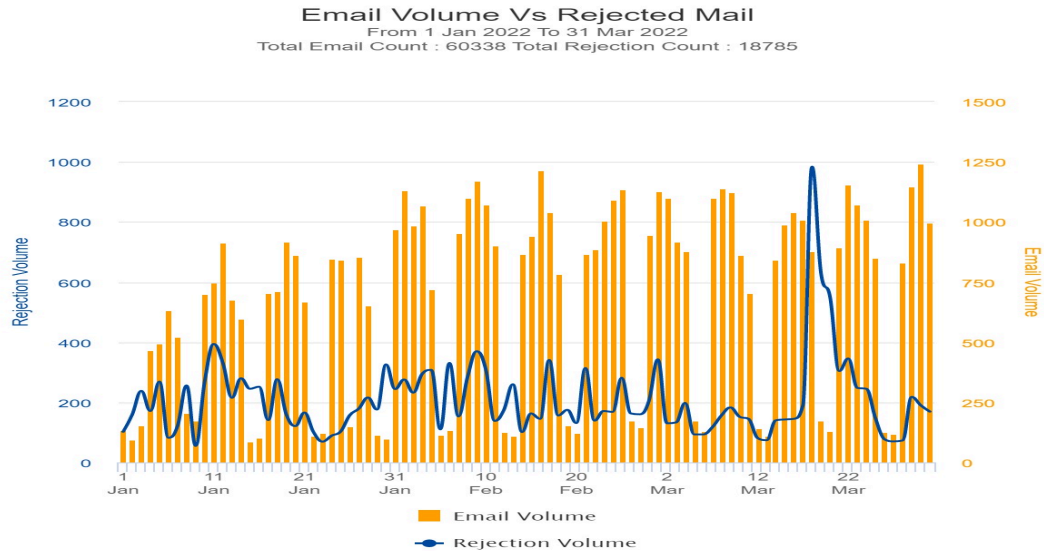
A new antivirus solution for PC's and servers has also been rolled out which offers a higher level of protection along with vulnerability scanning and reporting. This will allow Council to identify risk faster and to roll security fixes and other patches sooner.

Councillors attended Cyber Security Training in March which was provided by an external cyber security expert. This training allows Council to understand the latest cyber risks and strategies for mitigation and control.

There has been a large focus recently from Council's Insurers and the NSW Audit Office in regard to having sound Policies and Procedures in place to mitigate cyber risks. To this end, Council has been involved in the process of insurance renewals around Cyber Security.

Email Filtering Statistics

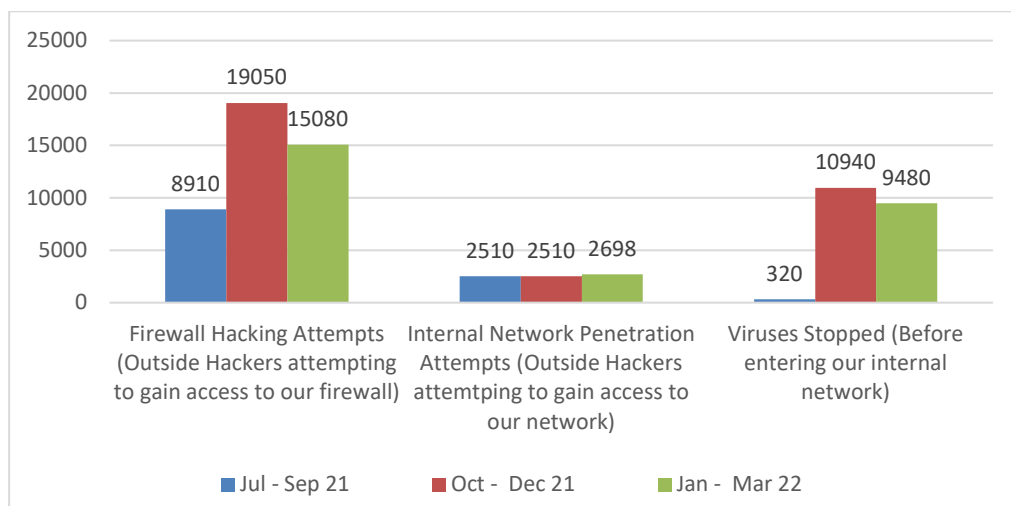
Council has not had any malicious emails enter the network during the quarter that were not stopped by email filters. The following table provides an overview of email volume to emails rejected for the quarter.



Firewall Statistics

The number of threats to Council’s Firewall have fallen slightly over the last quarter when compared to the previous 2 quarters. The below graph provides a comparison of activity for the quarter to previous quarters of the calendar year and reflects hackers looking for open ports on the Internet to penetrate. This graph does not indicate hackers deliberately targeting Council’s network. As Council has no open ports, there were no successful attempts made.

Firewall Threats



Risk/Policy/Legislation Considerations:

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

Budget Implications:

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

Enclosures (following report)

Nil

Attachments (separate document)

Nil

10) DISCLOSURES BY NEWLY ELECTED COUNCILLORS

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: PE.DI.1

Recommendation:

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

Reason for Report:

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

Report:

In accordance with clause 4.13 all returns disclosing interests of Councillors elected, as at the election declaration of 21 December, must be tabled at the first meeting of Council following the last day for lodgement of the returns.

This date was 21 March 2021.

Accordingly, a copy of the returns will be tabled at this meeting for the elected Councillors.

Risk/Policy/Legislation Considerations:

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

- Disclosure of Interests in Written Returns to be submitted within 3 months of election by Councillors;
- The General Manager to keep a register of returns required to be made and lodged with the General Manager; and
- That they be lodged at the next meeting after the prescribed due date for lodgement.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

11) REPORT OF COUNCIL INVESTMENTS AS AT 31 MARCH 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 31 March 2022 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

Reason for Report:

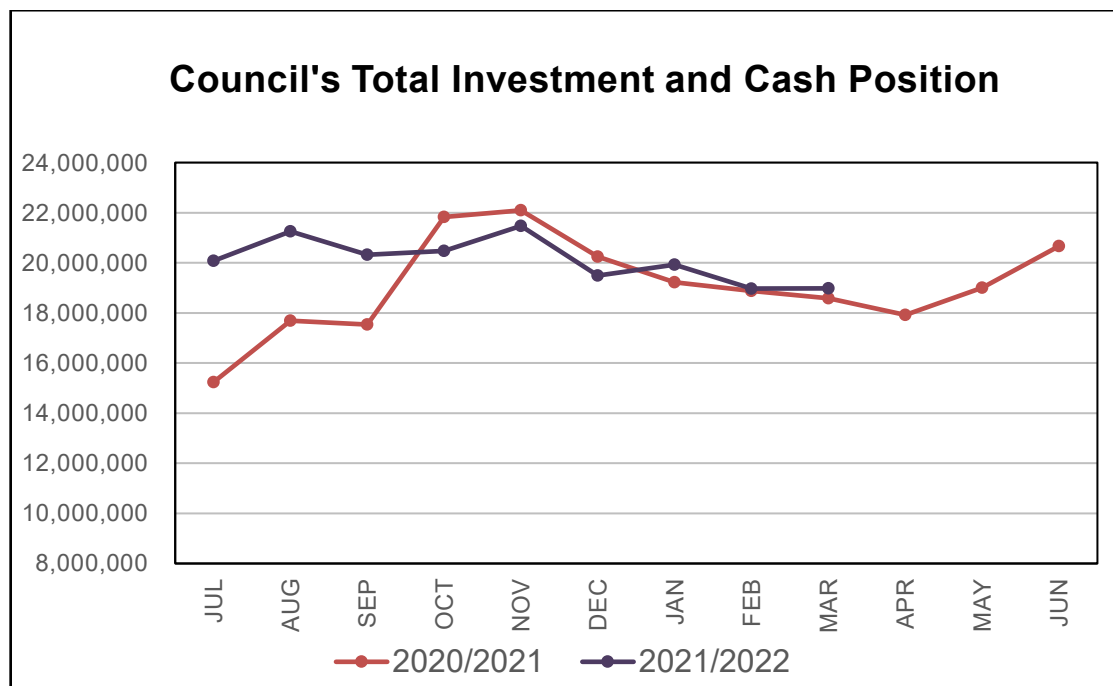
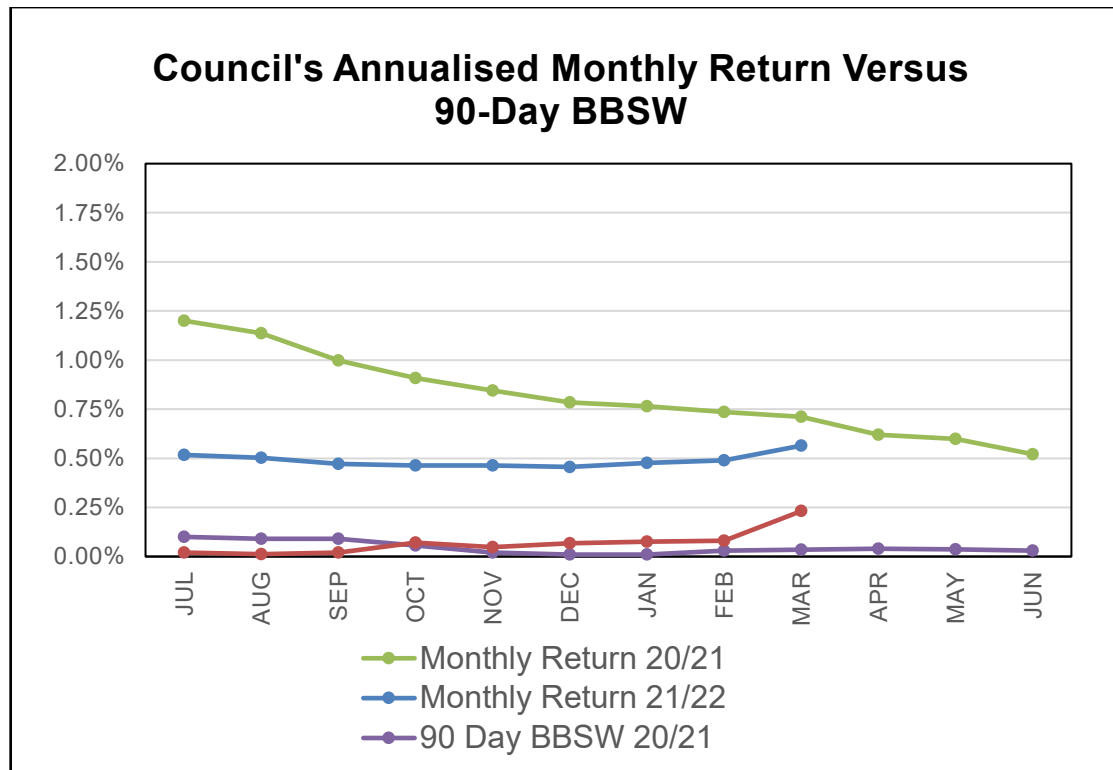
For Council to endorse the Report of Council Investments as at 31 March 2022.

Report:

This report provides details of Council's Investment Portfolio as at 31 March 2022.

Council's total investment and cash position as at 31 March 2022 is \$18,982,381. Investments earned interest of \$7,032.83 for the month of March 2022.

Council's monthly net return on Term Deposits annualised for March of 0.56% outperformed the 90 day Bank Bill Swap Rate of 0.23%.



REGISTER OF INVESTMENTS AND CASH AS AT 31 MARCH 2022					
Institution	Method	Rating	Maturity	Amount \$	Interest
CBA	Direct	A1+/AA-	12/04/2022	500,000	0.410%
NAB	Direct	A1+/AA-	26/04/2022	500,000	0.350%
NAB	Direct	A1+/AA-	10/05/2022	500,000	0.350%
NAB	Direct	A1+/AA-	24/05/2022	500,000	0.350%
Westpac	Direct	A1+/AA-	07/06/2022	500,000	0.340%
Westpac	Direct	A1+/AA-	21/06/2022	500,000	0.350%
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%
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	0.605%
Commonwealth Bank - At Call Account ⁽¹⁾				511,588	0.150%
Commonwealth Bank Balance - General ⁽¹⁾				1,794,510	0.000%
Reliance Bank ⁽¹⁾				176,284	0.000%
TOTAL INVESTMENTS AND CASH				18,982,381	
Benchmarks:		BBSW 90 Day Index ⁽¹⁾		0.232%	
		RBA Cash Rate ⁽¹⁾		0.100%	

1. % Interest rates as at end of reporting period

Summary of Investment Movements - March 2022		
Financial Institution	Investment/(Recall) Amount \$	Commentary
Westpac	(501,159)	Term deposit matured 01/03/2022
ME Bank	(502,238)	Term deposit matured 15/03/2022
ME Bank	500,000	Term deposit reinvested 15/03/2022
MyState Bank Ltd	(502,438)	Term deposit matured 22/03/2022
MyState Bank Ltd	500,000	Term deposit reinvested 22/03/2022
Macquarie Bank Limited	(502,287)	Term deposit matured 29/03/2022
Macquarie Bank Limited	500,000	Term deposit reinvested 29/03/2022
CBA	(500,723)	Term deposit matured 29/03/2022
CBA	500,000	Term deposit reinvested 29/03/2022

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.

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

12) 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 April 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**

Council has received the latest version of the Millthorpe Village Centre Mainstreet Masterplan and this has been shared with the Millthorpe Village Committee. A separate report is provided for Council consideration to place on public exhibition.

The Blayney Mainstreet Masterplan remains on Public Exhibition until 21 April.

Both the Blayney and Millthorpe documents have been provided to Transport for NSW, inviting their planning team to also provide input. Council has requested a response on the Blayney document by 29 April to ensure the document is endorsed by Council at its May meeting, with the Millthorpe document proposed to be returned to Council for the June meeting.

Major Contracts**KGO Change Rooms**

The northern and southern change rooms are progressing well, with both change rooms having the structural steel completed for the roof and the roof sheeting has also been installed. The block work has been core filled with cement, and the internal wall framing has started. Internal plumbing, power, and external stormwater has also commenced.

Gallymont Road Bridge

The contractor has established site and the bridge set out has been agreed with Council engineers. The piling works will commence in the second week of April. All the precast components have been completed. It is expected that the road will have a closure of 6 weeks (weather permitting).

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. Design is currently being refined so construction drawings can be issued.

Major Works

Panuara Road Reconstruction

Two of the three stages are now sealed. The stabilising in the final stage has been delayed due to lime additive material shortages. It is expected that this will be stabilised after Easter and the final seal be placed in mid-May.

Hobbys Yards Road Repair

Stage 1 works have been completed. Stage 2 works have been bitumen sealed and the line marking contractor is scheduled to complete the work. The heavy patching work between Barry and Hobbys Yards is progressing with the road pavement construction completed, and sealing scheduled for mid-April.

Stormwater Drainage – Oliver Street to Frog Hollow

The work from Roseberry Place to Frape Street has been completed with only some concreting and road repairs remaining. Work in Oliver Street is almost complete with road reinstatement, kerb tie-in and pit/lintel work remaining. 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 Greghamstown area, Hobbys Yards Road, Three Brothers Road, Newbridge Road and Garland Road

Gravel Re-sheeting

Some gravelling has been undertaken in the Greghamstown area.

Heavy Patching

Heavy patching on Neville Road is underway, with sealing scheduled for mid-April.

Culvert Renewal Program

Works have been completed on Browns Creek, Errowanbang and Hobbys Yards Culverts. Doust Street culvert replacement is due to commence in the coming weeks.

Footpaths

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

Assets

A defects register is being prepared for the footpath network to inform the maintenance and spot renewal programs for footpaths. Condition assessments of the kerb and gutter network have now been completed.

Staff are finalising the preparation of the Roads Strategy, with a presentation provided to the Blayney Local Traffic Committee seeking further feedback, and the review of the Active Movement Strategy. These will be used to inform the Transportation Asset Management Plan and the Long-Term Financial Plan.

