



14 December 2022

Dear Councillor,

Your attendance is requested at an Ordinary Council Meeting of the Blayney Shire Council to be held in the Chambers, Blayney Shire Community Centre on Monday, 19 December 2022 at 5.00pm for consideration of the following business -

- (1) Livestreaming Video and Audio Check
- (2) Acknowledgement of Country
- (3) Recording of Meeting Statement
- (4) Apologies for non-attendance
- (5) Disclosures of Interest
- (6) Public Forum
- (7) Mayoral Minute
- (8) Confirmation of Minutes - Ordinary Council Meeting held on 21.11.22
- (9) Matters arising from Minutes
- (10) Reports of Staff
  - (a) Executive Services
  - (b) Corporate Services
  - (c) Infrastructure Services
  - (d) Planning and Environmental Services
- (11) Delegates Reports
- (12) Closed Meeting

Yours faithfully

Mark Dicker  
**General Manager**

## Meeting Calendar 2022/2023

### December

| <u>Time</u> | <u>Date</u>      | <u>Meeting</u>  | <u>Location</u>  |
|-------------|------------------|-----------------|------------------|
| 5.00pm      | 19 December 2022 | Council Meeting | Community Centre |

### January

| <u>Time</u> | <u>Date</u>     | <u>Meeting</u>                | <u>Location</u> |
|-------------|-----------------|-------------------------------|-----------------|
| 8.00am      | 26 January 2023 | Australia Day Awards Ceremony | Heritage Park   |

### February

| <u>Time</u> | <u>Date</u>      | <u>Meeting</u>                                | <u>Location</u>  |
|-------------|------------------|---|------------------|
| 6.00pm      | 14 February 2023 | Council Meeting                               | Community Centre |
| 10.30am     | 15 February 2023 | Central Tablelands Water Meeting              | Blayney          |
| 9.00am      | 16 February 2023 | Audit, Risk and Improvement Committee Meeting | Blayney          |
| 9.00am      | 21 February 2023 | Country Mayors Association                    | Sydney           |
| 9.00am      | 22 February 2023 | Mining and Energy Related Councils Meeting    | Sydney           |
| 10.00am     | 23 February 2023 | Central NSW JO Board Meeting                  | Forbes           |

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**HELD ON MONDAY 19 DECEMBER 2022**

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## **LIVE STREAMING OF COUNCIL MEETINGS**

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

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

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

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

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

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

**01) MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 21 NOVEMBER 2022****Department:** Executive Services**Author:** General Manager**CSP Link:** 2. Build the Capacity and Capability of Local Governance and Finance**File No:** GO.ME.3**Recommendation:**

That the Minutes of the Ordinary Council Meeting held on 21 November 2022, being minute numbers 2211/001 to 2211/019 be confirmed.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE, ON 21 NOVEMBER 2022, COMMENCING AT 5.00PM**

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

General Manager (Mr M Dicker), Director Corporate Services (Mr A Franze), Director Infrastructure Services (Mr J Hogan), Director Planning & Environmental Services (Mr A Muir) and Executive Assistant to the General Manager (Mrs L Ferson)

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

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

| <b>Councillor /Staff</b> | <b>Interest</b>                       | <b>Item</b> | <b>Pg</b> | <b>Report</b>  | <b>Reason</b>                   |
|--------------------------|---------------------------------------|-------------|-----------|--|---------------------------------|
| Cr Reynolds              | Non Pecuniary (Less than Significant) | 2           | 3         | Mayoral Minute – Declaration of Statewide Road Emergency | Campaign Manager for Paul Toole |

**PUBLIC FORUM**

Suellen Manyweathers – Item 16 – Planning Proposal to Amend the Blayney Local Environmental Plan 2012 – PP2: Millthorpe and Surrounds

**MAYORAL MINUTE - MINUTE'S SILENCE TO  
ACKNOWLEDGE THE PASSING OF JIM CANTRILL**

Councillors held a minute's silence to acknowledge the passing of former Councillor Jim (James) Cantrill. Jim served the community as a Councillor from 1983 to 1991.

Cr Reynolds, having declared an interest, left the meeting.

**MAYORAL MINUTE - DECLARATION OF STATEWIDE ROAD  
EMERGENCY**

2211/001

**RESOLVED:**

That Blayney Shire Council joins with Local Government NSW and Country Mayors Association of NSW in declaring a Statewide Road Emergency.

(Ferguson/Ewin)  
**CARRIED**

Cr Reynolds returned to the meeting.

**CONFIRMATION OF MINUTES**

**MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 17  
OCTOBER 2022**

2211/002

**RESOLVED:**

That the Minutes of the Ordinary Council Meeting held on 17 October 2022, being minute numbers 2210/001 to 2210/021 be confirmed.

Pryse Jones/Newstead)  
**CARRIED**

**MATTERS ARISING FROM THE MINUTES**

Cr Somerville asked that the minutes be amended to include the word **CARRIED** after the amendment relating to DA46/2022 – Erection of a Shed and Carport – 30 Springvale Lane Millthorpe. Cr Somerville questioned whether a call for a division on the amendment should have been recorded.

**EXECUTIVE SERVICES REPORTS**

**ORGANISATIONAL STRUCTURE**

2211/003

**RESOLVED:**

That Council:

1. Determines that the General Manager is the only senior staff position within Council,
2. Approves the organisation structure as presented with the Directorates of: Executive Services, Planning and Environmental Services, Corporate Services and Infrastructure Services.

(Ewin/Somerville)  
**CARRIED**

**IPART - REVIEW OF RATE PEG METHODOLOGY  
SUBMISSION**

2211/004

**RESOLVED:**

That Council note the submissions to IPART regarding the review of rate peg methodology.

(Reynolds/Gosewisch)

**CARRIED**

**CORPORATE SERVICES REPORTS**

**REPORT OF COUNCIL INVESTMENTS AS AT 31 OCTOBER  
2022**

2211/005

**RESOLVED:**

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

(Somerville/Pryse Jones)

**CARRIED**

**QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER  
2022**

2211/006

**RESOLVED:**

1. That the Quarterly Budget Review Statement for the quarter ending 30 September 2022 be received.
2. That the supplementary votes of (\$1.11m) nett proposed in the Quarterly Budget Review Statement be adopted, resulting in an increase to capital expenditure of \$427k, an increase to operating expenditure of \$1.21m and an increase in income of \$525k (which includes an increase of \$58k in capital income).

(Reynolds/Gosewisch)

**CARRIED**

**PRESENTATION**

NSW Audit Office – Presentation of Financial Statements –  
Karen Taylor

**2021/22 AUDITED FINANCIAL STATEMENTS**

2211/007

**RESOLVED:**

That Council adopt the 2021/22 Financial Statements and accept the Auditor's Report, as submitted by the NSW Audit Office.

(Reynolds/Pryse Jones)

**CARRIED**

**REVIEW OF DELEGATIONS REGISTER**

2211/008

**RESOLVED:**

That Council adopt the Delegations Register as tabled.

(Somerville/Newstead)

**CARRIED**



**REVIEW OF COUNCIL POLICIES**

2211/009

**RESOLVED:**

1. That the following policies be endorsed by Council and be placed on public exhibition for a period of not less than 28 days:
  - Information Technology Security and Usage Policy
  - Signs as Remote Supervision Policy
2. Should no submissions be received during the public exhibition the policies are adopted and included in the Council Policy register.
3. That Council rescind Community Banner Usage Policy and develop a guideline, to inform and assist event owners.

(Gosewisch/Ewin)

**CARRIED****ADOPTION OF COUNCIL POLICIES**

2211/010

**RESOLVED:**

That Council adopt the following policies and they be included in Council Policy register.