Staff are also preparing the Asset Management Strategy (Strategic Asset Management Plan) and individual Asset Management Plans for Transportation, Buildings, Parks and Recreation and Sewer assets, for review 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.

Belubula River Walk – Stage 3

Materials have been ordered – Structural frame and mini mesh will arrive in early June, and then installation will commence. Geotechnical investigations have been completed and Council is waiting on the report to be issued in order to progress design work for the pedestrian bridge link to “the island”.

Neville Multipurpose Court

All works have been completed, except the installation of a basketball hoop. This should be completed by the end of April.

Wastewater**Recycled Water Treatment Plant**

Outstanding electrical and plumbing works have been completed. The smart hub consultants undertook testing on 4 April, but the main pump motor stopped working, and now Council is waiting on a new motor to be delivered. Once this has been received and installed, the consultant will return to retest the unit. Unfortunately, this will put the validation back to mid-May.

Fleet and Plant

Workshop staff have been busy conducting heavy vehicle assessments and registration renewals.

A review of fleet recovery is underway due to the increases in fuel and parts.

Risk/Policy/Legislation Considerations:

Information report only

Budget Implications:

Information report only

Enclosures (following report)

Nil

Attachments (separate document)

Nil

13) ROAD CLOSURE - BLAKE STREET MILLTHORPE**Department:** Infrastructure Services**Author:** Director Infrastructure Services**CSP Link:** 1. Public Infrastructure and Services**File No:** RD.RC.2

Recommendation:

1. That Council:-
 - a. 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.
 - b. Prepare design options for upgrades to Blake Street for consideration by Council.

Reason for Report:

To provide Councillors with an update on the future of Blake Street Millthorpe, between Park Street and George Street.

Report:

Councillors may recall a briefing provided in July 2021 on issues associated with the vertical grade and the condition of Blake Street, Millthorpe.

Blake Street is Class 5 Urban Access Road, sealed between William and Park Streets, and unsealed between George and William Streets, and of variable width. The road reserve is 20m wide, and in the past 10 years the significant trees that lined the road were removed due to deteriorating health and the risk of failure.

Councillors and the members of the community have previously raised concerns with the vertical grade and the condition of Blake Street. Barriers have previously been installed to restrict traffic from using the road, due to the risks associated with the grade and scouring of the road.

In May 2021, Council consulted with local residents, and the Village Association, with written submissions received from 5 of the land holders immediately adjoining Blake Street, and the Millthorpe Village Committee.

Their concerns can be summarised as follows:-

- Do not support closing off Blake Street with no right of access to property owners.
- Do not support removal of access to individual property.
- Poor visibility and traction at intersection of William and Blake Streets.
- Stormwater run-off from CTW reservoir roof discharges to road reserve and generates scouring.

- Support the closure (blocking) of Blake Street, whilst maintaining access to individual properties.
- Provides resident access during high traffic generating events in the village, such as Millthorpe Markets.
- Enables alternate access to avoid congestion associated with day-care centre.
- Provides Rural Fire Service access during bushfires.
- Closure will result in theft and vandalism increase if not lit and maintained.
- The area is heavily utilised as a local walking and exercise route.

Responses also included some ideas as follows:-

- Install hard barriers around William Street cul-de-sac, whilst retaining access for residents access.
- Make Blake Street one way from Park Street to William Street.
- A locked gate (resident only access) to restrict access.
- Landscaping such as large rocks (e.g. Elliott Street) to restrict access on road verge (grassed areas).
- Address runoff and drainage along road reserve.
- Provide a dedicated pathway with public seating / lookout to enjoy the view.
- Improve road surface and drainage
- Seal Blake Street between George and William Streets.
- Make Blake Street one way from George Street to Park Street.
- Close the road, and provide a tiered (gabion structures) environment with native plantings, a concrete footpath highlighted with local bluestone.
- Obtain professional landscape design advice

It is clear that the critical concern is in relation to ensuring access to landholders. This has always been the priority of Council.

Council has now completed a survey between Park and George Streets, however has not progressed a design.

Due to the extensive infrastructure funding from the Australian and NSW Governments in recent years, Council has had limited capacity to address the matter, and provide for it in the 2022/23 program.

Despite the placement of barriers and signs, motorists and pedestrians continue to use Blake Street, ignoring and routinely moving barriers to the side to gain access. This activity puts other motorists and pedestrians at risk and presents Council with a possible liability issue.

It is therefore recommended that in the interim, Council regulate traffic on a temporary basis between Park and George Streets, by installing fences across Blake Street as identified in the **attached** layout.

Risk/Policy/Legislation Considerations:

The Roads Act 1993 (s122) provides the roads authority (Council) the authority to regulate traffic on a public road, for which it is the roads authority.

This must be effected by publishing an order in a local newspaper (Blayney Chronicle).

Council must be satisfied that this is necessary to prevent damage in excess of the ordinary wear and tear arising from the reasonable use of the road.

The order ceases to have effect after 12 months, unless a further order is made.

Budget Implications:

Fencing and signage shall be made available from within the routine roads maintenance budget.

Funding will have to be sourced for future project works that may be identified.

Enclosures (following report)

1 Locality Plan - Blake Street

1 Page

Attachments (separate document)

Nil

Created on 5/04/2022 4:19 PM




Blayney Shire Council
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The Imagery and Basemap are sourced from Spatial Services, Department of Customer Service 2021



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Projection: GDA94 / MGA zone 55

Date: 5/04/2022

Created By: Grant Baker

**Blake Street
Millthorpe
Regulation of Traffic**

14) MILLTHORPE VILLAGE CENTRE MASTER PLAN

Department: Infrastructure Services

Author: Director Infrastructure Services

CSP Link: 1. Public Infrastructure and Services

File No: PR.PL.3

Recommendation:

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.

Reason for Report:

For Council to endorse the draft Millthorpe Village Centre Masterplan, for public exhibition.

Report:**Background**

The draft Millthorpe Village Centre Master Plan is the first strategic look at the needs of the local community, visitors and local businesses, and identifies future projects within the village centre that will ensure a vibrant streetscape, and improve the pedestrian experience.

The Village Centre Master Plan, includes overall design strategies, proposed vehicle and pedestrian circulation and connections, material and planting palettes, parking strategies, etc for the village centre of Millthorpe.

Community Engagement

Council engaged Place Design Group in February 2021.

An initial meeting was held with the Millthorpe Village Committee, Transport for NSW (TfNSW) officers, Councillors and Council staff in late February 2021, and provided the opportunity for Place Design to undertake a detailed walk through of the project area.

Place Design undertook community consultation in May 2021 with an online survey, to obtain local opinion, and gain an understanding of how things have changed, and what is needed for the future of the area. The community responses provided information on what people like most about the village centre and what they thought the village centre needs to be.

Following preparation of the initial draft concept, and early feedback from Council and TfNSW, Place Design undertook modifications, and a virtual Community Consultation session was delivered on 15 September 2021.

Place Design delivered a presentation on their investigations, thoughts and ideas, with attendees provided with an opportunity to ask questions, express their thoughts and provide alternate options to those presented in the initial draft.

The community engagement session was well attended by Councillors and members of the community. The event was recorded and made available via Council's website for those unable to attend. The Blayney Chronicle also ran an article, including the use of its Facebook page, generating community input.

Following the consultation session, the community were given the opportunity to provide their thoughts in writing or respond to Council's online survey, which closed at the end of November.

Public submissions and survey results were then provided to Place Design Group, and a summary of the positive aspects aligned into the themes of movement and place, which are key focuses of Transport for NSW (TfNSW) and important to ensuring TfNSW remain engaged in the process, and any future outcomes as they relate to speed zones, notably Victoria, Pym and Park Streets, and potentially adjoining streets.

Upon finalising the summary sheet, this was provided to the Millthorpe Village Committee, as well as a community Project Update.

A further information session was undertaken on 5 April 2022, and enabled Place Design Group to present the updated concept to the community with attendees provided an opportunity to ask questions, express their thoughts and provide alternate options to those presented in the second draft.

Input from the community related to further consideration of speed zones (notably around Millthorpe Public School), the inclusion of Mill Green and its relationship to the Master Plan, road threshold treatments, kerbing and parking. It was also raised that the Golden Memories Museum could provide valuable input in the development of interpretive signage.

The document presented to the April information session has been received by Council. Due to the large size, only the key plans have been included as attachments. The full document can be made available upon request.

As part of Council's commitment to transparency and openness, it is therefore recommended that Council endorse the draft concept Millthorpe Village Centre Master Plan, and it be placed on public exhibition for 28 days.

Risk/Policy/Legislation Considerations:**Asset Management**

Council owns and manages all of the roads included within the project scope area, with the exception of the Millthorpe Railway Station carpark, and Park Street (travelling lanes from 1m outside the edge lines are maintained by Transport for NSW).

Policy

The Village Centre Master Plan has been developed in consultation with the community and Transport for NSW and provides Council with clear direction on what the community seeks in the village centre and immediately surrounding streets. It provides evidence for well-developed projects that can be considered shovel ready for grant applications, and where to target future expenditure of funds.

High Pedestrian Activity Area

As the agency in charge of speed zones. TfNSW has provided early advice on the extent of a High Pedestrian activity Area (HPAA) zone for Victoria and Pym Streets and made contributions toward the consideration of both shared zones and other HPAA (less than 40) on adjoining streets for council to consider, and are incorporated within the current concept.

TfNSW has indicated that it will be making provision within its 2022/23 program to undertake a complete investigation into future HPAA zones within the village.

Budget Implications:

The Master Plan was jointly funded by Council and the Millthorpe Village Committee. Council currently has no funding allocated to the delivery of infrastructure works associated with the Master Plan.

Enclosures (following report)

1 Millthorpe Village Centre Master Plan

4 Pages

Attachments (separate document)

Nil

4.1 Overall Strategy

STRATEGIC THEME:	KEY OBJECTIVE:	STRATEGIC ACTION:
1 CHARACTER & HERITAGE	To maintain the 'Village feel' with its quirky character and heritage charm	<ul style="list-style-type: none"> Restoration of the original features of the streetscape; such as the verandahs on buildings, cobblestone sections of the streets & bluestone kerb and guttering Relocate the existing power network underground along Pym St Additional heritage style footpath seating Upgrade Millthorpe bluestone gutters. Undertake audit of condition: identify gaps, remove cement sections, repoint, replace & refurbish blue stone guttering of within the Village Centre
2 PEDESTRIAN SAFETY	To slow traffic and create a sense of pedestrian ownership on the streets of the Village Centre	<ul style="list-style-type: none"> Introduction of a 30km/hr High Pedestrian Activity Area (HPAA) Improve line marking to clearly identify traffic lanes Traffic calming devices in Victoria Street at HPAA thresholds Improved/advanced warning lights at the school crossing in Park Street Heavy vehicles and through traffic diverted via Glenorie Road Upgraded intersections with planted corners, tree blisters and accessible road crossing points
3 ACCESSIBILITY & WAYFINDING	To promote the connectivity of the Village for less able people & holiday visitors to park and walk	<ul style="list-style-type: none"> 'Park and Walk' signage to promote and connect the available parking at the Bowling Club, Railway Station and Redmond Oval Clear signage to promote where caravans and trailers can park Clear signage to public toilets at Redmond Oval and the Railway Station Install reverse angle parking on Victoria Street between Park and Pym Street Improve walkways, footpath surfaces and install new pram ramps
4 FUNCTION & WORKABILITY	To support the working nature of the Village	<ul style="list-style-type: none"> Seal the Railway Station car park Install 1x dual port (destination charger) charging point at Station Place Maintain clear zones and vehicle access for parking, deliveries and times of emergency in the Village Centre Rollover roundabout to guide traffic flow from Park St (Subject to Transport for NSW)
5 COMMUNITY VALUE	To value the street as open space infrastructure supporting social interaction, sense of identity and business	<ul style="list-style-type: none"> Install temporary bollard system to support temporary closure of Pym St for community festivals, markets and other special events Trial 'Parklet' concept to Station Place (sensitive to Millthorpe Heritage style theme) to provide summer outdoor dining and seating Station Place to become a shared zone

4.2 Overall Strategy / Masterplan Concept

1. CHARACTER & HERITAGE

- 1.1 Restoration of the original features of the streetscape: such as the verandahs on buildings, cobblestone sections of the streets & biestone kerb and guttering
- 1.2 Upgrade Millthorpe biestone gutters. Undertake audit of condition: identify gaps, remove cement sections, repaint, replace & refurbish biestone guttering within Village Centre.

2. PEDESTRIAN SAFETY

- 2.1 Introduction of a 30km/hr High Pedestrian Activity Area (HPAA)
- 2.2 Improved/advanced warning lights at the school crossing in Park Street
- 2.3 Heavy vehicles and through traffic diverted via Glenorie Road
- 2.4 Upgraded intersections with planted corners, tree bisters and accessible road crossing points

3. ACCESSIBILITY & WAYFINDING

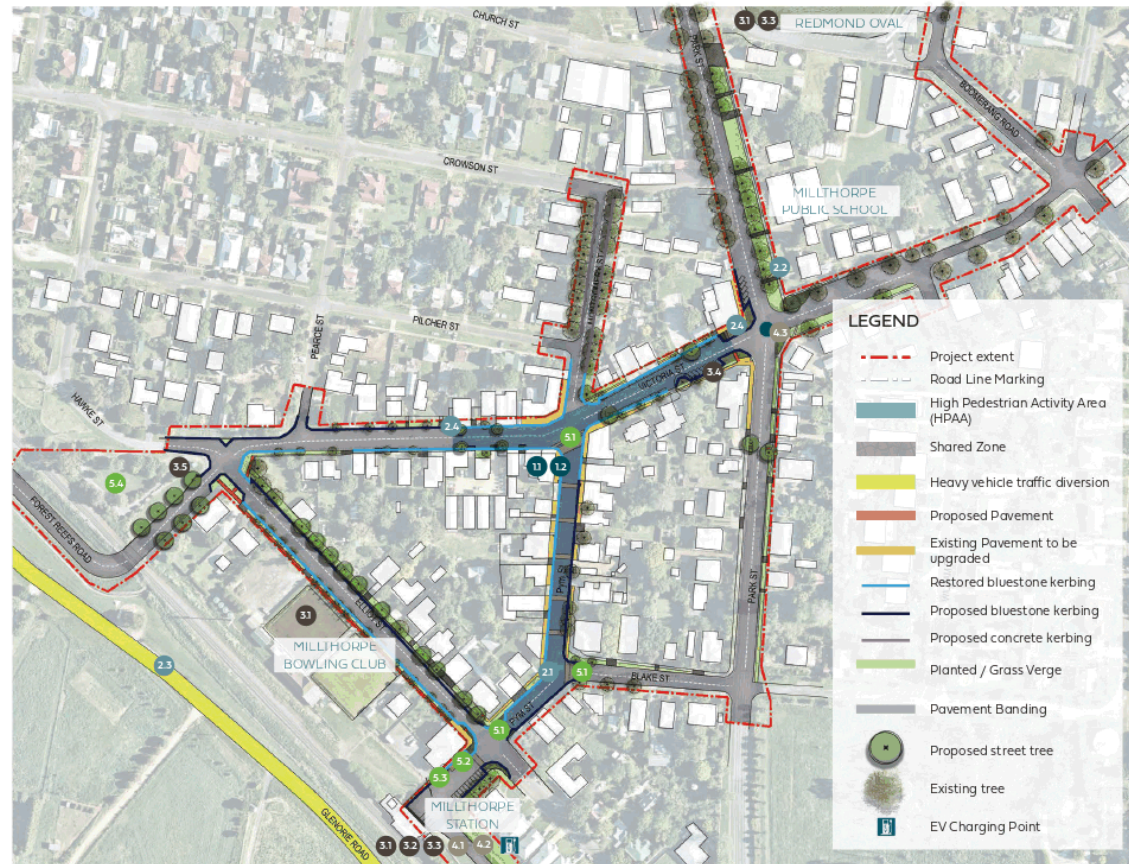
- 3.1 'Park and Walk' signage to promote and connect the available parking at the Bowling Club, Railway Station and Redmond Oval
- 3.2 Clear signage to promote where caravans and trailers can park
- 3.3 Clear signage to public toilets at Redmond Oval and the Railway Station
- 3.4 Installing reverse angle parking on Victoria Street between Park and Pym Street
- 3.5 Removal / relocation of existing bus shelter

4. FUNCTION & WORKABILITY

- 4.1 Seal the Railway Station car park
- 4.2 Install 1 Dual Port (destination charger) charging point at Station Place
- 4.3 Rollover roundabout to guide traffic flow (subject to Transport for NSW to review)

5. COMMUNITY VALUE

- 5.1 Install temporary bollard system to support temporary closure of Pym St for community festivals, markets and other special events
- 5.2 Trial 'Parklet' concept to Station Place (sensitive to Millthorpe Heritage style theme) to provide summer outdoor dining and seating
- 5.3 Station Place to become a shared zone
- 5.4 Improve visual connection and access to Mill Green Park



4.3 Village Centre Concept / Plan

1. CHARACTER & HERITAGE

- 1.1 Restoration of the original features of the streetscape; such as the verandahs on buildings, cobblestone sections of the streets & bluestone kerb and guttering
- 1.2 Additional heritage style footpath seating
- 1.3 Relocate the existing power network underground
- 1.4 Upgrade Millthorpe Blue Stone Gutters. Undertake audit of condition: identify gaps, remove cement sections, repoint, replace & refurbish blue stone guttering of Station Place, Pym, Victoria, Blake and Elliott Streets.
- 1.5 Paving banding sympathetic to heritage style

2. PEDESTRIAN SAFETY

- 2.1 Introduction of a 30km/hr High Pedestrian Activity Area (HPAA)
- 2.2 Improve line marking to clearly identify traffic lanes
- 2.3 Traffic calming devices at HPAA thresholds
- 2.4 Upgraded intersections with planted corners, tree blisters and accessible road crossing points

3. ACCESSIBILITY & WAYFINDING

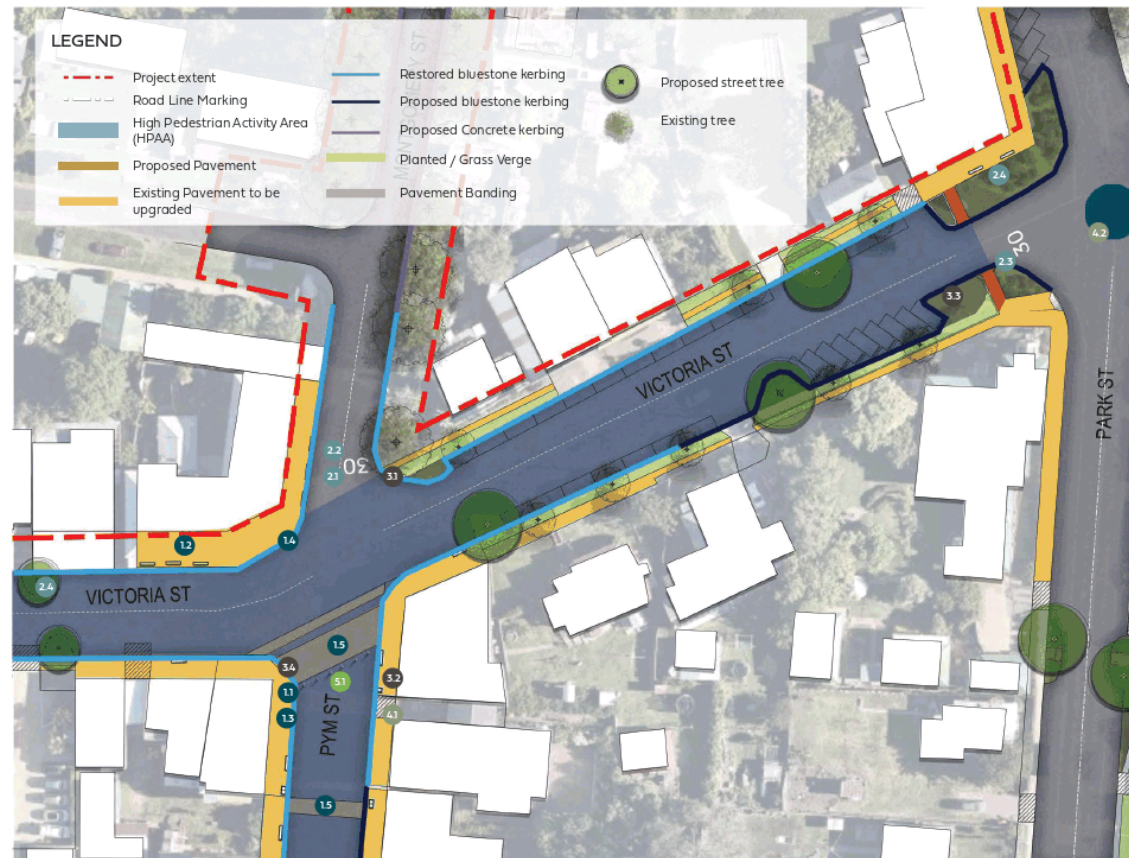
- 3.1 Improve walkways, footpath surfaces and install new pram ramps
- 3.2 Upgraded heritage interpretation + wayfinding signage
- 3.3 Installing reverse angle parking on Victoria Street between Park + Pym St (TBC with Traffic Consultant)
- 3.4 Raised threshold for more level access across deep kerbs

4. FUNCTION & WORKABILITY

- 4.1 Maintaining clear zones and vehicle access for parking, deliveries and times of emergency in the Village Centre
- 4.2 Rollover roundabout to guide traffic flow (subject to Transport for NSW to review)

5. COMMUNITY VALUE

- 5.1 Install temporary bollard system to support temporary closure of Pym St for community festivals, markets and other special events



4.4 Station Place Concept / Plan

1. CHARACTER & HERITAGE

- 1.1 Upgrade Millthorpe bluestone gutters. Undertake audit of condition; identify gaps, remove cement sections, repoint, replace & refurbish blue stone guttering of Station Place, Pym, Victoria, Blake and Elliott Streets.

2. PEDESTRIAN SAFETY

- 2.1 Introduction of a 30km/hr High Pedestrian Activity Area (HPAA)
- 2.2 Improve line marking to clearly identify traffic lanes
- 2.3 Traffic calming devices at HPAA thresholds
- 2.4 Upgraded intersections with planted corners, tree bislers and accessible road crossing points

3. ACCESSIBILITY & WAYFINDING

- 3.1 Improve walkways, footpath surfaces and install new pram ramps
- 3.2 'Park and Walk' signage to promote and connect the available parking at the Bowling Club, Railway Station and Redmound Oval
- 3.3 Clear signage to public toilets at the Railway Station

4. FUNCTION & WORKABILITY

- 4.1 Sealing the Railway Station car park
- 4.2 Refurbish second toilet block at railway station
- 4.3 Install 1 Dual Port (destination charger) charging point at Station Place

5. COMMUNITY VALUE

- 5.1 Install temporary bollard system to support temporary closure of Pym St for community festivals, markets and other special events
- 5.2 Trial 'Parklet' concept to Station Place (sensitive to Millthorpe Heritage style theme) to provide summer outdoor dining and seating
- 5.3 Station Place to become a shared zone



15) MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 8 APRIL 2022**Department:** Infrastructure Services**Author:** Director Infrastructure Services**CSP Link:** 4. Community, Sport, Heritage and Culture**File No:** TT.ME.1**Recommendation:**

1. That the minutes of the Blayney Traffic Committee Meeting, held on Friday 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.

MINUTES OF THE BLAYNEY SHIRE COUNCIL TRAFFIC COMMITTEE MEETING HELD AT BLAYNEY SHIRE COUNCIL (& VIA TEAMS), ON 8 APRIL 2022, COMMENCING AT 11:00AM**PRESENT****Members:** Cr John Newstead (Blayney Shire Council - Chair), Reg Rendall (Paul Toole Representative), Wayde Hazelton (TfNSW) (Via Teams), Michael Chooi (NSW Police).**Present:** Grant Baker (Director Infrastructure Services), Nikki Smith (Administration Officer) Geoff Paton (Manager Assets) from 1135.**APOLOGIES**

Nil.

CONFIRMATION OF MINUTES**MINUTES OF THE PREVIOUS MEETING BLAYNEY SHIRE COUNCIL TRAFFIC COMMITTEE MEETING HELD 11 FEBRUARY 2022****Recommendation:**

That the Minutes of the Ordinary Council Meeting held on Friday 11 February 2022, be confirmed to be a true and accurate record of that meeting.

(Reg Rendall/Mick Chooi)

MATTERS ARISING FROM THE MINUTES**ANZAC DAY MILLTHORPE – AWARENESS (20220211:01)**

Discussion that the 2022 Millthorpe Anzac Day March will commence from Boomerang Street and that the RSL Sub-Branch may revert to tradition route from Victoria Street via Park Street in 2023.

- 20220408:01 **SPEEDING CONCERNS – MARSHALLS LANE (20220211)**
NSW Police advised that they have been policing the area and have found that additional 50km signage is suggested for Marshalls Lane to advise motorists of speed limit.
Action: TfNSW to investigate the requirement of additional signage and provide further advice to Council.

DECLARATION OF INTEREST

Nil.

CORRESPONDENCE

Nil.

REPORTS

- 20220408:02 **ALIGNMENT SIGNAGE - ERROWANBANG ROAD (20201009:12)**
Recommendation:
1. 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.

(Reg Rendall/Cr John Newstead)

TRAFFIC REGISTER

- 20220408:03 **INTERSECTION FOREST REEFS ROAD AND TALLWOOD ROAD (TAVERN)**
Draft plan was presented and discussed.
Action: Forward a copy of the plan to TfNSW for review and feedback.

GENERAL BUSINESS

20220408:04 **BLAYNEY ROADS STRATEGY**

Manager Assets provided a presentation on the Road Strategy.

Actions:

1. That the Blayney Local Traffic Committee notes the progress of the Blayney Roads Strategy and provides any feedback considered by the Committee.
2. Provide a copy of the plan to TfNSW for review and feedback to Council.

20220408:05 **RURAL SCHOOL BUS STOP REQUEST**

Action: That the Blayney Local Traffic Committee note the application for a Rural School Bus Stop at 7265 Mid-Western Highway, Lyndhurst, has been forwarded to Transport for NSW for consideration and approval.

INFORMAL MATTERS

CHIFLEY POLICE DISTRICT - SERIOUS/FATAL MVA REPORT - FEBRUARY 2022

Action: That the information be noted.

FUTURE MEETING DATES - 2022

17 June 2022

5 August 2022

7 October 2022

9 December 2022

There being no further business, the meeting concluded at 12.19pm.

COUNCIL ISSUES

Development of Policy and Guidelines for Advisory Signs.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

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

Department: Infrastructure Services

Author: Director Infrastructure Services

CSP Link: 1. Public Infrastructure and Services

File No: EM.PL.2

Recommendation:

1. That the Minutes of the Floodplain Risk Management Committee Meeting held on Thursday 24 March 2022, be received and noted.
2. 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.
3. Should no submissions be received during the Public Exhibition period, the Addendums be adopted by Council at the earliest possible meeting.
4. That Council endorse the Blayney Retarding Basins Study – Concept Design Report (Storm, 2022), and place it on Public Exhibition for a of not less than 42 days.

MINUTES OF THE BLAYNEY SHIRE COUNCIL FLOODPLAIN RISK COMMITTEE MEETING HELD 24 MARCH 2022 VIA MS TEAMS AND AT BLAYNEY SHIRE COUNCIL COMMENCING AT 2:00PM

PRESENT

Members: Cr David Somerville (Blayney Shire Council - Chair), Tom Williams (Community Representative), Reg Rendall (NSW SES), Ivan Rivas (DPIE).

Present: Grant Baker (Director Infrastructure Services), Mark Dicker (Director Planning and Environmental Services), Daniel Drum (Manager Planning), Tommy Plahcinski (Storm Consulting), Craig Ronan (NSW SES), Lisa Ignatavicius (NSW SES).

APOLOGIES

Nil

DISCLOSURES OF INTEREST

Nil

CONFIRMATION OF MINUTES**MINUTES OF THE PREVIOUS MEETING BLAYNEY SHIRE
COUNCIL FLOODPLAIN RISK MANAGEMENT COMMITTEE
MEETING HELD 26 MAY 2021****Recommendation:**

That the Minutes of the Blayney Shire Council Floodplain Risk Management Committee Meeting held on Monday 26 May 2021, be confirmed to be a true and accurate record of that meeting.

(Reg Rendall / Tom Williams)

REPORTS

20222403:01

**ADDENDUMS TO THE BLAYNEY FLOOD STUDY, AND
FLOODPLAIN RISK MANAGEMENT STUDY****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.

(Tom Williams / Reg Rendall)

Actions:

1. Storm Consulting to provide property damage data mapping to NSW SES to update Geographical Information System.
2. Invite NSW SES to provide a future presentation on the use of the interactive flood mapping tool.
3. Councils Department of Planning and Environmental Services to provide update on NSW Government Planning Directives and Circulars related to flooding and flood certificate.

20222403:02

RETARDING BASINS CONCEPT REPORT**Recommendation:**

1. That Council endorse the Blayney Retarding Basins Study – Concept Design Report (Storm, 2022), and place it on Public Exhibition for a of not less than 42 days.

(Reg Rendall / Tom Williams)

Actions:

1. NSW SES to provide education on planning and preparedness for flood impacted properties.

FUTURE MEETING DATES - 2022

9 June 2022

5 August 2022

7 October 2022

9 December 2022

There being no further business, the meeting concluded at 9.50am.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

17) DEVELOPMENT ASSESSMENT QUARTERLY REPORT

Department: Planning and Environmental Services

Author: Director Planning and Environmental Services

CSP Link: 2. Local Governance and Finance

File No: GO.ME.1

Recommendation:

That the development assessment quarterly report be received and noted.

Reason for Report:

To update Councillors on development assessment (development applications and complying development certificates) for the period.