- Disposal of Assets Policy
- Pensioner and Hardship Policy
- Privacy Management Plan
- Unreasonable or Unreasonably Persistent Customer Policy
- Work Health and Safety Policy
- Email and Internet Policy
- Information Security Policy
- Mobile Device Usage Policy
- Pathway Hierarchy Standard and Maintenance Policy
- Road Hierarchy Renewal and Maintenance Policy
- Voluntary Planning Agreement Policy
- Waste Collection Services Policy

(Pryse Jones/Ewin)

**CARRIED****DISABILITY INCLUSION ACTION PLAN ANNUAL REPORT**

2211/011

**RESOLVED:**

That the Annual Report on the Disability Inclusion Action Plan for the year ended 30 June 2022 be received.

(Reynolds/Gosewisch)

**CARRIED****DRAFT 2022 - 2026 DISABILITY INCLUSION ACTION PLAN**

2211/012

**RESOLVED:**

That Council defer this item to the next Council meeting.

(Reynolds/Pryse Jones)

**CARRIED**

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

2211/013

**RESOLVED:**

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

(Reynolds/Pryse Jones)

**CARRIED****2022/23 CAPITAL WORKS PROGRAM PRIORITISATION**

2211/014

**RESOLVED:**

That Council note the 2022/23 Capital Works Program Prioritisation.

(Newstead/Pryse Jones)

**CARRIED****PLANNING AND ENVIRONMENTAL SERVICES REPORTS****PLANNING PROPOSAL TO AMEND THE BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 - PP2: MILLTHORPE AND SURROUNDS**

2211/015

**RESOLVED:**

That Council

1. Endorse, as exhibited, the amendment to the Blayney Local Environmental Plan 2012 PP2 as outlined in this report including addendum PP2C.
2. In addition to the exhibited Planning Proposal, a maximum lot yield of 5 potential lots be placed on the land pertinent to PP2D: 78 Clover Ridge Road.
3. In exercising its delegation under Section 3.36 of the Environmental Planning and Assessment Act 1979, as endorsed by NSW Department Planning and Environment, forward the required documentation to Parliamentary Counsel for opinion to amend the Blayney Local Environmental Plan 2012.

(Reynolds/Somervaille)

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

**FOR****AGAINST**

Councillor Ewin

Councillor Ferguson

Councillor Somervaille

Councillor Reynolds

Councillor Newstead

Councillor Pryse Jones

Councillor Gosewisch

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

**CARRIED****CLOSED MEETING****2211/016 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:

**CONTRACT 05/2022: DESIGN AND CONSTRUCTION OF BELUBULA WAY BRIDGE OVER ICELY CREEK**

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

**LEGAL MATTER**

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

(Pryse Jones/Reynolds)

**CARRIED****CONFIDENTIAL MEETING REPORTS****CONTRACT 05/2022: DESIGN AND CONSTRUCTION OF BELUBULA WAY BRIDGE OVER ICELY CREEK****2211/017 RESOLVED:**

That Council subject to being successful under Resources for Regions Round 9, accept the tender from Murray Construction Pty Ltd for the Design and Construction of Belubula Way Bridge over Icelly Creek (Contract 05/2022), for the value of \$1,309,202.00 (\$1,440,122.20 inc. GST) and subject to variations.

(Newstead/Gosewisch)

**CARRIED****LEGAL MATTER****2211/018 RESOLVED:**

That Council receive and note the report.

(Reynolds/Gosewisch)

**CARRIED**

**2211/019 RESOLVED:**

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

(Newstead/Gosewisch)

**CARRIED**

**AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBERS 2211/017 AND 2211/018.**

There being no further business, the meeting concluded at 6.28pm.

The Minute Numbers 2211/001 to 2211/019 were confirmed on 19 December 2022 and are a full and accurate record of proceedings of the Ordinary Meeting held on 21 November 2022.

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Cr S Ferguson  
**MAYOR**

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Mr M Dicker  
**GENERAL MANAGER**

02) **QUESTIONS TAKEN ON NOTICE AT THE PREVIOUS COUNCIL MEETING HELD 21 NOVEMBER 2022**

**Department:** Executive Services

**Author:** General Manager

**CSP Link:** 2. Build the Capacity and Capability of Local Governance and Finance

**File No:** GO.ME.3

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**Recommendation:**

That the questions taken on notice at the Ordinary Council Meeting held on 21 November 2022 and the subsequent response be received and noted.

**Reason for Report:**

To formally record questions taken on notice at the previous Council meeting and subsequent response.

**Report:**

Question:

Cr. Somervaille questioned whether the minutes of the October 2022 Council meeting regarding, specifically resolution 2210/016, DA46/2022 - Erection of a Shed and Carport – 30 Springvale Lane, Millthorpe;

1. If 'CARRIED' is required to be inserted after the amendment?
2. If a division for the amendment by Cr Reynolds and Cr Pryse Jones that became the substantive motion is required to be recorded?

Response:

CARRIED has been inserted to the minutes after the amendment.

Under Voting on Planning Decisions, clause 11.11 of the Code of Meeting Practice states the following:

*For the purposes of maintaining a register a division is taken to have been called whenever a motion for a planning decision is put at a meeting of the council or a council committee.*

This reflects Section 375A of the *Local Government Act 1993* which defines a planning decision as *a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979*. As the vote was for a motion for an amendment, a division is not required. The amendment was successful and became the motion for the planning decision that was put to a vote. This outcome was the *planning decision* and a division was recorded accordingly.

**Question:**

Cr. Somervaille enquired as to why the significant deviation in investment returns (%), disclosed in the Report of Council Investments as at 31 October 2022, for those investments maturing on the same day.

**Response:**

There is a significant deviation in investment returns for investments maturing 15/08/2023 and 10/10/2023. There are a number of investments made in 2021 that were invested for a 2 year period, that at the time were most attractive and were to maximise Council's investment return. It so happens, by coincidence, that Council also has other investments made more recently at significantly higher rates of return also maturing on those same days.

**Question:**

Cr. Reynolds enquired of the Report of Council Investments as at 31 October 2022, whether there was any potential for Council to break investments with poor returns and investing funds at more attractive returns.

**Response:**

An enquiry was made of institutions that hold the poor performing investments, who have clarified that break costs would apply in the event that Council called the poorer performing investments before the scheduled maturity date.

A 30 day period of notice is required and a break fee is applicable, similar to that of loans, that is the equivalent of the difference of the invested rate (%) and market rate (%). On this basis a calculation was undertaken on the Westpac investment at 0.53% maturing in August 2023. It was found that the outcome would not be favourable to break the investment and a forecast loss of \$1,566 would result.

**Risk/Policy/Legislation Considerations:**

Nil

**Budget Implications:**

Nil

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**03) COUNCIL MEETING DATES****Department:** Executive Services**Author:** General Manager**CSP Link:** 2. Build the Capacity and Capability of Local Governance and Finance**File No:** GO.ME.2

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**Recommendation:**

That Council;

1. Adopt the following amended dates and times for Ordinary Meetings of Council until September 2023 (all commencing 6.00pm) in the Blayney Shire Community Centre:
  - 14 February 2023
  - 21 March 2023
  - 18 April 2023
  - 16 May 2023
  - 6 June 2023
  - 27 June 2023
  - 18 July 2023
  - 15 August 2023
  - 19 September 2023
2. Amend section 3.1 of Policy 1C – Code of Meeting Practice to reflect the change in meeting day and time.

**Reason for Report:**

For Council to review and adopt an updated meeting schedule for the Ordinary Meetings of Council until September 2023.

**Report:**

Council resolved at the September Council meeting the days and times for Council meetings for the next 12-month period, which included a new start time of 5pm. Following review of the first 3 Council meetings, it is proposed to set a new schedule of meetings being predominantly 6pm on the 3<sup>rd</sup> Tuesday of the month.

**Notes:**

- It is proposed to change the February 2023 Council meeting from 3<sup>rd</sup> week (21 Feb) to 2<sup>nd</sup> week, Tuesday 14<sup>th</sup> February, as;
  - It brings the February meeting forward 1 week, given there is no January meeting, and
  - There are multiple commitments in Sydney the 3<sup>rd</sup> week of February (Mining & Energy Related Councils, LGNSW and Central JO meeting in Forbes).