Report:

The following enclosures are provided for Councils information;

1. Applications approved under delegated authority during the period
2. Applications refused under delegated authority during the period
3. Applications currently under assessment

Risk/Policy/Legislation Considerations:

Information Report Only

Budget Implications:

Information Report Only

Enclosures (following report)

- | | | |
|---|--|---------|
| 1 | Approvals and Under Assessment 1 Jan 2022 to 31 March 2022 | 5 Pages |
|---|--|---------|

Attachments (separate document)

Nil

1. Applications approved under delegated authority during the period

DA NUMBER	APPLICATION DATE	APPLICANTS NAME	APPLICATION DESCRIPTION OF WORK	PROPERTY ADDRESS	DATE APPROVED
2017/0135	22/11/2017	DAVID STUART & ROBYN ANNE KINGHAM	ERECTION OF A DWELLING	629-746 GARLAND RD GARLAND 2797	10/02/2022
2021/0026	22/02/2021	DANIELLE CLAIRE FLANAGAN	CHANGE OF USE - SERVICED APARTMENT	10 COLLINS ST CARCOAR 2791	14/01/2022
2021/0082	29/04/2021	CORE RURAL CONSULTING ON BEHALF OF BLAYNEY SHIRE COUNCIL	ERECTION OF AN EMERGENCY SERVICES FACILITY RURAL FIRE STATION	41 MARSHALLS LANE BLAYNEY 2799	18/02/2022
2021/0104	25/08/2021	RAYMOND DAVIS C/- PETER BASHA PLANNING AND DEVELOPMENT	BOUNDARY ADJUSTMENT	794 CARCOAR RD BROWNS CREEK 2799	14/01/2022
2021/0110	13/09/2021	MPF SURVEYING	TWO (2) TO THREE (3) LOT SUBDIVISION	11A FRAPE ST BLAYNEY NSW 2799	9/02/2022
2021/0112	20/09/2021	BATHURST SHEDS	ERECTION OF A SHED	49 CROWSON ST MILLTHORPE 2798	14/01/2022
2021/0114	24/09/2021	PADDY SMITH	ERECTION OF CARPORT	8 HAWKE ST MILLTHORPE 2798	24/01/2022
2021/0115	29/09/2021	SILVIA WHEELER	ALTERATIONS & ADDITIONS TO EXISTING DWELLING	18 PRESCOT ST LYNDHURST NSW 2797	10/01/2022
2021/0118	11/10/2021	RICHARD SOUTHWELL	ALTERATIONS & ADDITIONS TO EXISTING DWELLING	8 PILCHER ST MILLTHORPE 2798	15/02/2022
2021/0132	29/10/2021	DANITA SLABBER	ERECTION OF A SHED	7D BELUBULA ST CARCOAR 2791	11/02/2022
2021/0134	2/11/2021	BLAYNEY SHIRE COUNCIL	ALTERATIONS & ADDITIONS TO AN EXISTING COMMUNITY BUILDING (LIBRARY)	48 ADELAIDE ST BLAYNEY 2799	15/03/2022
2021/0145	1/12/2021	GLEN COYTE	ALTERATIONS & ADDITIONS TO EXISTING DWELLING	11 WILLIAM ST MILLTHORPE 2798	14/01/2022
2021/0147	3/12/2021	NICOLE DICKER	DUAL OCCUPANCY - ERECTION OF A DWELLING	82 SPRINGVALE LANE MILLTHORPE NSW 2798	25/02/2022
2021/0148	3/12/2021	RICHARD SMITHURST	ERECTION OF A SHED	12 TRUNKEY ST NEWBRIDGE 2795	21/01/2022
2021/0149	6/12/2021	WAYNE FENWICK	ERECTION OF A DWELLING, CARPORT & SHED	95 RICHARDS LANE MILLTHORPE NSW 2798	10/02/2022
2021/0151	7/12/2021	A & D LANGDON	INSTALLATION OF A MANUFACTURED HOME	16 HENRY ST LYNDHURST NSW 2797	14/01/2022
2021/0152	7/12/2021	CONSTRUCT HOMES ORANGE PTY LTD	ERECTION OF A DWELLING	103 RICHARDS LANE MILLTHORPE NSW 2798	21/01/2022
2021/0153	7/12/2021	MICHELLE COLE	ERECTION OF A DWELLING	1 TOOMEY ST NEWBRIDGE 2795	14/01/2022
2021/0049/1	14/12/2021	GEORGE & JENNIFER KOSTOGLU	BOUNDARY ADJUSTMENT	1187 MILLTHORPE RD MILLTHORPE 2798	11/02/2022

2021/0156	20/12/2021	TIFFANY SMITH	ERECTION OF A DWELLING	1B ELLIOTT ST MILLTHORPE NSW 2798	25/03/2022
2021/0157	23/12/2021	JOHN HARRISON	ERECTION OF A SHED	10 SPRINGVALE LANE MILLTHORPE NSW 2798	21/01/2022
2021/0159	23/12/2021	DIMITRI PIKUL	ERECTION OF A DWELLING	6 TEMPLAR ST LYNDHURST 2797	11/02/2022
2022/0161	4/01/2022	CONSTRUCT HOMES PTY LTD C/- GJ GARDNER HOMES	ERECTION OF A DWELLING	7048 MID WESTERN HWY LYNDHURST 2797	4/02/2022
2022/0162	4/01/2022	STEVEN MOONEY	SUBDIVISION - BOUNDARY ADJUSTMENT	4070 MID WESTERN HWY BLAYNEY 2799	15/03/2022
2022/0163	4/01/2022	PADDY WILLIAMS	ERECTION OF A DWELLING	1050 GARLAND RD GARLAND 2797	18/03/2022
2022/0164	4/01/2022	LYN ABBOTT	THREE (3) LOT SUBDIVISION	22 HAWKE ST BLAYNEY 2799	15/03/2022
2022/0165	4/01/2022	JENNIFER SANDERS	ERECTION OF A DWELLING AND TURRET	6-10 BATHURST ST LYNDHURST NSW 2797	24/02/2022
2022/0166	4/01/2022	ATHIL SINGH	ERECTION OF A DWELLING	2-4 BATHURST ST LYNDHURST NSW 2797	25/02/2022
2022/0167	6/01/2022	ROBERT PERKINS	ERECTION OF A SHED	8 MEDWAY ST BLAYNEY 2799	14/01/2022
2022/0168	7/01/2022	JUSTIN CARTER	ERECTION OF A SHED	5 ROSEBERY PL BLAYNEY 2799	21/01/2022
2019/0071/1	18/01/2022	UNIVERSAL PROPERTY GROUP PTY LTD	FORTY (40) LOT SUBDIVISION	19A PLUMB ST BLAYNEY 2799	7/03/2022
2020/0043/1	20/01/2022	JOHN OXMAN	ALTERATIONS & ADDITIONS TO AN EXISTING DWELLING	12 BOOMERANG ST MILLTHORPE 2798	10/02/2022
2022/0001	24/01/2022	GREGORY FROST	INSTALLATION OF RELOCATED DWELLING	33 LOQUAT ST MANDURAMA 2792	24/02/2022
2022/0003	25/01/2022	BRIAN GEORGE	ALTERATIONS & ADDITIONS TO EXISTING SHED	23 LANE ST BLAYNEY 2799	11/02/2022
2022/0004	27/01/2022	ATHIL SINGH	ERECTION OF A DWELLING	2-4 BATHURST ST LYNDHURST NSW 2797	25/02/2022
2022/0008	1/02/2022	CHOLEY MACNAUGHTON	CHANGE OF USE - GARAGE TO DWELLING	15 UNWIN STREET MILLTHORPE	11/02/2022
2022/0011	3/02/2022	CONSTRUCT HOMES ORANGE PTY LTD	ERECTION OF A DWELLING	2 STREATFEILD CLOSE BLAYNEY NSW 2799	10/02/2022
2022/0014	4/02/2022	MILES HARRISON	RETAINING WALL	364 NYES GATES RD MILLTHORPE NSW 2798	25/02/2022
2021/0131/1	7/02/2022	LACHLAN MAAS	CHANGE OF USE - COMMUNITY FACILITY	64 OLD ERROWANBANG RD ERROWANBANG 2791	23/03/2022
2022/0020	14/02/2022	RICHARD SOUTHWELL	ERECTION OF A DWELLING	37 THREE BROTHERS RD NEWBRIDGE 2795	18/03/2022
2022/0022	15/02/2022	NIAOMI MCDONELL	SECTION 68 - DRAINAGE WORKS	9 GEORGE ST MILLTHORPE NSW 2798	25/02/2022

2022/0026	23/02/2022	JESSICA MCLEAN	INSTALLATION OF A SWIMMING POOL	3 STREATFEILD CLOSE BLAYNEY NSW 2799	18/03/2022
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2. Applications refused under delegated authority during the period

NIL.

3. Applications currently under assessment

DA NUMBER	APPLICATION DATE	APPLICANTS NAME	APPLICATION DESCRIPTION OF WORK	PROPERTY ADDRESS
2017/0119	10/11/017	EXTREME ENTERPRISES	ERECTION OF A DWELLING	37 SILVER STREET MANDURAMA
2017/0126	17/11/2017	P ARANEDA	ERECTION OF A DWELLING	139 SUNNYSIDE ROAD GARLAND
2019/0047	27/05/2019	ROCKLEIGH PROPERTIES P/L	2 LOT SUBDIVISION	50 VICTORIA ST MILLTHORPE
2019/0119	20/12/2019	QUBE LOGISTICS - DANI GENTLE	INSTALLATION OF SELF BUNDED FUEL TANK REAR OF BLAYNEY RAILWAY STATION	20 RAILWAY LANE BLAYNEY
2020/0068	27/07/2020	BLAYNEY SHIRE COUNCIL	CHANGE OF USE - BLAYNEY SHOW GROUND	22 MARSHALLS LANE BLAYNEY
2021/0079	17/06/2021	GEORGE KOSTOGLU	ALTERATIONS & ADDITIONS TO AN EXISTING DWELLING, DEMOLITION & THREE (3) TO FOUR (4) LOT SUBDIVISION	10 PARK ST MILLTHORPE
2021/0094	26/07/2021	QUERSHI	ERECTION OF AN OFFICE BUILDING	99 ADELAIDE STREET, BLAYNEY
2021/0099	5/08/2021	N WALKER & J WALKER-SMITH	FIVE (5) LOT SUBDIVISION	49 CROWSON STREET, MILLTHORPE
2021/0108	10/09/2021	KATHRYN MARY STAMMERS	SUBDIVISION & ERECTION OF A DWELLING	24 ADELAIDE LANE BLAYNEY
2021/0135	3/11/2021	RICHARD SOUTHWELL	ALTERATIONS & ADDITIONS TO EXISTING DWELLING AND ERECTION OF A CARPORT AND MACHINERY SHED	92 FOREST REEFS RD MILLTHORPE
2021/0146	1/12/2021	CHARMS DEVELOPMENTS PTY LTD & FENLOR GROUP PTY LTD	FIFTY-THREE (53) LOT TORRENS TITLE SUBDIVISION, COMPRISING FORTY-NINE (49) URBAN RESIDENTIAL LOTS; ONE (1) LOW DENSITY RESIDENTIAL LOT CONTAINING THE EXISTING BLUE STONE COTTAGE; TWO (2) ON-SITE DETENTION BASINS AND ONE (1) REMNANT LOT	1279 MILLTHORPE RD MILLTHORPE
2021/0150	6/12/2021	RICHARD SOUTHWELL	ERECTION OF A STUDIO, GARAGE & CARPORT	35 CROWSON ST MILLTHORPE
2021/0158	23/12/2021	MARISA MCLEAN	CHANGE OF USE & ALTERATIONS & ADDITIONS	13 CALVERT LANE FOREST REEFS

2021/0160	23/12/2021	ALLYSON & ADAM WHITE	ALTERATIONS & ADDITIONS TO EXISTING DWELLING	2 WATER ST BLAYNEY
2021/0004/1	28/01/2022	PREMISE	MODIFICATION APPLICATION – CONDITION 102	62 OSMAN STREET BLAYNEY
2021/0004/2	28/01/2022	PREMISE	MODIFICATION APPLICATION – REMOVE SUBDIVISION	62 OSMAN STREET BLAYNEY
2022/0006	28/01/2022	PREMISE	ERECTION OF A MOTEL BUILDING AND BUSINESS SIGNAGE	62 OSMAN STREET BLAYNEY
2022/0005	28/01/2022	RICHARD SOUTHWELL	ERECTION OF A DWELLING	13 WILLIAM STREET MILLTHORPE
2022/0009	2/02/2022	ADRIAN COOK	ERECTION OF A DWELLING	21 TURNER STREET BARRY NSW
2022/0013	4/02/2022	NICK REEKS	DEMOLITION OF EXISTING DWELLING & ERECTION OF MULTI DWELLING HOUSING	39 ADELAIDE STREET BLAYNEY
2019/0007/2	10/02/2022	JULIE REDHEAD	MOD – DWELLING PLAN	11 GREEN GROVE BLAYNEY
2022/0015	10/02/2022	GREGORY COLEMAN	ERECTION OF A DWELLING	15 CAMPBELL STREET NEWBRIDGE
2022/0016	11/02/2022	RAYMOND HUSBAND	ERECTION OF A DWELLING	15 TRUNKEY STREET NEWBRIDGE
2022/0018	11/02/2022	SHARNI LATHAM	ERECTION OF A DWELLING	18 CAMPBELL STREET NEWBRIDGE
2022/0019	11/02/2022	SHARNI LATHAM	ERECTION OF A DWELLING	20 CAMPBELL STREET NEWBRIDGE
2022/0017	11/02/2022	SHARNI LATHAM	ERECTION OF A DWELLING	22 CAMPBELL STREET NEWBRIDGE
2022/0021	14/02/2022	MPF SURVEYING	TWO (2) LOT SUBDIVISION	39 CROUCH STREET NEVILLE
2022/0023	18/02/2022	MITCHELL BOTHAM – BOTHAM HOMES	ERECTION OF A DWELLING	481 SPRING TERRACE ROAD FOREST REEFS
2022/0024	21/02/2022	ANDREW BURGE	10 LOT STRATA SUBDIVISION	33 PARK STREET MILLTHORPE (INALA)
2022/0029	23/02/2022	JACK FRY	ERECTION OF A DWELLING	1 CURTAIN STREET NEWBRIDGE
2022/0028	24/02/2022	DAVID PARSONS	BOUNDARY ADJUSTMENT	4 CLARKE STREET BLAYNEY
2022/0027	24/02/2022	PAUL BONNER	ERECTION OF A DWELLING	1 HENRY STREET, LYNDHURST
2022/0033	4/03/2022	GRAHAM FARNELI C/- SHEDWORLD	ERECTION OF 2 X SHEDS	57 PITTMAN DR BROWNS CREEK
2022/0035	8/03/2022	GJ GARDNER HOMES	ERECTION OF A DWELLING	14 PLUMB ST BLAYNEY

2022/0036	8/03/2022	ELAINE BIRK	DEMOLITION OF EXISTING SHED & ERECTION OF A SHED	2 OSMAN ST BLAYNEY
2021/0129/1	9/03/2022	MARK PALAZZOLO	INSTALLATION OF A RELOCATED DWELLING	3 TURNER ST BARRY
2022/0038	18/03/2022	CHRIS COLMAN	BOUNDARY ADJUSTMENT	34 GERTY ST BLAYNEY
2022/0039	21/03/2022	CARRIBEE PROPERTY HOLDINGS PTY LTD	ALTERATIONS & ADDITIONS TO EXISTING DWELLING	63 FOREST REEFS RD MILLTHORPE
2022/0040	23/03/2022	DANITA SLABBER	ERECTION OF A SHED	17 MT MCDONALD RD LYNDHURST
2022/0041	23/03/2022	AARON & SARAH RANDALL	CONSTRUCTION OF A NURSERY SHED FOR DISPLAY, SALES AND ANCILLARY ACTIVITIES	15 MOORILDA ST NEVILLE
2022/0042	25/03/2022	IAN WEBBER	ALTERATIONS & ADDITIONS TO AN EXISTING DWELLING	8 STOKE LANE CARCOAR
2022/0043	25/03/2022	NICHOLAS REEKS	PROPOSED NEW INDUSTRIAL BUILDING FOR A MECHANICS WORKSHOP AND STORAGE	54 GERTY ST BLAYNEY
2022/0049	4/04/2022	RAYMOND BURNS	ERECTION OF A SHED	107 ADELAIDE ST BLAYNEY 2799
2022/0048	4/04/2022	BENEDICT JOHNSON	DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF A COMMERCIAL PREMISES, DUAL OCCUPANCY & ASSOCIATED SITE WORKS AND CAR PARKING	10 PYM ST MILLTHORPE 2798
2022/0047	4/04/2022	GERARD GOLDSMITH	INSTALLATION MANUFACTURED HOME	283 WATTERSONS LANE FOREST REEFS
2022/0046	4/04/2022	GUY RANDALL	ERECTION OF A SHED	30 SPRINGVALE LANE MILLTHORPE
2022/0045	4/04/2022	JOHN HARRISON	ERECTION OF AN AWNING	10 SPRINGVALE LANE MILLTHORPE
2022/0044	4/04/2022	JULIE HEMUS	ERECTION OF A DWELLING	3-7 BATHURST ST LYNDHURST
2022/0051	6/04/2022	IAN WEBBER	ERECTION OF A DWELLING	2 GEORGE ST NEWBRIDGE
2022/0050	6/04/2022	IAN WEBBER	ERECTION OF A DWELLING	6522 MID WESTERN HWY LYNDHURST

18) AGRITOURISM REFORMS AND CHANGES TO THE BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012

Department: Planning and Environmental Services

Author: Town Planner

CSP Link: 3. The Local and Visitor Economy

File No: PL.TE.1

Recommendation:

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.

Reason for Report:

The purpose of this report is to seek Council resolution to note and endorse the reform being proposed by the NSW Government which will result in amendments to the Blayney Local Environmental Plan 2012 (BLEP) for Agritourism.

It is optional for Councils to nominate and/or adopt the optional clauses and/or specify the land use zones to permit the new land uses in their LEPs.

Report:

The NSW Government is proposing amendments to the NSW planning system to streamline the approval of agritourism development and small-scale agricultural development.

An 'Explanation of Intended Effect' (EIE), prepared by the DPE, detailing the proposed changes is provided in Enclosure 1.

Following the exhibition of the EIE in March-April 2021, the draft Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 (LEP Order) was prepared by the DPE. The LEP Order will amend the Standard Instrument LEP. This is the first stage of rolling out the proposals in the EIE.

The proposed changes in the first stage of the LEP Order include:

- New land use terms for 'Agritourism', 'Farm Gate Premises' and 'Farm Experience Premises';
- Transferring 'Cellar Door Premises' to become a subset of 'Farm Gate Premises' definition;
- Changes to the definition of 'Farm Stay Accommodation'; and

- Optional clauses to be inserted into the Standard Instrument LEP for ‘Farm Stay Accommodation’ and ‘Farm Gate Premises’.

A copy of the draft optional clauses is provided in Attachment 2. Councils can nominate to adopt the optional clauses and/or specify the land use zones to permit the new land uses in their LEPs.

It is not recommended that Council adopt the proposed Clause 5.23 Farm Stay Accommodation amendments for the following reasons:

- The amendments propose to increase the number of bedrooms that may be provided for Farm Stay Accommodation from twelve (12) (clause 5.4 of current BLEP) to thirty-six (36);
- The amendments propose a maximum of six (6) moveable dwellings permitted as Farm Stay Accommodation;
- Proposed Farm Stay Accommodation is already permitted with consent under the Blayney LEP 2012, Clause 5.4 and compliance with the Blayney Development Control Plan 2018.

It is considered that the current controls being a maximum of 12 persons under clause 5.4 of the BLEP, sufficiently limit and manage potential land use conflicts and potential impacts on agricultural land, local amenity and the environment and can be properly considered and evaluated through the existing development assessment pathway;

- Concerns regarding the change in definition of ‘farm stay accommodation’ and subsequently ‘primary production business’ which would likely open up accommodation to be the dominant use on a property in the RU1 Primary Production zone that qualifies as a ‘primary production business’ in the income Tax Assessment Act 1997. Currently farm stay accommodation must be ‘on a working farm as a secondary business to primary production’.
- The proposed Clause is optional, therefore, Council could reconsider review the inclusion of Clause 5.23 at any point in the future.

It is recommended that Council adopt proposed Clause 5.24 amendments seeking to permit the new land uses of ‘Agritourism’, ‘Farm Experience’ and ‘Farm Gate Premises’ in LEP’s and provide justification for their nominations.

Council staff recommend that Clause 5.24 Farm Gate Premises is adopted, subject to the standards outlined in the table below:

Type of Development	Standard in EIE	Staff Comments
Farm Gate Premises – maximum gross floor area	200sqm or the number Council specifies in its LEP	It is recommended that the maximum GFA of 200sqm is adopted
Farm Gate Premises – maximum number of guests	50 guests or the number Council specifies in its LEP	It is recommended that the maximum number of 50 guests is adopted

Under proposed Clause 5.24, Councils also need to identify the land use zones which each definition can apply and the appropriate recommendations are provided in the tables below. It is recommended to permit ‘Agritourism’ with consent where ‘Agriculture’ is currently a permissible in the BLEP:

Agritourism:

Zone	Permit or Prohibit	Staff Comments
RU1 Primary Production	Permit with consent	It is recommended to permit 'Agritourism' with consent in this zone as 'Agriculture' is currently a permissible use in the RU1 zone.
RU2 Rural Landscape	Permit with consent	It is recommended to permit 'Agritourism' with consent in this zone as 'Agriculture' is currently a permissible use in the RU2 zone.
RU3 Forestry	Prohibit	It is recommended to prohibit 'Agritourism' in this zone as 'Agriculture' is currently a prohibited use in the RU3 zone.
RU5 Village	Prohibit	It is recommended to prohibit 'Agritourism' in this zone as 'Agriculture' is currently a prohibited use in the RU5 zone.
R5 Large Lot Residential	Prohibit	It is recommended to prohibit 'Agritourism' in this zone as 'Agriculture' is currently a prohibited use in the R5 zone.
C2 Environmental Conservation	Prohibit	It is recommended to prohibit 'Agritourism' in this zone as 'Agriculture' is currently a prohibited use in the C2 zone.

Farm Experience:

Zone	Permit or Prohibit	Staff Comments
RU1 Primary Production	Permit with consent	It is recommended to permit 'Farm Experience' with consent in this zone as 'Agriculture' is currently a permissible use in the RU1 zone.
RU2 Rural Landscape	Permit with consent	It is recommended to permit 'Farm Experience' with consent in this zone as 'Agriculture' is currently a permissible use in the RU2 zone.
RU3 Forestry	Prohibit	It is recommended to prohibit 'Farm Experience' in this zone as 'Agriculture' is currently a prohibited use in the RU3 zone.
RU5 Village	Prohibit	It is recommended to prohibit 'Farm Experience' in this zone as 'Agriculture' is currently a prohibited use in the RU5 zone.

R5 Large Lot Residential	Prohibit	It is recommended to prohibit 'Farm Experience' in this zone as 'Agriculture' is currently a prohibited use in the R5 zone.
C2 Environmental Conservation	Prohibit	It is recommended to prohibit 'Farm Experience' in this zone as 'Agriculture' is currently a prohibited use in the C2 zone.

Farm Gate Premises:

Zone	Permit or Prohibit	Staff Comments
RU1 Primary Production	Permit with consent	It is recommended to permit 'Farm Gate Premises' with consent in this zone as 'Agriculture' is currently a permissible use in the RU1 zone.
RU2 Rural Landscape	Permit with consent	It is recommended to permit 'Farm Gate Premises with consent in this zone as 'Agriculture' is currently a permissible use in the RU2 zone.
RU3 Forestry	Prohibit	It is recommended to prohibit 'Farm Gate Premises' in this zone as 'Agriculture' is currently a prohibited use in the RU3 zone.
RU5 Village	Prohibit	It is recommended to prohibit 'Farm Gate Premises' in this zone as 'Agriculture' is currently a prohibited use in the RU5 zone.
R5 Large Lot Residential	Prohibit	It is recommended to prohibit 'Farm Gate Premises' in this zone as 'Agriculture' is currently a prohibited use in the R5 zone.
C2 Environmental Conservation	Prohibit	It is recommended to prohibit 'Farm Gate Premises in this zone as 'Agriculture' is currently a prohibited use in the C2 zone.

Council including either clause 5.23 and 5.24 in their respective LEP is voluntary. It is recommended for the reasons outlined in this report, that Council;

- Does not adopt the Farm Stay Accommodation Clause (Clause 5.23) into the BLEP.
- Adopts the proposed Farm Gate Premises Clause (Clause 5.24) into the BLEP.

Risk/Policy/Legislation Considerations:

It is considered that the current controls being a maximum of 12 persons under clause 5.4 of the BLEP, sufficiently limit and manage potential land use conflicts and potential impacts on agricultural land, local amenity and the environment and can be properly considered and evaluated through the existing development assessment pathway.

Concerns regarding the change in definition of 'farm stay accommodation' and subsequently 'primary production business' which would likely open up accommodation to be the dominant use on a property in the RU1 Primary Production zone that qualifies as a 'primary production business' in the income Tax Assessment Act 1997. Currently farm stay accommodation must be 'on a working farm as a secondary business to primary production'.

The proposed Clause is optional, therefore, Council could reconsider review the inclusion of Clause 5.23 at any point in the future.

Budget Implications:

Nil

Enclosures (following report)

- | | | |
|---|---|---------|
| 1 | Standard Instrument LEP Amendment Agritourism Order | 6 Pages |
|---|---|---------|

Attachments (separate document)

- | | | |
|---|---|----------|
| 2 | Agritourism and small-scale agriculture development | 39 Pages |
|---|---|----------|

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New South Wales

Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

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Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]

**Standard Instrument (Local Environmental Plans) Amendment
(Agritourism) Order 2021**

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Amendment of Standard Instrument (Local Environmental Plans) Order 2006

Land Use Table

Insert in appropriate order in Direction 5—

Agritourism;
Farm experience premises;
Farm gate premises;

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Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
 Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

[1] Clause 5.4 Controls relating to miscellaneous permissible uses [compulsory]

Omit “not less than 8” from clause 5.4(8). Insert instead “not less than 9”.

[2] Clause 5.18 Intensive livestock agriculture [compulsory if intensive livestock agriculture permitted with consent]

Omit clause 5.18(4)(b)(v). Insert instead—

- (v) for a poultry farm used for breeding poultry—within 5,000 metres of another poultry farm, or
- (vi) for a poultry farm not used for breeding poultry—
 - (A) within 5,000 metres of a poultry farm used for breeding poultry, or
 - (B) within 1,000 metres of a poultry farm not used for breeding poultry, or
- (vii) for a pig farm—within 3,000 metres of another pig farm.

[3] Clauses 5.23 and 5.24

Insert after clause 5.22—

5.23 Farm stay accommodation [optional]

- (1) The objectives of this clause are—
 - (a) to diversify the uses of agricultural land without adversely impacting the principal use of the land for a primary production business, and
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
 - (c) [set out other objectives of the clause]
- (2) Development consent must not be granted to development for the purposes of farm stay accommodation on a landholding unless the consent authority is satisfied that—
 - (a) the maximum number of guests accommodated in bedrooms at any 1 time will not be more than the greater of—
 - (i) 3 times the number of bedrooms permitted under clause 5.4(5), or
 - (ii) 20 guests, and
 - (b) the gross floor area of a building used to accommodate guests will not be more than [insert number no less than 60] square metres, and
 - (c) the maximum number of guests accommodated in moveable dwellings on the landholding will not be more than [insert number no more than 20] at any 1 time, and
 - (d) the maximum number of moveable dwellings used for the accommodation of guests will not be more than [insert number no more than 6], and
 - (e) all buildings or moveable dwellings used to accommodate guests will be—
 - (i) on the same lot as an existing lawful dwelling house, or

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Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
 Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (ii) on a lot—
 - (A) for which a minimum size is shown for a dwelling house on the Lot Size Map, and
 - (B) the size of which is not less than the minimum size shown.
- (3) Subclause (2)(b) does not apply if the development is the change of use of an existing dwelling to farm stay accommodation.
- (4) Development consent must not be granted to development for the purposes of farm stay accommodation on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—
 - (i) residential accommodation,
 - (ii) primary production operations,
 - (iii) other land uses, and
 - (b) whether the development will have significant adverse impact on the following on or near the land—
 - (i) the visual amenity, heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
 - (c) whether the development is on bush fire prone land or flood prone land, and
 - (d) the suitability of the land for the proposed development, and
 - (e) the compatibility of the development with nearby land uses.

5.24 Farm gate premises [optional]

- (1) The objectives of this clause are—
 - (a) to allow for small scale tourism and related commercial uses on land used for primary production without adversely impacting the principal use of the land for primary production, and
 - (b) to balance the impact of tourism and related commercial uses with the use of land for primary production, the environment, scenic values, infrastructure and adjoining land uses.
 - (c) *[set out other objectives of the clause]*
- (2) Development consent must not be granted to development for the purposes of farm gate premises on a landholding unless the consent authority is satisfied that—
 - (a) the gross floor area of a building used for farm gate premises will not be more than *[insert number no more than 200]* square metres, and
 - (b) the maximum number of persons that will be permitted on the landholding at any 1 time for the purposes of the farm gate premises will not be more *[insert number not more than 50]* persons.
- (3) Development consent must not be granted to development for the purposes of farm gate premises on land unless the consent authority has considered—
 - (a) whether the development will result in noise or pollution that will have significant adverse impact on the following on or near the land—

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Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
 Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (i) residential accommodation,
- (ii) primary production operations,
- (iii) other land uses, and
- (b) whether the development will have significant adverse impact on the following on or near the land—
 - (i) the visual amenity, heritage or scenic values,
 - (ii) native or significant flora or fauna,
 - (iii) water quality,
 - (iv) traffic,
 - (v) the safety of persons, and
- (c) whether the development is on bush fire prone land or flood prone land, and
- (d) the suitability of the land for the proposed development, and
- (e) the compatibility of the development with nearby land uses.

[4] Dictionary

Insert after the definition of *agriculture*, paragraph (d)—

- (e) agritourism.

[5] Dictionary

Omit the definition of *farm stay accommodation*.

Insert in alphabetical order—

agritourism means the following—

- (a) farm gate premises,
- (b) farm experience premises.

Note— Agritourism is a type of *agriculture*—see the definition of the term in this Dictionary.

farm stay accommodation means a building or place—

- (a) on a farm —
 - (i) that is a primary production business, or
 - (ii) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
- (b) used to provide temporary accommodation to paying guests of the farm including in buildings or moveable dwellings.

Note— Farm stay accommodation is a type of *tourist and visitor accommodation*—see the definition of the term in this Dictionary.

farm experience premises means a building or place—

- (a) on a farm that is—
 - (i) a primary production business, or
 - (ii) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
- (b) that is ancillary to the farm, and
- (c) that is used to provide visitors to the farm with small scale and low impact tourist or recreational services on a commercial basis including the following—
 - (i) horse riding,

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Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2021 [NSW]
 Schedule 1 Amendment of Standard Instrument prescribed by Standard Instrument (Local Environmental Plans) Order 2006

- (ii) farm tours,
- (iii) functions or conferences,
- (iv) farm field days.

Note— Farm experience premises is a type of *agritourism*—see the definition of the term in this Dictionary.

farm gate premises—

- (a) means a building or place—
 - (i) on a farm that is—
 - (A) a primary production business, or
 - (B) on land categorised as farmland under the *Local Government Act 1995*, section 515, and
 - (ii) that is ancillary to the farm, and
 - (iii) that is used to provide visitors to the farm with agricultural products predominantly from the farm or other farms in the region or with services or activities related to the products, including the following—
 - (A) processing, packaging and sale of the products, but not the processing of animals,
 - (B) a restaurant or cafe,
 - (C) a facility for holding tastings or workshops, or providing information or education, related to the products, and
- (b) includes cellar door premises.

Note— Farm gate premises is a type of *agritourism*—see the definition of the term in this Dictionary.

landholding means 1 or more lots of land that—

- (a) are constituted or worked as a single property, and
- (b) are contiguous or are separated only by a road or watercourse.

primary production business has the same meaning as in the *Income Tax Assessment Act 1997* of the Commonwealth and includes a business that—

- (a) was a primary production business, and
- (b) has temporarily ceased to be a primary production business because of a natural disaster, including a drought, flood or bush fire.

[6] Dictionary, definition of “cellar door premises”

Omit “*retail premises*” from the note. Insert instead “*farm gate premises*”.

[7] Dictionary, definition of “restaurant or cafe”

Insert “, but does not include a restaurant or cafe that is included as part of artisan food and drink industry or farm gate premises” after “provided”.

[8] Dictionary, definition of “retail premises”

Insert “farm gate premises,” before highway service centres”.

[9] Dictionary, definition of “retail premises”

Omit paragraph (b).

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

Department: Planning and Environmental Services

Author: Manager Planning

CSP Link: 5. The Natural Environment

File No: DB.AB.1190

Recommendation:

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.