- There are 2 meetings proposed in June 2023.
  - 27 June is needed to enable sufficient time for the 28-day public exhibition following adoption of the draft Integrated Planning & Reporting documentation at the 16 May meeting.
  - 6 June (1<sup>st</sup> Tuesday of the month) is a proposed meeting given there is a 6-week period between 16 May and 27 June which is considered too long between meetings.

The recommended schedule does not preclude the calling of an Extraordinary Meeting when the necessity arises for a particular issue, at the request of Councillors or staff by the authorisation of the Mayor. In this regard an Extraordinary meeting may be required in August to facilitate timely adoption of the financial statements.

**Risk/Policy/Legislation Considerations:**

Nil

**Budget Implications:**

Nil

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil



**04) REPORT OF COUNCIL INVESTMENTS AS AT 30 NOVEMBER 2022**

**Department:** Corporate Services

**Author:** Chief Financial Officer

**CSP Link:** 2. Build the Capacity and Capability of Local Governance and Finance

**File No:** FM.AU.1

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**Recommendation:**

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

**Reason for Report:**

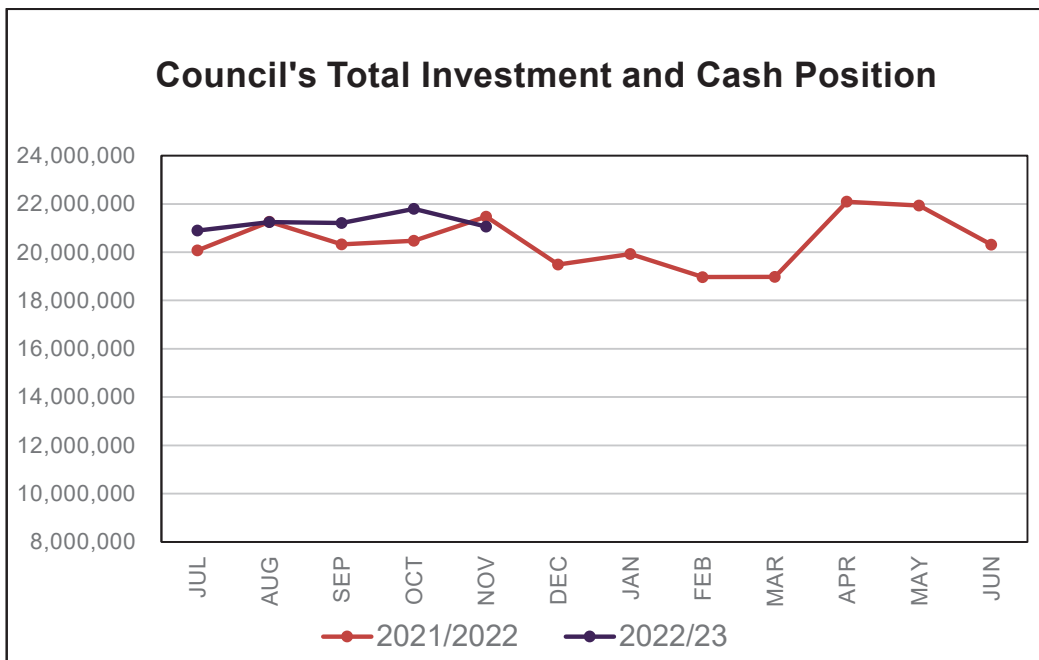
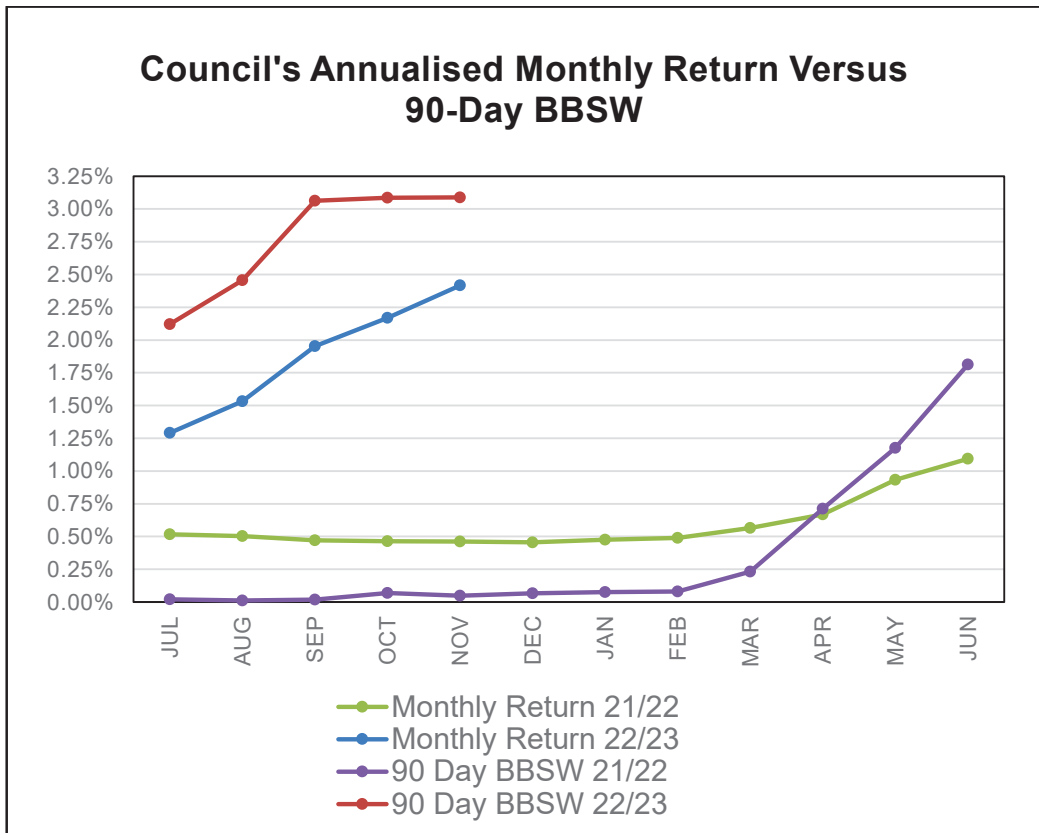
For Council to endorse the Report of Council Investments as at 30 November 2022.

**Report:**

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

Council's total investment and cash position as at 30 November 2022 is \$21,055,787. Investments earned interest of \$37,423.56 for the month of November 2022.

Council's monthly net return on Term Deposits annualised for November was 2.42% which did not outperform the 90-day Bank Bill Swap Rate of 3.09%. During the month of November, the Bank Bill Swap Rate did not change. As existing term deposits, which were locked in at significantly lower rates, reach maturity the annualised monthly rate of interest should increase in line with the Bank Bill Swap Rate. This will be subject to the trajectory of interest rates going forward.



| <b>Register of Investments and Cash as at 30 November 2022</b> |               |                                  |                 |                      |                      |
|--|---------------|----------------------------------|-----------------|----------------------|----------------------|
| <b>Institution</b>   | <b>Method</b> | <b>Rating</b>                    | <b>Maturity</b> | <b>Amount<br/>\$</b> | <b>Interest Rate</b> |
| Bank of Queensland   | Curve         | A2/BBB+                          | 06/12/2022      | 500,000              | 0.650%               |
| NAB  | Direct        | A1+/AA-                          | 06/12/2022      | 500,000              | 0.650%               |
| MyState Bank Ltd   | Curve         | A2/BBB                           | 13/12/2022      | 500,000              | 1.000%               |
| NAB  | Direct        | A1+/AA-                          | 10/01/2023      | 500,000              | 0.750%               |
| CBA  | Direct        | A1+/AA-                          | 24/01/2023      | 500,000              | 0.760%               |
| NAB  | Direct        | A1+/AA-                          | 07/02/2023      | 500,000              | 0.770%               |
| Westpac  | Direct        | A1+/AA-                          | 21/02/2023      | 500,000              | 2.310%               |
| NAB  | Direct        | A1+/AA-                          | 22/02/2023      | 500,000              | 0.850%               |
| Reliance Bank  | Direct        | Unrated                          | 07/03/2023      | 500,000              | 3.430%               |
| ME Bank  | IAM           | A2/BBB+                          | 14/03/2023      | 500,000              | 1.120%               |
| CBA  | Direct        | A1+/AA-                          | 28/03/2023      | 500,000              | 1.300%               |
| Macquarie Bank   | IAM           | A1/A+                            | 28/03/2023      | 500,000              | 1.600%               |
| CBA  | Direct        | A1+/AA-                          | 11/04/2023      | 500,000              | 1.850%               |
| NAB  | Direct        | A1+/AA-                          | 18/04/2023      | 500,000              | 2.100%               |
| NAB  | Direct        | A1+/AA-                          | 02/05/2023      | 500,000              | 4.020%               |
| NAB  | Direct        | A1+/AA-                          | 09/05/2023      | 500,000              | 2.750%               |
| NAB  | Direct        | A1+/AA-                          | 23/05/2023      | 500,000              | 2.800%               |
| Westpac  | Direct        | A1+/AA-                          | 23/05/2023      | 500,000              | 2.780%               |
| Westpac  | Direct        | A1+/AA-                          | 06/06/2023      | 500,000              | 3.220%               |
| Westpac  | Direct        | A1+/AA-                          | 20/06/2023      | 500,000              | 3.990%               |
| NAB  | Direct        | A1+/AA-                          | 20/06/2023      | 500,000              | 0.600%               |
| Westpac  | Direct        | A1+/AA-                          | 04/07/2023      | 500,000              | 3.760%               |
| CBA  | Direct        | A1+/AA-                          | 18/07/2023      | 500,000              | 4.130%               |
| ME Bank  | IAM           | A2/BBB+                          | 01/08/2023      | 500,000              | 3.770%               |
| Westpac  | Direct        | A1+/AA-                          | 15/08/2023      | 500,000              | 0.530%               |
| CBA  | Direct        | A1+/AA-                          | 15/08/2023      | 500,000              | 3.980%               |
| NAB  | Direct        | A1+/AA-                          | 29/08/2023      | 500,000              | 4.050%               |
| CBA  | Direct        | A1+/AA-                          | 12/09/2023      | 500,000              | 4.060%               |
| CBA  | Direct        | A1+/AA-                          | 26/09/2023      | 500,000              | 4.640%               |
| Bank of Queensland   | Curve         | A2/BBB+                          | 10/10/2023      | 500,000              | 4.200%               |
| Westpac  | Direct        | A1+/AA-                          | 10/10/2023      | 500,000              | 0.720%               |
| CBA  | Direct        | A1+/AA-                          | 17/10/2023      | 500,000              | 4.420%               |
| CBA  | Direct        | A1+/AA-                          | 31/10/2023      | 500,000              | 4.480%               |
| Reliance Bank  | Direct        | Unrated                          | 21/11/2023      | 500,000              | 4.100%               |
| Westpac  | Direct        | A1+/AA-                          | 21/11/2023      | 500,000              | 4.350%               |
| Macquarie Bank   | IAM           | A1/A+                            | 28/11/2023      | 500,000              | 4.200%               |
| Westpac  | Direct        | A1+/AA-                          | 28/11/2023      | 500,000              | 4.390%               |
| <b>Total Investments</b>                                       |               |                                  |                 | <b>18,500,000</b>    | <b>2.678%</b>        |
| Commonwealth Bank - At Call Account <sup>(1)</sup>             |               |                                  |                 | 1,264,101            | 2.900%               |
| Commonwealth Bank Balance - General <sup>(1)</sup>             |               |                                  |                 | 1,109,444            | 2.700%               |
| Reliance Bank <sup>(1)</sup>                                   |               |                                  |                 | 182,242              | 0.000%               |
| <b>Total Cash &amp; Investments</b>                            |               |                                  |                 | <b>21,055,787</b>    |                      |
| Benchmarks:  |               | BBSW 90 Day Index <sup>(1)</sup> |                 |                      | 3.089%               |
|  |               | RBA Cash Rate <sup>(1)</sup>     |                 |                      | 2.850%               |

| <b>Summary of Investment Movements - November 2022</b> |  |                                    |
|--|--|------------------------------------|
| <b>Financial Institution</b>                           | <b>Invest/(Recall)<br/>Amount<br/>\$</b> | <b>Commentary</b>                  |
| CBA  | (503,490)                                | Term deposit matured 01/11/2022    |
| CBA  | 500,000                                  | Term deposit reinvested 01/11/2022 |
| NAB  | (502,643)                                | Term deposit matured 15/11/2022    |
| NAB  | 500,000                                  | Term deposit reinvested 15/11/2022 |
| Reliance bank  | (501,995)                                | Term deposit matured 22/11/2022    |
| Reliance bank  | 500,000                                  | Term deposit reinvested 22/11/2022 |
| Westpac  | (505,331)                                | Term deposit matured 22/11/2022    |
| Westpac  | 500,000                                  | Term deposit reinvested 22/11/2022 |
| Westpac  | (502,742)                                | Term deposit matured 29/11/2022    |
| Westpac  | 500,000                                  | Term deposit reinvested 29/11/2022 |
| Macquarie bank   | (502,493)                                | Term deposit matured 29/11/2022    |
| Macquarie bank   | 500,000                                  | Term deposit reinvested 29/11/2022 |

| <b>Long Term Credit Rating (or<br/>Moody's, Fitch, S&amp;P or<br/>Equivalent)</b> | <b>Policy<br/>Maximum</b> | <b>Current<br/>Holding<br/>%</b> | <b>Current Holding<br/>\$</b> |
|---|---------------------------|----------------------------------|-------------------------------|
| TCorp IM Funds  | 100%                      | 0%                               | -                             |
| AAA – AA Category   | 100%                      | 76%                              | 14,000,000                    |
| A- Category   | 40%                       | 5%                               | 1,000,000                     |
| BBB+ Category   | 25%                       | 11%                              | 2,000,000                     |
| BBB Category  | 5%                        | 3%                               | 500,000                       |
| BBB- Category and<br>below: Local <sup>(2)</sup> ADI's                            | 10%                       | 5%                               | 1,000,000                     |
| BBB+ / BBB / BBB- &<br>below categories combined                                  | 25%                       | 19%                              |                               |
| 2. ADI's located within the Local Government Area                                 |                           |                                  | 18,500,000                    |

| <b>Individual Institution Limit</b> | <b>Rating</b> | <b>Policy Maximum</b> | <b>Current Holding</b> |
|-------------------------------------|---------------|-----------------------|------------------------|
| Bank of Queensland                  | A2/BBB+       | 1,000,000             | 1,000,000              |
| CBA                                 | A1+/AA-       | 5,000,000             | 4,500,000              |
| Macquarie Bank                      | A1/A+         | 3,000,000             | 1,000,000              |
| 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             | 1,000,000              |
| Westpac                             | A1+/AA-       | 5,000,000             | 4,500,000              |

| <b>Summary of Restricted, Allocated and Unrestricted Cash &amp; Investments</b> |   |   |   |
|---|---|---|---|
|   | <b>Actual<br/>30/06/2022<br/>\$ 000's</b> | <b>Actual<sup>(1)</sup><br/>30/11/2022<br/>\$ 000's</b> | <b>Forecast<sup>(2)</sup><br/>30/06/2023<br/>\$ 000's</b> |
| External Restrictions   | 13,097                                    | 14,185  | 9,856   |
| Internal Allocations  | 7,120                                     | 5,555   | 4,815   |
| <b>Total Restricted, Allocated Cash &amp; Investments</b>                       | <b>20,217</b>                             | <b>19,740</b>   | <b>14,671</b>   |
| Unrestricted Cash   | 81  | 1,316   | 2,871   |
| <b>Total Restricted, Allocated and Unrestricted<br/>Cash &amp; Investments</b>  | <b>20,298</b>                             | <b>21,056</b>   | <b>17,542</b>   |

<sup>(1)</sup> Balances are indicative and represent best available information as at 30/11/2022.