Reason for Report:

The Development Application has been referred to Council for determination on the basis that submissions were received from notification of the proposed development. The issues raised in the submissions cannot be resolved by the Director Planning and Environmental Services by a condition of consent.

The application has wider public interest implications, which Councils Senior Planning staff deem it is appropriate for Council to consider and determine the application in this instance.

Introduction

Development consent is sought from Council for a new Dwelling, detached garage and associated works at 37 Silver Street, Mandurama, being Lot 14 DP1096417 (the 'subject property').

Specifically, the proposed development involves the construction of a three-bedroom dwelling, a detached garage, rainwater tank, on-site effluent management system and access.

The subject property comprises a total area in the order of 845m² (approx.) in an irregular shape. The property has a 20m (approx.) frontage to Banana Street, which is a historical, access way with a typical width in the order of 6m (approx.). Notably, access to the subject property is proposed from Silver

Street, which is also unformed between the Mid Western Highway / Olive Street and Banana Street.

While the subject property is undeveloped, an informal stormwater drain traverses the central portion of the property. The stormwater drain generally extends 450m (approx.) from the easternmost end of Copper Street (unformed) to Gold Street (formed), affecting a total of 14 separate properties. The properties affected by the stormwater drain are generally undeveloped.

The Blayney – Demondrille Railway Line is located to the immediate rear of the subject property. While the railway line is not currently in service, it is a significant physical feature which influences the characteristics of stormwater runoff in the area.

In 2017, Council's practice was to notify a Development Application for the development of a Dwelling. As such the Development Application was notified to all immediately adjoining and proximate landowners. Following the notification process four submissions were received.

The submissions raised a number of issues, however it is noteworthy that each submission highlighted drainage as a key issue for consideration. The submissions are addressed in detail in the body of this report.

While there are a number of unresolved matters with the proposed development, the key issue for consideration is the extent to which the subject property is affected by stormwater (and the means which are proposed to address this). Council staff are of the opinion that the proposed development should be designed in a manner which minimises the impact of stormwater on the proposed development and adjoining properties.

In the absence of such a design, it is considered that the proposed development should be refused for the reasons detailed in this report.

Whilst there are a number of other issues with the proposal, these are considered to be secondary to the issue of stormwater and can only be resolved subject to a suitable stormwater design being provided.

However, in the absence of a suitable stormwater design being provided by the Applicant, Council staff consider that they are unable to adequately assess the likely impacts of the proposed development.

Background and History of DA119/2017

The background and history of DA119/2017 is summarised as follows:

- In June 2016, Council staff provided pre development advice regarding the development of a *Dwelling* at the subject property. The pre-development advice highlighted that the subject property is affected by a number of physical constraints which would impact on its ability to be developed for a residential purpose.

- In November 2017, Council received a Development Application for the development of a *Dwelling* on the subject property. The Development Application was identified as Development Application No. DA119/2017.
- In November 2017, Council notified DA119/2017 to all adjoining landowners.
- In the absence of a detailed stormwater design for the proposed development, Council's assessment of DA119/2017 stalled due to the complexity associated with the physical constraints of the subject property.

These issues included the stormwater channel that traverses the central portion of the subject property; the absence of other formal stormwater infrastructure which could be used to reduce the impact of stormwater on the subject property; and the 6m (approx.) width of Banana Street which constrains the provision of stormwater infrastructure in the road reserve while also allowing for access.

- In order to progress the matter, Council's Infrastructure Services staff undertook a preliminary internal design to determine how stormwater could be redirected to permit the construction of a residential dwelling (as sought in DA119/2017) without detrimentally impacting adjoining and proximate properties.
- In October 2019 the applicant contacted Council seeking compensation for costs associated with the delay of the Development Application being determined. It is noted that the Applicant did not elect to utilise the deemed refusal appeal rights under the Environmental Planning and Assessment Act 1979 (EP&A Act), and seek determination of this application in the Land and Environment Court.
- In February 2020, Council staff wrote to the applicant to confirm that it would survey Banana Street for the purpose of engaging an engineering consultant to perform a hydrological analysis of the catchment to determine overland flows.
- In February 2020, the applicant responded to Council's correspondence of February 2020. Amongst other matters, the correspondence asserted that Council staff had previously advised him that the storm water issue was Council's responsibility and that the Council had approved public works. It is presumed that the statement regarding public works was in relation to storm water.
- Council subsequently engaged GHD to model the impact of stormwater from the upstream catchment and design a stormwater system which would facilitate the approval of DA119/2017, subject to the plans submitted with the Development Application being amended to meet other relevant requirements as a result of the storm water design.

- Council staff subsequently met with the applicant in late 2020 to discuss the conceptual storm water system designed by GHD and other relevant requirements. Council, staff understood that the applicant objected to the proposed stormwater system and any need for him to modify DA119/2017 to accommodate the necessary infrastructure. During that meeting, the applicant made a comment to the effect that he had checked Council's 'strategy' to confirm that the subject property was within an identified future growth area.
- Following the meeting with the applicant in late 2020, Council staff wrote to the applicant to advise that it would review previous correspondence with Council staff including whether the Settlement Strategy that applied to the subject property (at the time that it was purchased) identified that the subject property as being part of an identified growth area.
- Council staff undertook a detailed review of the *Settlement Strategy Final Adopted Strategy 2012*. In summary, that review identified that the subject property is located in an area identified as the preferred location for light industrial land use, subject to further investigation, and which would be difficult to develop.
- Council staff subsequently wrote to the applicant in February 2021 seeking clarification of the applicant's interpretation of the Settlement Strategy. No response was provided.
- Given that the applicant was not supportive of the storm water system designed by GHD and that it did not respond to Council's correspondence of February 2021, Council staff wrote to the applicant again in January 2022 to definitively outline what information must be submitted in order for Council to finalise its assessment of DA117/2019.

Amongst other matters, the required information included an amended plan to take into account the infrastructure and any dedication of land required to appropriately minimise the impact of storm water on the proposed development, and the design of a stormwater channel to appropriately minimise the impact of stormwater on the proposed development.

- The applicant provided a written response in February 2022. The response did not include the information requested by Council staff.

Recommendation

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, for 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.

Report:

Proposed Development

The proposed development includes the construction of a three-bedroom dwelling, a detached garage, rainwater tank and an on-site effluent management system.

The site proposed development is illustrated in the Figure 1, below.

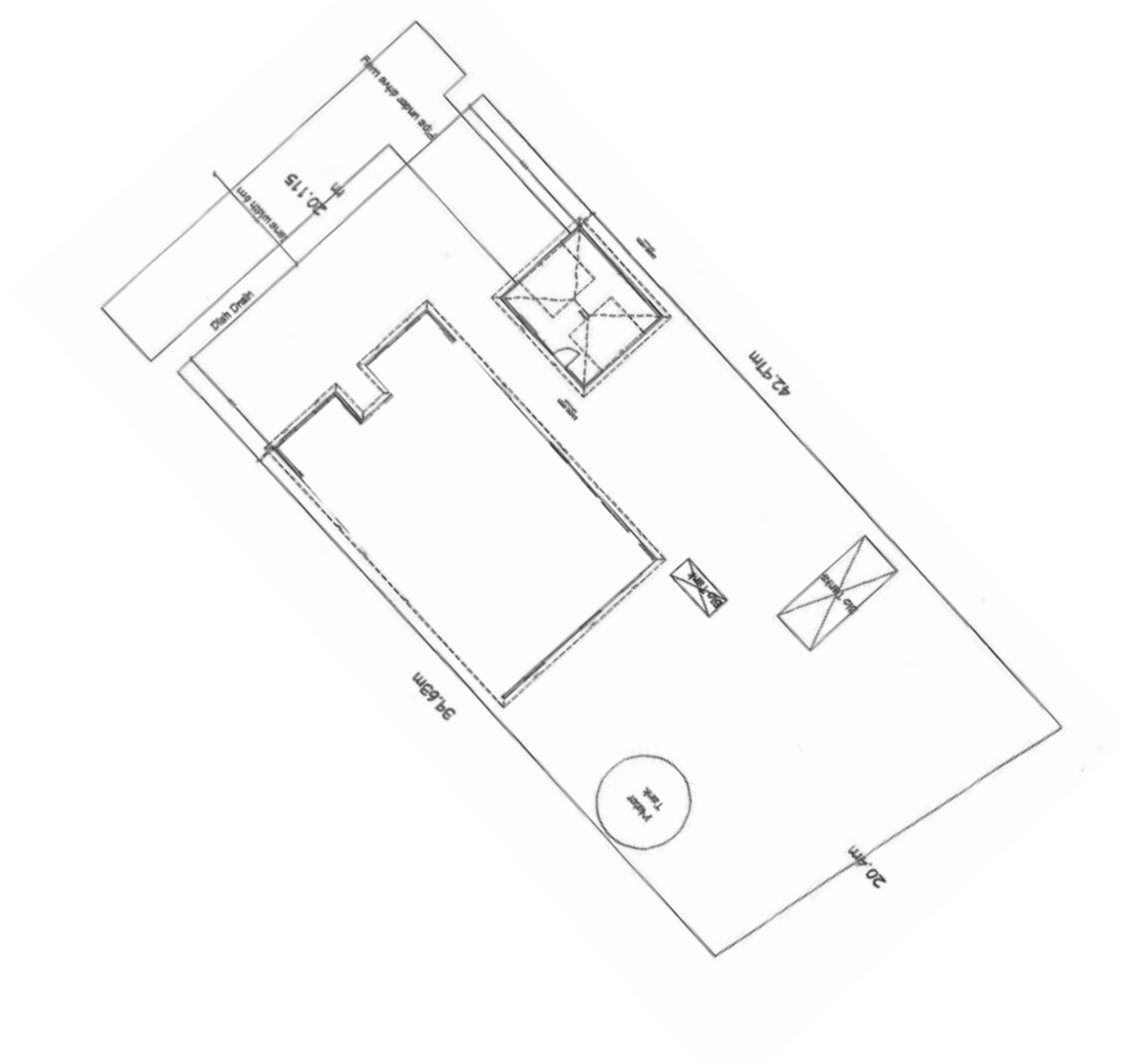


Figure 1: The proposed site layout (Note: north top of figure)

The location of the subject property in relation to Mandurama is illustrated in Figure 2, below.

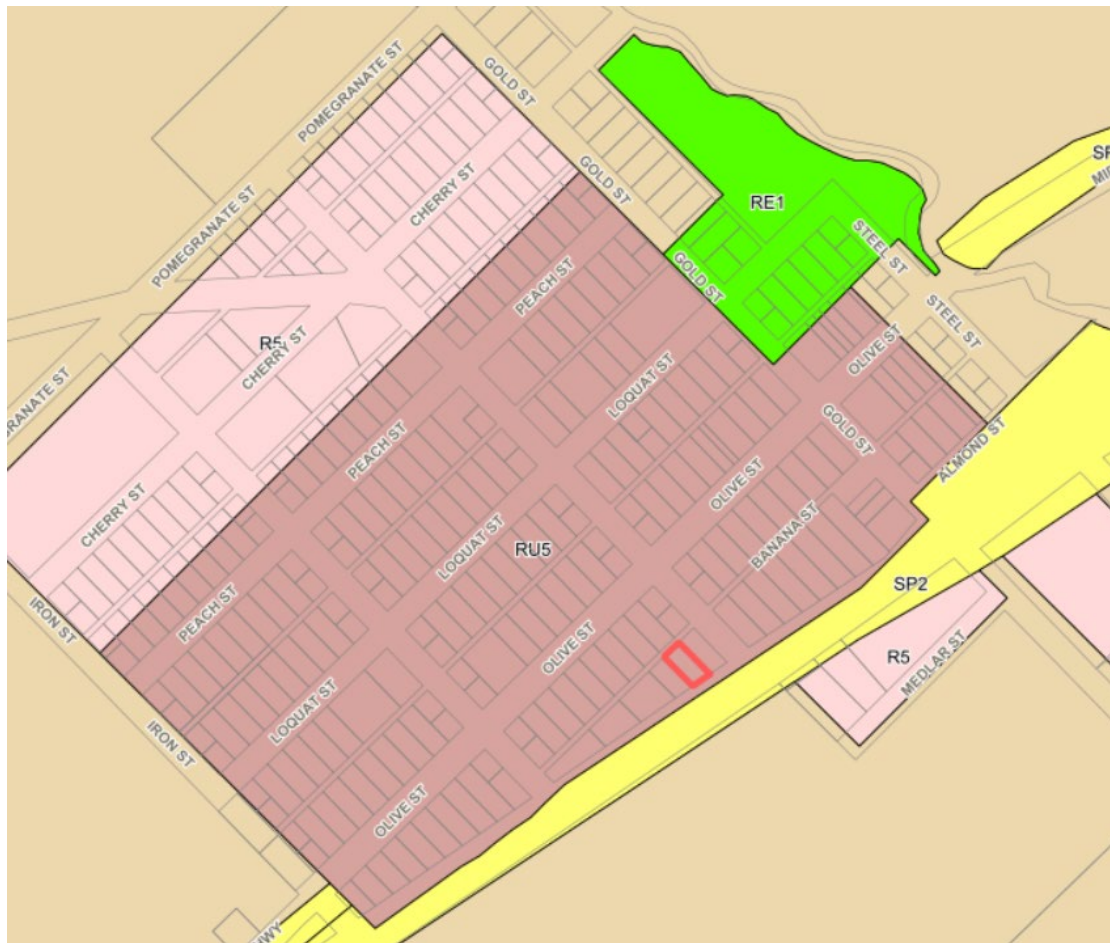


Figure 2: Mandurama Context Plan (subject property boundary identified by heavy red line)

Existing Conditions

The existing conditions of the subject property are illustrated in the aerial plan, below (Figure 3).

Of particular note is the presence of the informal, open stormwater drain which traverses the central portion of the subject property.

It is understood that the upstream catchment includes stormwater from Olive Street / Mid Western Highway and stormwater and runoff which is captured by the eastern bund of the Blayney-Demondrille Railway Line and directed through a culvert in close proximity of the subject property.



Figure 3: Site Context Plan (approximate location of subject property boundary identified by heavy red line)

Strategic Context

At the time that DA119/2017 was lodged, the strategic vision for Mandurama was set out in the in 2012 *Blayney Settlement Strategy Final Adopted Strategy* (the 'Strategy').

In summary, the Strategy identified that the subject property is located within an area for which the preferred land use is light industrial. Further, the Strategy identified that the subject property would be difficult to develop. This is demonstrated in Figures 4 and 5, below.