<sup>(2)</sup> Balances are informed by the Long Term Financial Plan and based on the best available information at time of preparation.

#### 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

**05) 2024 ELECTION SERVICES****Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 2. Build the Capacity and Capability of Local Governance and Finance**File No:** GO.EL.4

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**Recommendation:**

That the Blayney Shire Council (“the Council”) resolves:

1. Pursuant to s. 296(2) and (3) of the *Local Government Act 1993* (NSW) (“the Act”) that an election arrangement be entered into by contract for the Electoral Commissioner (NSW Electoral Commission) to administer all elections of the Council.
2. pursuant to s. 296(2) and (3) of the Act, as applied and modified by s.18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
3. pursuant to s. 296(2) and (3) of the Act, as applied and modified by s.18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

**Reason for Report:**

For Council to determine the conduct of the September 2024 Local Government Election.

**Report:**

Council is in receipt of advice from the Office of Local Government (Circular No. 22-35) that it must pass a resolution to endorse NSW Electoral Commission (NSWEC) to conduct the 2024 Local Government Elections if they wish for the NSWEC to conduct the election. This resolution must be furnished to the NSWEC by 13 March 2023.

The NSWEC has a long association of provision of such services and have also presented opportunities for Council to share resources with adjoining Councils to minimise election costs. Furthermore, Council is not aware of any providers of election services in the local area.

**Risk/Policy/Legislation Considerations:**

Council is obligated under s.296 of the Government Act to make a resolution to engage the NSW Electoral Commission at least 18 months prior to conduct of the next ordinary election.

If Council does not resolve to engage the NSWEC to administer its elections by 13 March 2023, it must engage another electoral services provider to do so. Council must also resolve to adopt an electoral services provider other than the NSWEC, the resolution must state whether the general manager has identified an electoral services provider to be engaged for the next ordinary election and, if so, the name of that provider.

**Budget Implications:**

There is no impact on the 2022/23 Operational Plan. Budget provision for election costs will be made in the 2024/25 Operational Plan. Council makes allowance annually to transfer funds to an election reserve to lessen the impact on cash flow of the election cycle.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**06) ENDORSEMENT OF CORPORATE CREDIT CARD POLICY**

**Department:** Corporate Services

**Author:** Administration Officer Corporate Services

**CSP Link:** 2. Build the Capacity and Capability of Local Governance and Finance

**File No:** GO.PO.1

---

**Recommendation:**

1. That the Corporate Credit Card Policy be endorsed and be placed on public exhibition for a period 42 days.
2. Should no submissions be received during the public exhibition period the Corporate Credit Card Policy be adopted and included in Council's policy register.

**Reason for Report:**

For Council to adopt the Corporate Credit Card Policy.

**Report:**

Council recently reviewed the Corporate Credit Card Policy as part of its policy review process following the election of Council.

The review of the policy has also been undertaken to ensure alignment with the Office of Local Government Guideline on the Use of and Management of Credit Cards (Circular 21-29). The policy also encompasses policy from consultation with Councillors via email and from the November Councillor Workshop.

The objective of this policy is to provide guidance on the provision and use of Council's Corporate Credit Cards and to identify who is entitled to a corporate card, outline the responsibilities of Corporate Card users and identify the permitted users of the cards.

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

It is proposed that the policy be endorsed for public exhibition for an extended period of 42 days by virtue of the Christmas holiday period.

**Risk/Policy/Legislation Considerations:**

Nil

**Budget Implications:**

Nil



**Enclosures (following report)**

1 Draft Corporate Credit Card Policy

6 Pages

**Attachments (separate document)**

Nil



## Corporate Credit Card Policy

|                            |                         |
|----------------------------|-------------------------|
| <b>Policy</b>              | 4C                      |
| <b>Officer Responsible</b> | Chief Financial Officer |
| <b>Last Review Date</b>    | XX/XX/XXXX              |

**Strategic Policy**

**Objectives**

The purpose of the Corporate Credit Card Policy is to provide guidance on the provision and use of Council's Corporate Credit Cards and to identify employees who are is entitled to a corporate card, outline the responsibilities of Corporate Card users and identify the permitted users of the cards.

**Overview**

Council has introduced Corporate Credit Cards with the aim to minimise administration expenses and time inefficiencies with purchases and to ensure effective control and accountability of certain Council purchases and payments.

~~The purpose of the Corporate Credit Card Policy is to identify employees who are entitled to a corporate card, outline the responsibilities of Corporate Card users and identify the permitted users of the cards.~~

**Policy**

The use of a Council Corporate Credit Card must be in accordance with the Corporate Credit Card Policy.

**Scope**

~~These~~This Corporate Credit Card Policy applyapplies to all users of Council's Corporate Credit Cards.

**Responsibilities & Procedures**Cardholders

Corporate Credit Cardholders are responsible for:

- All transactions for which their Council Corporate Credit Card is used.
- Signing the Corporate Card Acknowledgement and Conditions of Use form on receiving the Corporate Card.
- Ensuring the Council Corporate credit is maintained in a secure manner, guarded against improper use and safe keeping of the Corporate Card ~~and~~, immediately reporting to the Bank and Chief Financial Officer if the Corporate Credit Card is lost, stolen, damaged or has suspected fraudulent transactions.
- Taking the appropriate measures to ensure the Corporate Card is not used by another person other than the approved cardholder.
- Exercising professional judgement with regards to Internet purchases in regards to the security of the site.
- Not using the Corporate Credit Card without having read and understood the Corporate Card Policy.
- Ensuring that the Corporate Credit Card is used in accordance with Council's Procurement of Goods and Services policy and other policies, as appropriate.
- Ensuring that all purchases are made within their delegated expenditure limits and that that their credit limit is not exceeded.
- Ensuring that expenditure is contained within available budget limits.

- Reimbursing Council for the cost of purchases deemed not to be for the use of Council, or Council related business within a reasonable period of time.
- Ensuring that a tax invoice, receipt, docket or similar source document is obtained for each transaction and given to the Chief Financial Officer with the completed Cardholder Statement form. EFTPOS receipts do not represent tax invoices and will not be accepted as supporting documentation.
- Completing and submitting the Corporate Credit Card Transaction Declaration form when the original source document for a transaction is lost, stolen, mislaid, damaged or not received.
- Completing the Corporate Card Termination of Use Advice form when forfeiting the Corporate Credit Card due to transferring to another position that does not require a Corporate Credit Card, terminating employment with Council, or any other reason that may warrant the forfeiture of the Corporate Credit Card. A full acquittal of expenditure from previous statement date to termination date shall accompany advice.

#### Mayor

- The initial approval of an application for a credit card by the General Manager.
- Ensuring that the General Manager is made aware of and understands their individual responsibility associated with holding a credit card.
- The prompt receipt, costing and authorisation of transactions for the General Manager.
- Verification and authorisation of monthly statements of credit cards by the General Manager.

#### General Manager, Directors and Managers

General Manager, Directors and Managers are responsible for:

- The initial approval of applications for credit cards by employees within their area of responsibility.
- Ensuring that each employee is made aware of and understands their individual responsibility associated with holding a credit card.
- The prompt receipt, costing and authorisation of transactions for each cardholder within their area of responsibility.
- Verification and authorisation of monthly statements of credit cards by employees within their area of responsibility. In the case of the Mayor, the Chief Financial Officer shall be responsible for review for policy compliance and authorisation.
- Ensuring all issues pertaining to disputed transactions are brought to the attention of the Chief Financial Officer.

#### Chief Financial Officer

The Chief Financial Officer (or their delegate) is responsible for:

- Ensuring the credit card register within banking system is maintained and accurate at all times.

- Safe custody of cards surrendered by employees during extended periods of leave.
- Annual review of all credit cards and limits to ensure appropriate business need.
- Coordination of annual acknowledgement and undertaking declarations.
- Maintaining a register of credit cards which should include the following details:
  - Name of the cardholder
  - Card number
  - Date of issue
  - Card expiry
  - Delegation limit
  - Card limit
  - Transaction Limit
  - Cardholder signed agreement.
- Distribution and follow up of credit card statements for costing and authorisation.
- Regular reviews to ensure the system of controls continues to mitigate credit card risks effectively and efficiently.

#### Audit, Risk and Improvement Committee

The Audit, Risk and Improvement Committee is responsible for:

- Receiving an annual report from the Chief Financial Officer of credit card usage, policy breaches and associated relevant matters pertaining to credit card usage.
- Internal audit reviews, at least every 3 years, covering credit cards as appropriate, e.g. processes for issue and return; whether reconciliation and review procedures are being followed. (Per NSW Treasury Guideline TPP21-02 Use and Management of NSW Government Purchasing Cards.)

#### **Restrictions on Use**

Under no circumstances is a Council Corporate Credit Card to be used for cash advances. The Credit Corporate Card cannot be used to obtain cash.

Purchases must only be for the use of Council, or Council related business, and not for private or personal use.

The Corporate Credit Card is not to be used for obtaining items which are available from Council's stores inventory or where an account exists with the supplier e.g. Blayney Supermarket. A lack of planning or organisation by the cardholder is not considered a reasonable explanation for not obtaining goods from stores inventory.

The card must not be used for fuel purchases unless the fuel card is unable to be used.

**Card Application, Issue and Use**

The General Manager has the delegated authority to authorise the issuing of Corporate Credit Cards to the Mayor and employees. Entitlement to a Corporate Credit Card shall be determined by the General Manager and will only be issued when it is established that the anticipated usage of the card is warranted and required delegation is held.

In the case of a credit card for use by the General Manager, approval shall be by the Mayor.

Cards may be withdrawn at the discretion of the General Manager (or for the General Manager by the Mayor).

**Disputed Transactions**

Council is responsible for paying all accounts on the monthly credit card statements and the provider will debit this amount to the Council's bank account at the end of each month.

The Cardholder will be personally liable for expenditure that cannot be shown to be related to the business of Council.

When a dispute occurs, the Cardholder should attempt to correct the situation with the merchant.

If unable to correct the situation, the Cardholder should advise the Chief Financial Officer who will attempt to resolve the matter and may have to contact the bank for assistance.

The General Manager will be the ultimate arbiter of disputed transactions involving staff. Where the disputed transaction involves the General Manager, the ultimate arbiter will be the Mayor.

**Controls on purchases**

The use of the Corporate Credit Cards is subject to Council and Bank controls, policies and procedures.

The Chief Financial Officer will perform random audits on individual Corporate Cardholder's Statements to ensure that the Corporate Credit Card Policy is being adhered to.

Failure to comply with the conditions as detailed within this Policy may result in the cardholder's entitlement to a Corporate Credit Card being revoked and disciplinary action being taken.

**Termination of Use**

In the event that a cardholder's entitlement to a Corporate Credit Card has been terminated for reasons such as:

- (i) termination of employment;
- (ii) re-assignment to another position within Council;
- (iii) failure to comply with the conditions of this Policy; or
- (iv) any other reasons as determined by the General Manager.

~~the~~The Corporate Credit Card, together with all supporting documentation and other relevant documentation, with a completed Termination of Use Advice form, must be forwarded to Chief Financial Officer.

**Review**

The Corporate Credit Card Policy will be reviewed on an annual basis and referred to Council for amendment as required.

|                         |                         |                               |
|-------------------------|-------------------------|-------------------------------|
| <b>Adopted:</b>         | <b>Date: 14/05/2007</b> | <b>Minute: 07/091</b>         |
| <b>Lasted Reviewed:</b> | <b>14/05/2007</b>       | <b>Minute: 07/091</b>         |
|                         | <b>14/03/2011</b>       | <b>Minute: 1103/011</b>       |
|                         | <b>10/12/2012</b>       | <b>Minute: 1212/004</b>       |
|                         | <b>07/01/2016</b>       | <b>Position title updated</b> |
|                         | <b>16/04/2018</b>       | <b>Minute: 1804/010</b>       |
|                         | <b>XX/XX/2022</b>       |                               |
| <b>Next Reviewed:</b>   | <b>19/05/2025</b>       |                               |

**07) ATTRACTION AND RETENTION OF MEDICAL PROFESSIONALS POLICY**

**Department:** Corporate Services

**Author:** Director Corporate Services

**CSP Link:** 2. Build the Capacity and Capability of Local Governance and Finance

**File No:** GO.PO.1

---

**Recommendation:**

1. That the Attraction and Retention of Medical Professionals Policy be endorsed and be placed on public exhibition for a period 42 days.
2. Should no submissions be received during the public exhibition period the Attraction and Retention of Medical Professionals Policy be adopted and included in Council's policy register.

**Reason for Report:**

For Council to endorse the Attraction and Retention of Medical Professionals Policy following review of the existing policy.

**Report:**

Council recently reviewed the Attraction and Retention of Medical Professionals Policy as part of its policy review process following the election of Council.

The review of the policy was originally discussed at the June 2022 Council Workshop and reviewed thereafter by a working group comprising Councillors and staff.

It is proposed that the policy be endorsed for public exhibition for an extended period of 42 days by virtue of the Christmas holiday period. It is also proposed to provide copies of the policy to the medical practices located within the Blayney Shire for feedback.

A copy of the Attraction and Retention of Medical Professionals Policy is provided as an attachment to this business paper.

**Risk/Policy/Legislation Considerations:**

The policy proposes provision of unsecured loan funding to medical professionals resident and practicing in the local government area.

**Budget Implications:**

While there are no direct budget implications to the 2022/23 Operational Plan the policy proposes up to 2 loans, of up to \$50,000, to be on offer at any one time.



**Enclosures (following report)**

- 1 Draft Attraction and Retention of Medical Professionals Policy 3 Pages

**Attachments (separate document)**

Nil



**Package for Doctors Incentives for Retention/Attraction and Retention of Medical Professionals**

|                            |                             |
|----------------------------|-----------------------------|
| <b>Policy</b>              | 6C                          |
| <b>Officer Responsible</b> | Director Corporate Services |
| <b>Last Review Date</b>    | XX/XX/2022                  |

**Strategic Policy**

## Objectives

To secure and enhance the range and availability of locally accessible medical services for ratepayers and residents and their families in the Blayney Shire.

To offer an incentive to attract and maintain doctors to Blayney Shire.

## Policy

Council recognises the importance to our community of having sustainable general medical services readily available within the Shire.