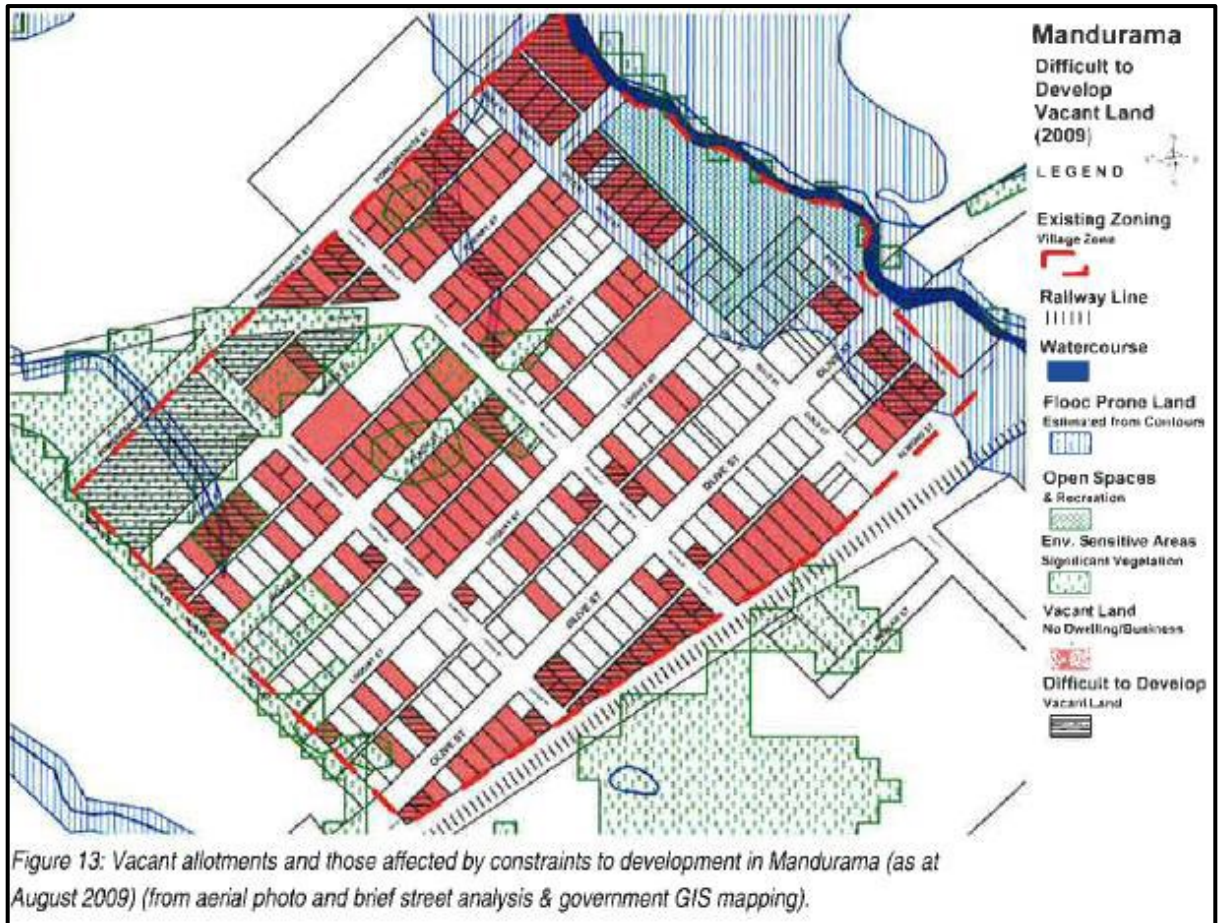


Figure 4: Figure 13 of the 2012 Strategy

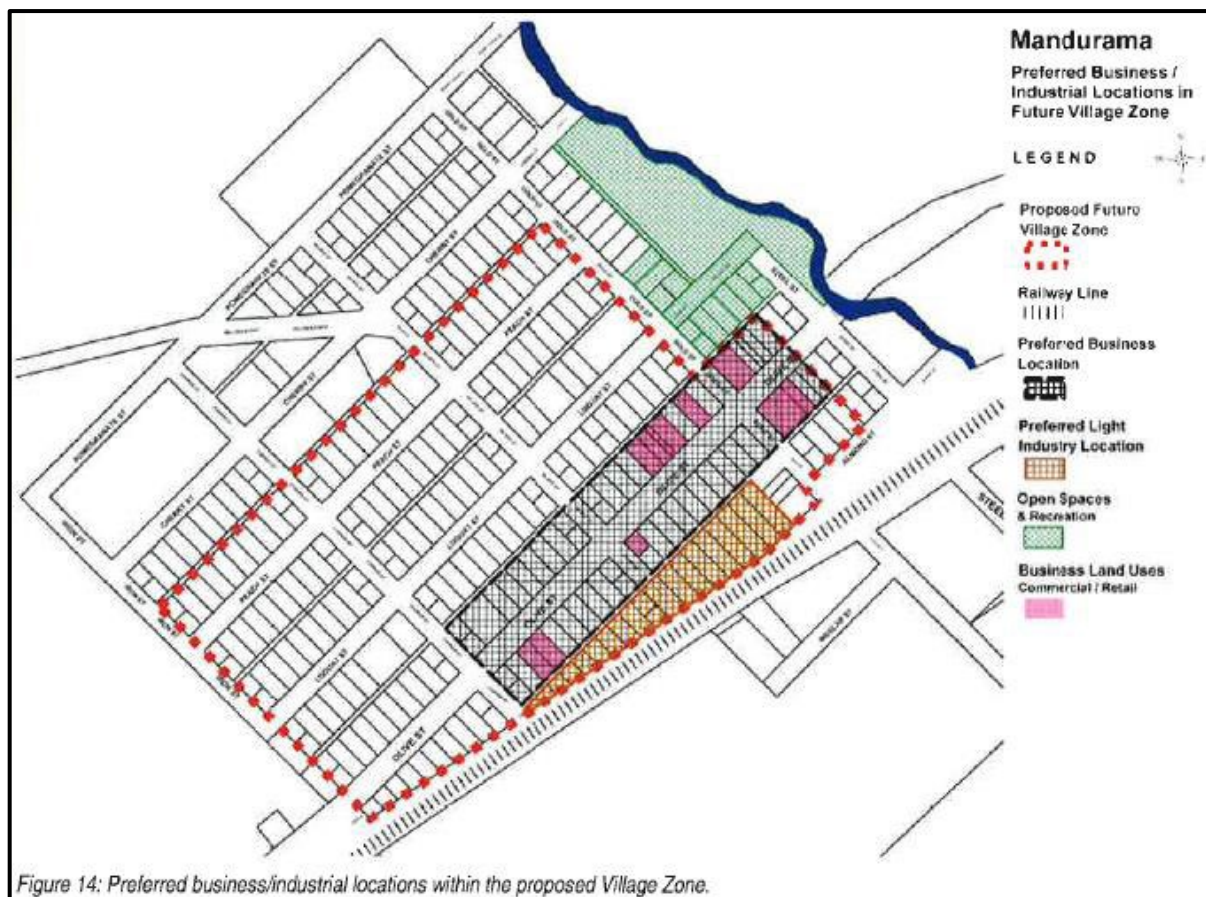


Figure 5: Figure 14 of the 2012 Strategy

However, it is noted the area in Figure 5 above whilst identified as ‘preferred light industry’ in the 2012 strategy, was subsequently endorsed and subsequently zoned RU5 Village.

In February 2021, Blayney Shire Council adopted the new *Blayney Shire Settlement Strategy*, which sets out the following recommendations for Mandurama:

- Generally, provide a consistent minimum lot size applicable to land in the RU5 Village zone to 2,000m² with the ability to reduce the minimum lot size to 1,000m² if reticulated sewerage is provided;
- The area comprising approx. 1.8ha, south of Banana Street Mandurama, zoned RU5 Village to have a minimum lot size of 4,000m², due to this area having potential; stormwater, access and servicing constraints. (this recommendation directly applies to the subject property); and
- Apply a minimum lot size in the R5 Large Lot Residential zone of 4,000m².

Council have recently endorsed a draft planning proposal to implement these changes into the Blayney Local Environmental Plan 2012 (BLEP 2012).

The Banana Street Land Swap

In addition to the foregoing matters, it is relevant to note that in 2009, Blayney Shire Council considered a request from a local landowner regarding the

possibility for a land swap between a portion of Banana Street and the north east corner of Lot 6 Section 16 DP978887, Mandurama.

The purpose of the proposed land swap was to facilitate the relocation of the on-site effluent disposal system for the service station at the corner of Olive Street and Copper Street and bring a portion of the stormwater drain into Council ownership.

Council made the following resolution during the Ordinary Council Meeting of June 2009:

1. That Council grant consent to Mr Green's request for the closure of the section of the unnamed lane to the east of Olive Street between Copper Street and the north east corner of Lot 6 Section 16 DP978887, Mandurama and offer no objection upon notification by the Department of Lands.
2. That Council agree to the proposed land swap.
3. That all costs for the road closure, subdivision and land swap be borne by Mr Green.
4. That Council's seal be affixed to all appropriate documentation associated with the road closure and the land swap.

Despite Council's resolution, it is noted that the land swap has not yet occurred.

The land swap is identified in Figure 6 below as the purple and yellow areas. The subject property for this application has the approximate property boundary outlined in red.

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

S4.15 - Evaluation

Section 4.15 of the EP &A Act sets out the matters that the consent authority is to take into consideration in determining a development application.

These matters are addressed in the body of this report.

S4.15(1)(a)(i) Provisions of any Environmental Planning Instrument

Blayney Local Environmental Plan 2012

Part 1 – Preliminary

Clause 1.2 Aims of Plan

The proposed development is considered to be consistent with the broad aims of the BLEP 2012. Relevant issues are addressed in the body of this report.

Clause 1.7 Maps

Land zoning:	RU5 Large lot residential
Lot size:	1,000m ²
Heritage:	N/A
Terrestrial biodiversity:	N/A
Groundwater vulnerability:	N/A
Drinking water catchment:	N/A
Watercourse:	N/A
Flood:	N/A

Clause 1.9A – Suspension of Covenants, Agreements and Instruments

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

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

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

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

Part 2 – Permitted or prohibited development

Clause 2.3 – Zone objectives and Land Use Table

The subject property is zoned RU5 Village.

- The objectives of the RU5 Village Zone seek to:
- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage and provide opportunities for population and local employment growth commensurate with available services.
- To minimise the impact of non-residential uses and ensure those uses are in character and compatible with the surrounding residential development.

The proposed development is considered to be generally consistent with the objectives of the RU5 Village Zone.

Part 3 – Exempt and complying development

Not applicable.

Part 4 – Principal development standards

Not applicable.

Part 5 – Miscellaneous provisions

Not applicable.

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.

Specifically, development consent must not be granted to development on land to which Clause 6.2 applies unless the consent authority is satisfied that the development:

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

Whilst the proposed development incorporates a substantial area of permeable space and includes on-site water tanks, the proposed development does not include sufficient details as to how the impact of stormwater on the proposed development (including adjoining properties) will be managed to an acceptable level (i.e. not having a significantly detrimental impact).

Further, it is noted that had the Development Application been recommended for approval, Council's Infrastructure Services Department and Senior Building Surveyor would have recommended conditions of consent to the following affect:

- All road and inter allotment drainage is to be conveyed to a legal point of discharge;
- Ground surrounding the building to 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 with suitable drainage to a legal point of discharge; and
- All plumbing drainage work would need to be carried out by licensed plumber and drainer to the requirements of AS/NZS 3500 and the Plumbing Code of Australia.

However, as previously identified, Council staff are of the opinion that the proposed development should be designed in a manner which minimises the impact of stormwater on the proposed development and adjoining properties to an acceptable level.

In the absence of such a design, it is considered that the proposed development should be refused. Furthermore, given the submissions received following public notification (which all raised issues with stormwater management), approval of the development in its current form is also not considered to be in the public interest, contrary to s 4.15(1)(e) of the EPA Act.

- **Clause 6.8 Essential services**

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

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

Information submitted with the Development Application indicates that essential services will be provided as follows:

- Water will be provided via an on-site water tank;
- Electricity would be provided via an on-site solar system;
- Sewerage will be disposed of via an on-site effluent management system;
- Stormwater will be managed via the on-site water tank;
- Access to the property would be constructed as part of the proposed development.

State Environmental Planning Policy 55 – Remediation of Land

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

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

The subject property does not appear to have been used for a potentially contaminating land use, nor is there any obvious evidence of contamination on-site.

In particular, it is noted that the subject property effectively forms part of a paper subdivision between the unformed portion of Copper Street and Gold Street. In particular, it is noted that the local street network is unformed and that no utilities have been provided to service each lot (i.e. drainage, reticulated water, sewer or electricity).

As such, it is unlikely that the subject property has been used for anything other than *Extensive agriculture* (i.e. grazing of livestock) in the past.

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

Not applicable.

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

In November 2017 the Blayney Shire Council had six separate Development Control Plans.

None of these Development Control Plans applied to the subject property or the proposed development.

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

Not applicable

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

- **In the case of a development application for the demolition of a building, the provisions of AS 2601 (Clause 92)**
Not applicable.

- **In the case of a development application for the carrying out of development on land that is subject to a subdivision order made**

under Schedule 7 to the Act, the provisions of that order and of any development plan prepared for the land by a relevant authority under that Schedule (Clause 92)

Not applicable.

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

Not applicable.

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

Not applicable.

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

A BASIX Certificate was submitted with the Development 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

Storm Water

As previously identified, it is noted that a stormwater drain traverses the central portion of the subject property.

A hydrologic / hydraulic assessment of the relevant catchment has been undertaken by GHD.

The assessment undertaken by GHD identifies that the subject property, and all adjoining properties, are influenced by three local catchments, being the Silver Street catchment (1.3ha), Olive Street catchment (1.8ha) and the Southern catchment (13.6ha) (Figure 6).

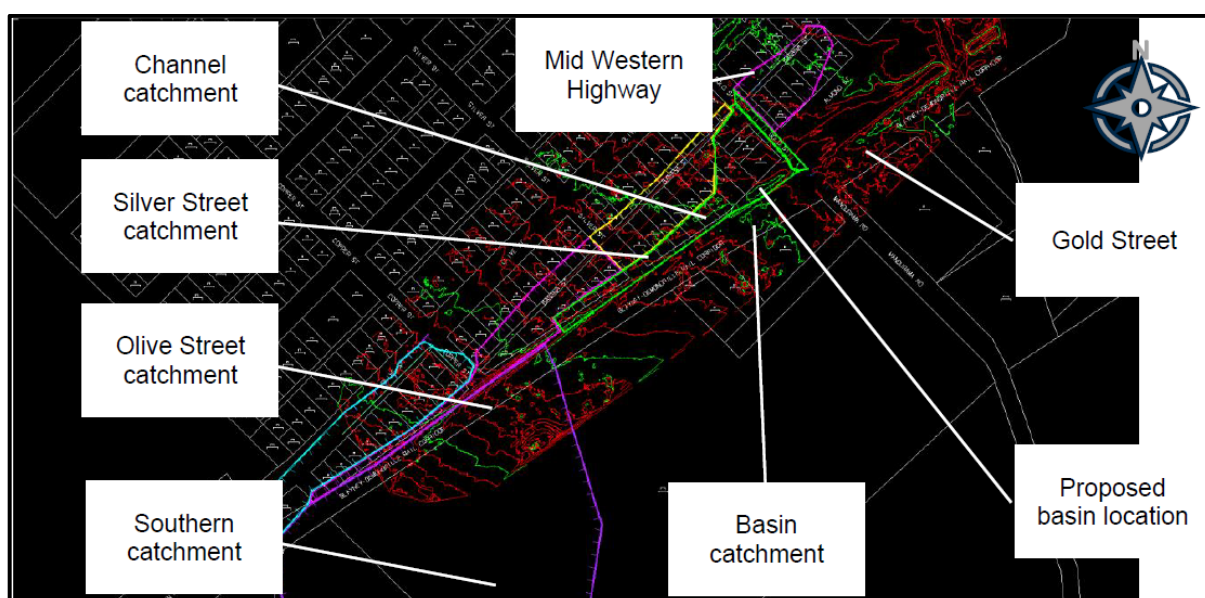


Figure 6: Catchments within the GHD hydrologic / hydraulic assessment

Notably, the hydrologic / hydraulic assessment identified that that the 1%AEP Peak Flow from the Silver Street, Olive Street and Southern Catchments would be in the order of 3.279m³/s (or 3,279L/s) (Table 1). It is noted that the

flow figures are not directly comparable, as flow rates are for different storms and durations. However, it is felt that this figure represents a probable maximum upper bound for flow rates through the lot in question.

Subcatchment	Catchment area	0.2 EY Peak Flow (m ³ /s)	Event	1% AEP Peak Flow (m ³ /s)	Event
Southern catchment	13.6	0.49	45 minute Storm 6	2.5	20 minute Storm 6
Olive Street catchment	1.8	0.104	20 minute Storm 9	0.462	15 minute Storm 4
Silver Street catchment	1.3	0.078	20 minute Storm 3	0.317	10 minute Storm 4
Channel catchment	1.3	0.07	20 minute Storm 5	0.339	15 minute Storm 4
Basin location catchment	1.1	0.76	20 minute Storm 9	0.326	15 minute Storm 4

Table 1:

In the opinion of Council staff, the proposed development is likely to impede stormwater flow and could - in the absence of a suitable stormwater design - be significantly detrimentally impacted by stormwater flow.