For the purpose of assisting medical professionals to establish and enhance their medical practice within the Shire, Council may, on the recommendation of the General Manager, provide a financial incentive in the following form:

|                     |   |
|---------------------|---|
| <u>Eligibility:</u> | <u>Medical professionals (with applicable qualifications in the relevant practice area) or the practice entity from which they will be providing services. This will generally apply to general practitioners, but may include any medical service providers where in Council's opinion there is a demand for and recognised skills shortage in the Shire.<br/>Applicants must be resident within the Shire</u> |
|---------------------|---|

|                           |                       |
|---------------------------|-----------------------|
| <u>Form of incentive:</u> | <u>Unsecured loan</u> |
|---------------------------|-----------------------|

|                |   |
|----------------|---|
| <u>Amount:</u> | <u>Up to \$50,000, with a policy cap of 2 loans outstanding at any one time</u> |
|----------------|---|

|                  |                                      |
|------------------|--------------------------------------|
| <u>Interest:</u> | <u>Interest free, unless default</u> |
|------------------|--------------------------------------|

|              |                      |
|--------------|----------------------|
| <u>Term:</u> | <u>Up to 2 years</u> |
|--------------|----------------------|

|                    |  |
|--------------------|--|
| <u>Repayments:</u> | <u>Progressively during the term (monthly, quarterly or annually depending on the purpose for which the loan is requested) or at the end of the term<br/><br/>Repayable earlier if and when the applicant ceases to practice in the Shire or if the purpose for which the loan was granted is no longer being carried out.</u> |
|--------------------|--|

|                 |   |
|-----------------|---|
| <u>Purpose:</u> | <u>To be agreed in each case, subject to the applicant's specific business plan, for example:</u> <ol style="list-style-type: none"> <li><u>a) as an incentive to defray initial costs of relocating to the Blayney Shire to carry on medical practice;</u></li> <li><u>b) to establish practice or to enhance the ability to offer modern medical facilities within the Shire; and</u></li> <li><u>c) to maintain and grow medical services in the Shire.</u></li> </ol> |
|-----------------|---|

|                   |  |
|-------------------|--|
| <u>Conditions</u> | <u>The Applicant must commence and continue to provide the services, or carry out the activities outlined in the business plan, during the term of the loan.</u> |
|-------------------|--|

|                       |   |
|-----------------------|---|
| <u>Documentation:</u> | <u>Loan agreement setting out terms</u> |
|-----------------------|---|

That Council continue to negotiate in conjunction with the NSW Division of General Practitioners, to maintain and attract Doctors to the Blayney Shire, and further authorise the General Manager to offer an interest free two year loan, of up to \$40,000 to assist with the securing of a new GP to practice in the Blayney Shire.

**Application Procedure**

A medical professional wishing to access a financial incentive under this policy must apply in writing to the General Manager. The application must set out the applicant’s qualifications, the amount and term of the loan sought and proposed repayment schedule, as well as a business plan which demonstrates the purpose of the loan, the source of repayment and how it meets the objectives of this policy.

End of Policy

|                       |                   |                 |
|-----------------------|-------------------|-----------------|
| <b>Adopted:</b>       | <b>12/03/2007</b> | <b>07/031</b>   |
| <b>Last Reviewed:</b> | <b>12/11/2012</b> | <b>1211/014</b> |
|                       | <b>19/02/2018</b> | <b>1802/015</b> |
| <b>Next Review:</b>   | <b>2203/2025</b>  |                 |

**08) MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 23 AUGUST 2022**

**Department:** Corporate Services

**Author:** Director Corporate Services

**CSP Link:** 2. Build the Capacity and Capability of Local Governance and Finance

**File No:** CM.ME.17

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**Recommendation:**

That Council;

1. Receive the Minutes of the Audit Risk and Improvement Committee meeting held 23 November 2022.
2. Amend the Agenda issue timeframe in the Audit, Risk and Improvement Committee Charter to at least 3 business days and no later than Friday prior to the scheduled meeting.

**Reason for Report:**

For Council to endorse the minutes of the Blayney Shire Audit Risk and Improvement committee meeting held 23 November 2022.

**Report:**

The Audit, Risk and Improvement Committee held its meeting 23 November 2022.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL AUDIT, RISK & IMPROVEMENT COMMITTEE MEETING HELD VIA VIDEO CONFERENCE, ON 23 NOVEMBER 2022, COMMENCING AT 9.04AM**

Present: Donna Rygate (Independent - Chair), Ron Gillard (Independent), Cr. David Somerville (Councillor), Mark Dicker (General Manager), Anton Franze (Director Corporate Services – Secretariat), Cr. Bruce Reynolds (Alternate Councillor), Tiffaney Irlam (Chief Financial Officer), Vicki Walker (WHS & Risk Coordinator),

**APOLOGIES**

John O'Malley (Intentus - Audit Service Provider for NSW Audit Office), Karen Taylor (NSW Audit Office)

**CONFIRMATION OF MINUTES**

**MINUTES OF THE PREVIOUS MEETING HELD 23 AUGUST 2022**

**Recommendation:**

That the Minutes of the Ordinary Council Meeting held 23 August 2022 be confirmed.

David Somerville / Ron Gillard

**MATTERS ARISING FROM THE MINUTES**

Nil.

**DISCLOSURES OF INTEREST**

Nil.

**REPORTS**

**WHS AND RISK REPORT**

**Recommendation:**

1. That the WHS and Risk Coordinator report be received.
2. That an update regarding the draft asset standards and maintenance policies for bridges and culverts be provided.

Ron Gillard / David Somerville

**CHIEF FINANCIAL OFFICER REPORT**

**Recommendation:**

That the Chief Financial Officer report on finance activities be received.

David Somerville / Ron Gillard

**STRATEGIC FINANCIAL REVIEW**

**Recommendation:**

1. That the Strategic Financial Review Final Report be noted.
2. That a report be provided to the next ARIC meeting re Council's action plan to address issues raised.

Ron Gillard / David Somerville

**STRATEGIC INTERNAL AUDIT PLAN UPDATE**

**Recommendation:**

That the update on the Strategic Internal Audit Plan for activities proposed in 2022/23 be noted.

David Somerville / Ron Gillard

**SCHEDULE OF OUTSTANDING AUDIT RECOMMENDATIONS**

**Recommendation:**

That the Schedule of Outstanding Audit Recommendations report be received.

Ron Gillard / David Somerville

**REVIEW OF TIMEFRAME FOR ISSUE OF MEETING AGENDA****Recommendation:**

1. That the report on the Review of Timeframe for Issue of Meeting Agenda be noted.
2. That the Agenda issue timeframe in the Audit, Risk and Improvement Committee Charter be amended to at least 3 business days and be issued no later than Friday prior to the scheduled meeting.

David Somerville / Ron Gillard

**PRESCRIBED FUNCTIONS ACTIVITY REPORT****Recommendation:**

That the report on Prescribed Functions activities be received.

Ron Gillard / David Somerville

**UPDATE ON MAJOR DEVELOPMENTS****Recommendation:**

That the Update on Major Developments report be received.

David Somerville / Ron Gillard

**MEETING CLOSED 10.24am****Risk/Policy/Legislation Considerations:**

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

The objective of the Committee is to provide independent assurance and assistance to Council with respect to the following key areas as per Section 428A of the Local Government Act 1993. Such areas include compliance; risk management; fraud control; internal control; financial management; governance; service reviews; other matters prescribed by the regulations, and execution of Council functions.

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

**Budget Implications:**

Costs associated with holding of Committee meetings, sitting fees for independent members and associated service reviews / audits are provided for in Council's 2022/23 Operational Plan for this purpose.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**09) MINUTES OF THE DISABILITY INCLUSION WORKING GROUP MEETING HELD 16 NOVEMBER 2022**

**Department:** Corporate Services

**Author:** Director Corporate Services

**CSP Link:** 2. Build the Capacity and Capability of Local Governance and Finance

**File No:** GO.CM.4

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**Recommendation:**

1. That the minutes of the Disability Inclusion Working Group meeting held 16 November 2022 be received and noted.
2. That the Disability Inclusion Working Group Charter be endorsed.
3. That Council make representation to Sydney Trains for rectification of the concrete lip at the entrance to café at Millthorpe Railway Station.
4. That the report on the 2022 – 2026 Disability Inclusion Action Plan be referred to Council for endorsement.

**Reason for Report:**

For Council to approve the minutes of the Disability Inclusion Working Group meeting held 16 November 2022.

**Report:**

The Disability Inclusion Working Group held its meeting 16 November 2022.

The Disability Inclusion Working Group is responsible for:

- advising and making recommendations to Council on matters relating to access issues, with particular emphasis on issues for people with disabilities as defined by the Disability Discrimination Act.
- 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.
- providing advice and monitoring the implementation of relevant Council programs and policies. Such programs and policies include but are not limited to Disability Inclusion Action Plan.