Other Matters

As previously noted, the balance of the matters that are unresolved are generally considered to be secondary to matters relating to stormwater. It is considered that such matters can only be resolved subject to a suitable stormwater design being achieved as this may fundamentally change the proposed site layout.

Specifically, Council staff consider that these matters include:

- A minimum street setback of 4.5m, with the garage to be setback behind the dwelling;
- A suitable area of private open space at the rear of the proposed dwelling, taking into account the area which would be required for effluent disposal;
- Elevation plans to demonstrate how the proposed dwelling will meet the relevant requirements of Development Near Rail Corridors and Busy Roads – Interim Guideline;
- New road design to Council’s ‘Urban Cul-de-sac’ standard taking into consideration proposed drainage works (including drainage infrastructure and intersection improvements at Olive/Silver St intersection);
- Driveway access and vehicle manoeuvring area design to accommodate an 8.8m service vehicle;
- Dedication of approximately 9m of the full frontage of the subject property as a public road reserve;
- Creation of a right of carriageway easement in favour of Council over the adjacent lot (Lot 13 DP 1151952) approximately 9m of the full frontage of the lot;
- Connections to services including water and underground power;
- Construction of ½ road as per design from Olive Street to property boundary; and
- An effluent management report to demonstrate how on-site effluent can be managed in accordance with the applicable Australian Standards.

In the absence of a suitable storm water design being provided and these matters being resolved, Council staff consider that they are unable adequately assess the likely impacts of the proposed development.

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

The foregoing assessment demonstrates that the subject property is not suitable for the proposed development in the absence of a storm water design that minimises the impact of stormwater on the proposed development and adjoining properties.

Further, in the absence of a suitable storm water design being provided, Council staff consider that there are a number of other matters which cannot be resolved and which prevent Council staff from completing an adequate assessment of the likely impacts of the proposed development.

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

In 2017, Council's practice was to notify a Development Application the development of a *Dwelling*. As such the Development Application was notified to all immediately adjoining and proximate landowners. Following the notification process four submissions were received. The key issues raised in the submissions are summarised below:

Submission 1

- The Development Application includes a 'Bio Tank'. Do Bio Tanks require an irrigation area? It will be Council to ensure that the Bio Tank meets the relevant specifications.
- Concerned about the width of Banana Street and access to other block, including the submitters block.
- The subject property drains poorly. In the event that Council approves the proposed development it would need to be very diligent to ensure that there are no ramifications to Council should the block be saturated with water.
- The drain that the applicant intends to fill, often runs at full capacity, which can be over 1m wide and 30cm, deep. How can the applicant ensure that it will not cause undue blockage of water flow.
- There is a deep drain located behind the boundaries of properties along Olive Street. What are the roles and responsibilities of:
 - a. The applicant?
 - b. Blayney Shire Council in regard to ensuring its continued future use? If the lane is to remain accessible to all the landowners from 37 – 47 Olive Street, then what happens to the drain?

Submission 2

- The possible impact of drainage as there is a very large catchment which is channelled into that area during prolonged heavy rain.
- At the junction of Silver and Banana Street is a drainage area and during wetter months it only takes very limited traffic to start to churn this area up with a much higher vehicle access this could become a problem, as may Silver Street itself.

- Gaining ready access to the rear of the submitters block may become problematic in the future.
- Would underground power connection be the preferred method.

Submission 3

- There is nothing mentioned about the drain that travels the length of the 6m wide lane. Large amounts of water flow down this drain in heavy rain and the drain currently sits approximately in the middle of the lane, stopping access to 37,39,41,43, 45 and 47 Olive Street.
- How large is the pipe going to be to cope with all the water that flows from the railway line across the current spoon drain (easement) and there has been some erosion already where earthworks have already commenced and we've only had up to an inch at a time.
- My understanding is that the laneway must also be made into an all-weather lane. There is no mention of this.
- Having lived in Mandurama for ten years I have seen copious amounts of water flowing down both the lane and easement and I believe any restriction placed on either water course would cause a backup of water possibly causing flooding to those properties mentioned. This is a major concern to all. Council should take this into account when considering the proposed development.

Submission 4

- I am concerned that any amount of water restriction could cause flooding to all blocks upstream.
- In the 35 years that I have been here, I have seen water flowing from the Railway Line all across to the lane and actually into my property. Since the spoon drain was deepened (by Council I presume) this has not happened as the small drains bank held it at bay.
- Access by Polpure and any access to my block would be sopped unless something was done i.e. adjustment to the lane and lane driveway.

The foregoing submissions are acknowledged and have been taken into consideration as part of Council's assessment of the proposed development, including the recommendation for refusal.

Notably, all submissions focus on storm water and the potential issues associated with the proposed development.

Section 4.15(1)(e) The public interest

The proposed development is considered to be of minor interest to the wider public due to the localised nature of potential impacts.

Notwithstanding, in the absence of a suitable storm water design being provided and a complete assessment being undertaken, Council staff consider that the proposed development is not in the public interest.

Summary / Conclusion

The key issue for consideration is the extent to which the subject property is affected by stormwater. In this regard, Council staff are of the opinion that the proposed development should be designed in a manner which minimises the impact of stormwater on the proposed development and adjoining properties.

In the absence of such a design, it is considered that the proposed development should be refused for the reasons detailed in this report.

The balance of the matters that are unresolved are secondary to stormwater and can only be resolved subject to a suitable storm water design being provided.

On this basis it is considered that the Development Application should also be refused on the basis that:

- 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.

Risk/Policy/Legislation Considerations:

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

Budget Implications:

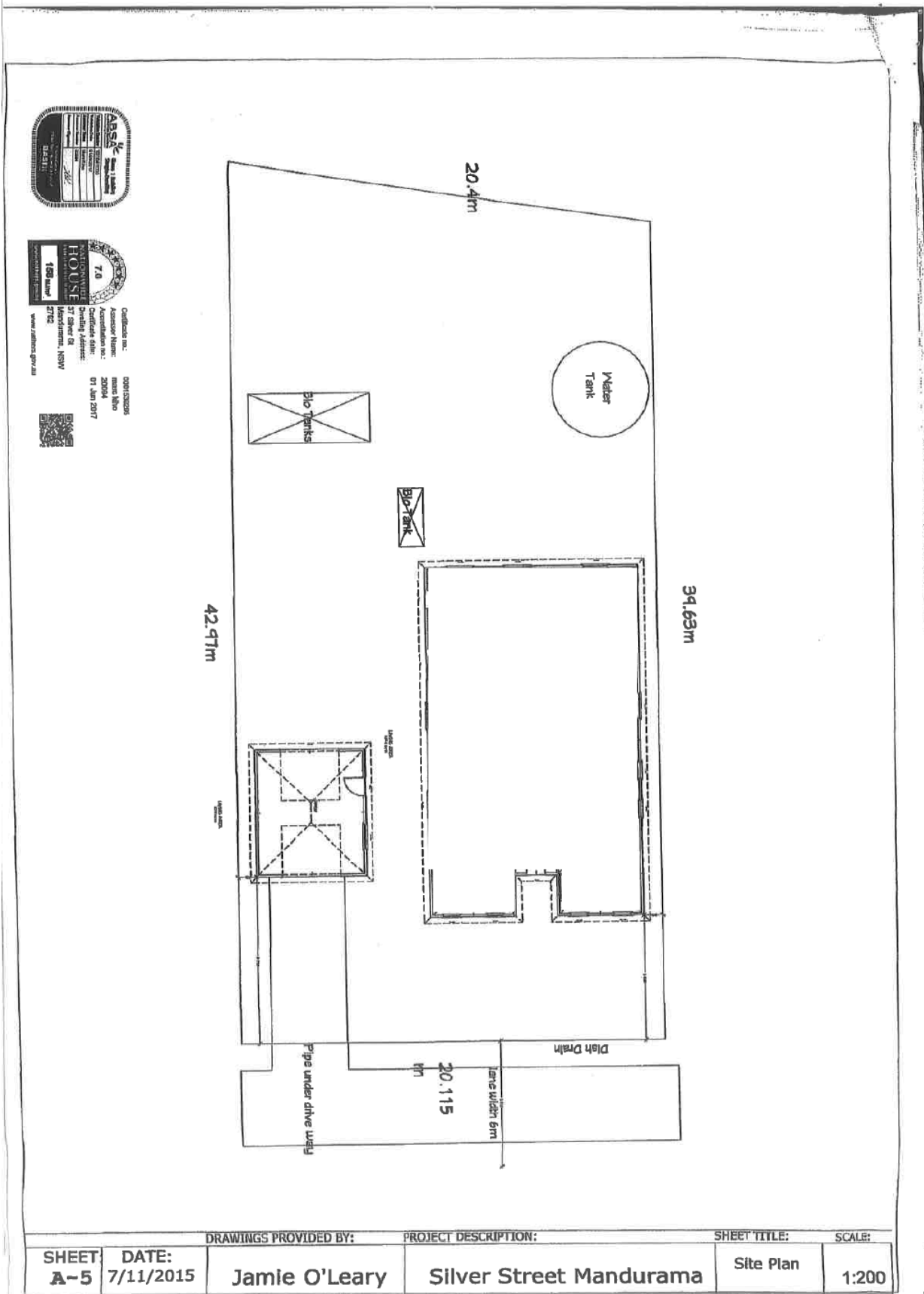
Nil.



Enclosures (following report)

- 1 Development Application 5 Pages
- 2 Development Application 130 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.
- 3 Submissions 7 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.
- 4 GHD Report Banana Street Upgrade - Concept Design Report 22 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.

Attachments (separate document)


Nil

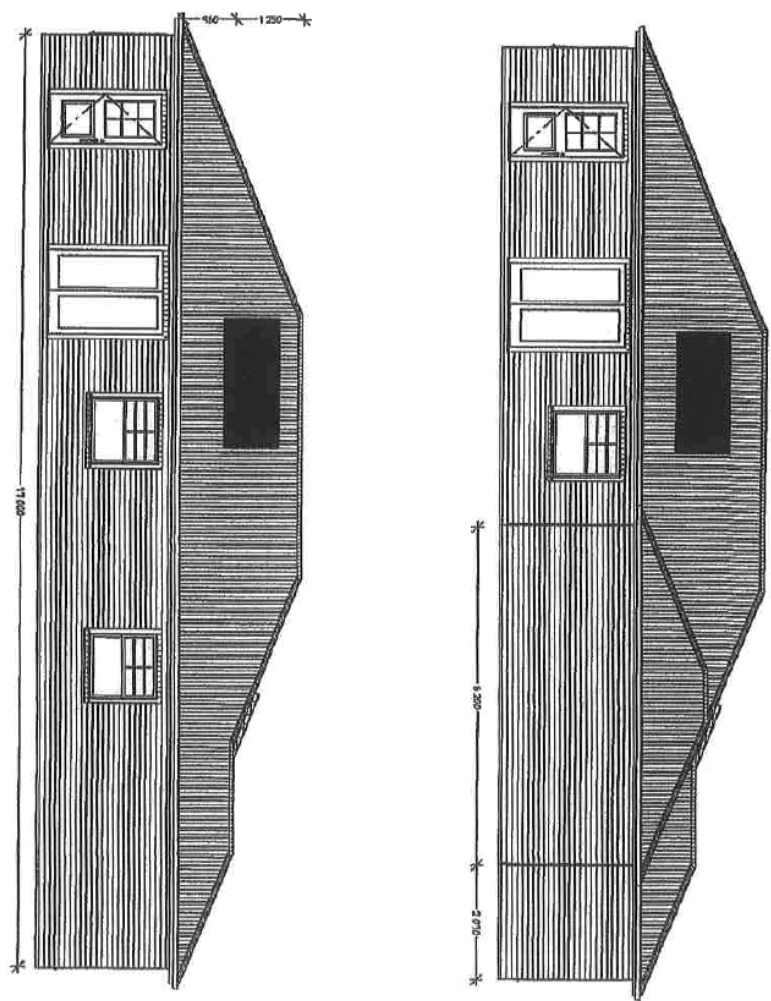




7.0
HOUSE
 159 Area
 2712
 Mandurama, NSW
 www.asb.com.au

Certificate No.: 1001200000
 Issued on: 10/01/2017
 Expiry Date: 01/Jan/2017
 Issued by: 20004




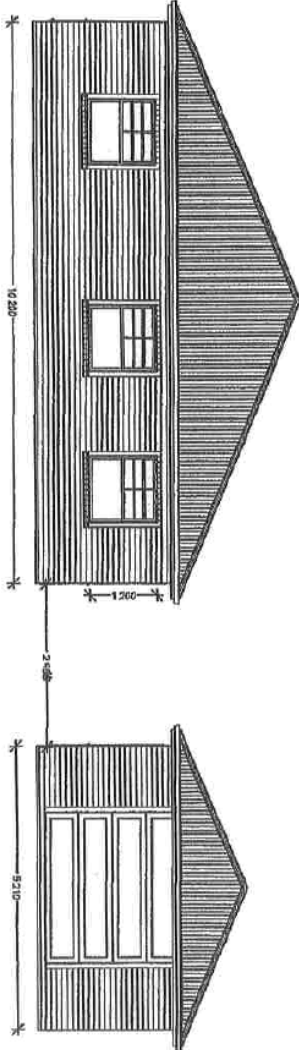


SHEET	DATE:	DRAWINGS PROVIDED BY:	PROJECT DESCRIPTION:	SHEET TITLE:	SCALE:
A-3	7/11/2015	Jamie O'Leary	Silver Street Mandurama	North East Elevation	1:100

Certificate no.:
 Assessor Name: **max leop**
 Accreditation no.: 20064
 Certificate date: 01 Jun 2017
 Building Address:
 37 Silver St
 Mandurama, NSW
 2782
 www.mandurama.gov.au

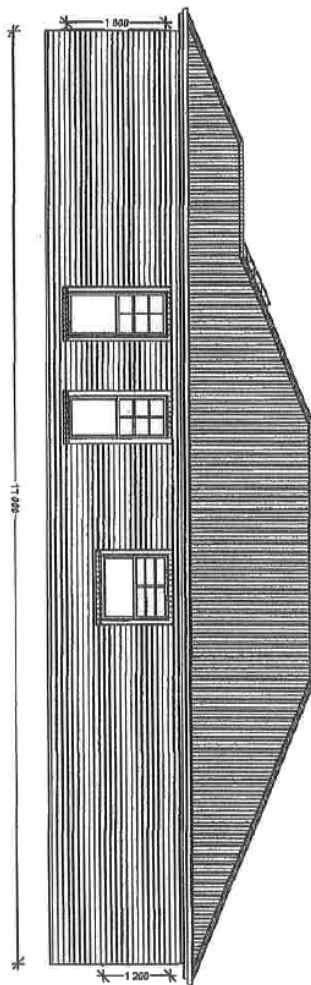




SHEET	DATE:	DRAWINGS PROVIDED BY:	PROJECT DESCRIPTION:	SHEET TITLE:	SCALE:
A-4	7/11/2015	Jamie O'Leary	Silver Street Mandurama	South East Elevation	1:100



Certified no.: 0081/02028
 Assessor Name: Jamie O'Leary
 Assessor No.: 20094
 Commission date: 01 Jun 2017
 Drawing Address:
 37 Silver St
 Mandurama, NSW
 2172
 www.austlii.gov.au



DRAWINGS PROVIDED BY:		PROJECT DESCRIPTION:		SHEET TITLE:	SCALE:
SHEET A-5	DATE: 7/11/2015	Jamie O'Leary	Silver Street Mandurama	South West Elevation	1:100

Matters to be dealt with in closed committee

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

20) 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.

21) 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.