Of significance from the meeting were following matters:

- Endorsement of the committee charter
- Request for Council to representation to Sydney Trains for rectification of the concrete lip at the entrance to café at Millthorpe Railway Station. The entrance to the café has been reported as not compliant and Council representation is sought to assist resolution.
- Referral to Council of the 2022-2026 Disability Inclusion Action Plan.

The minutes of the meeting held are tabled below:



**MINUTES OF THE MEETING OF DISABILITY INCLUSION WORKING  
GROUP  
HELD 16 NOVEMBER 2022  
AT BLAYNEY SHIRE COMMUNITY CENTRE**

The meeting commenced at 5:03pm.

**1. PRESENT**

Cr. Bruce Reynolds; Lyndall Harrison; Jenny McMahon; Iris Dorsett; Greg Hooper (via video conference); Anton Franze (Director Corporate Services).

**2. APOLOGIES**

Cr. John Newstead; Alison Farr.

**3. ACKNOWLEDGEMENT OF COUNTRY**

**4. DECLARATIONS OF INTEREST**

Nil.

**5. INDUCTION:**

The following documents were circularised to members:

- Code of Conduct for Committee Members;
- Code of Meeting Practice Excerpts; and
- Advisory Committee Operational Guidelines

Overview of documents applicable to members of committee was discussed including obligations upon committee members.

A copy of the Media Spokesperson policy to be circularised to the committee for information.

**6. ENDORSEMENT OF COMMITTEE CHARTER**

**Recommendation:**

That the Disability Inclusion Working Group Charter be endorsed and referred to Council for adoption.

Greg Hooper / Iris Dorsett

**7. 2017-2021 DISABILITY INCLUSION ACTION PLAN ANNUAL REPORT**

**Recommendation:**

1. That the Annual Report on the Disability Inclusion Action Plan for the year ended 30 June 2022 be received.
2. That Council consider making representation to Sydney Trains for rectification of the concrete lip at the entrance to café at Millthorpe Railway Station.

Iris Dorsett / Jenny McMahon

## 8. 2022-2026 DISABILITY INCLUSION ACTION PLAN

### Recommendation:

1. That the report on the 2022 – 2026 Disability Inclusion Action Plan be received and be referred to Council for endorsement.
2. That Working Group members provide feedback for any suggested amendments to the draft 2022-2026 Disability Inclusion Action Plan prior to adoption of the plan by the Council.

Greg Hooper / Lyndall Harrison

## 9. NEXT MEETING

Tentatively 8 February 2023 5pm.

There being no further business the meeting closed at 6.51pm.

### Risk/Policy/Legislation Considerations:

The primary role of the Disability Inclusion Working Group is to provide input on Council's Disability Inclusion Action Plan developed in accordance with the NSW Disability Inclusion Act (2014) on strategies for Council to:

- develop positive community attitudes and behaviours;
- create liveable communities;
- support access to meaningful employment; and
- improve access to mainstream services through better systems and processes.

### Budget Implications:

Council has an amount of \$145,000, encompassing \$25,000 Flagship project funding, allocated in the 2022/23 Operational Plan for this purpose. This also includes an amount of \$55,000 approved in advance for assistance to groups, schools and organisations for events, rates and charges and public liability insurance.

### Enclosures (following report)

- |   |  |         |
|---|--|---------|
| 1 | Disability Inclusion Working Group Charter | 2 Pages |
|---|--|---------|

### Attachments (separate document)

Nil



## CHARTER

### **BLAYNEY SHIRE DISABILITY INCLUSION WORKING GROUP**

#### **Role**

The primary role of the Disability Inclusion Working Group is to provide input on Council's Disability Inclusion Action Plan developed in accordance with the NSW Disability Inclusion Act (2014) on strategies for Council to:

- develop positive community attitudes and behaviours;
- create liveable communities;
- support access to meaningful employment; and
- improve access to mainstream services through better systems and processes.

#### **Responsibilities**

The Disability Inclusion Working Group is responsible for:

- advising and making recommendations to Council on matters relating to access issues, with particular emphasis on issues for people with disabilities as defined by the Disability Discrimination Act.
- 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.
- providing advice and monitoring the implementation of relevant Council programs and policies. Such programs and policies include but are not limited to Disability Inclusion Action Plan.

#### **Membership, Chairperson and Voting**

Membership of the Disability Inclusion Working Group comprises:

- 1 Councillor (Chairperson) with 1 alternate Councillor when required
- 5 Community representatives
- General Manager (or nominee) and Council staff as required. Council staff will be ex-officio members.

#### **Meetings**

A minimum of 2 meetings are to be held per annum with any additional meetings on a needs basis to be determined by the working group.

A required quorum of 4 working group members shall be required at each meeting.

All operations of the Working group shall be in accordance with Council's adopted code of meeting practice.

The meeting is open to members of the public.

**Appointment of members**

Community members seeking appointment to the Disability Inclusion Working Group are to nominate by contacting the General Manager.

**Term**

The Disability Inclusion Working Group shall dissolve at the General Election of Blayney Shire Council. Council may dissolve the Working Group at any time, and any authority conferred by Council to this Working Group may be withdrawn – either wholly or in part – by resolution of Council.

**Communication and Reporting**

An agenda will be circulated by post or email to all members of the Disability Inclusion Working Group at least one week prior to the meeting.

Matters to be considered must be included in the Agenda for the meeting and must be provided in writing to the General Manager (or nominee) at least ten (10) days before the date of the meeting. The agenda will include an open session for general business where new issues can be raised, and members of the public can speak and be heard.

Formal minutes of the Disability Inclusion Working Group will be produced in accordance with Council's Code of Meeting Practice. The mover and seconder of any recommendation are to be recorded.

The main items of business and recommendations will be reported to the ordinary meeting of Blayney Shire Council. Council may amend any recommendation or any portion thereof or may refer it back to the Working group for further investigation.

**Code of Conduct and Other Council Policies**

Each Working group member who is not otherwise a Councillor or staff member shall be provided with a copy of:

- Council's Code of Conduct – Standards for Volunteers and Community Representation on a Council Meeting;
- Code of Meeting Practice; and
- Other related policies that may be applicable to the operation of the Working group.

**10) ENDORSEMENT OF DISABILITY INCLUSION ACTION PLAN****Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 4. Enhance facilities and networks that support Health and Wellbeing of the Community, Sport, Heritage and Cultural interests**File No:** CS.PO.1

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**Recommendation:**

1. That the Draft Blayney Cabonne Orange Disability Inclusion Action Plan for Blayney Shire Council be placed on public exhibition for a period of at least 42 days.
2. Should no submissions be received during the public exhibition period the Draft Blayney Cabonne Orange Disability Inclusion Action Plan for Blayney Shire Council be adopted.

**Reason for Report:**

For Council to endorse the Draft Blayney Cabonne Orange Disability Inclusion Action Plan for Blayney Shire Council for public exhibition.

**Report:**

At the November 2022 Council meeting it was resolved that this report be deferred to the December 2022 Council meeting.

Blayney Shire Council has developed a Disability Inclusion Action Plan as required under the Disability Inclusion Act 2014. Blayney, Cabonne and Orange Councils resolved to take a collaborative approach to the development of a joint plan with each Council taking the lead with consultation and development of individual strategies and actions. The Disability Inclusion Action Plan will underpin Council's commitment to providing quality facilities and services that enable people with a disability to fully participate in our communities.

This Disability Inclusion Action Plan is a second iteration and was developed through a community consultation and research process which included review of Council documents and relevant Government policies.

The consultation process involved community engagement with regional and local service providers, people with disability, carers and the broader community through surveys and targeted consultation with community groups to help identify gaps and discuss issues.

The Blayney Shire Disability Inclusion Working Group considered the plan at its meeting held 16 November 2022 referring it to Council for endorsement and will be engaged during the period of public exhibition for refinement of the plan. This committee will also be actively engaged and involved in the ongoing development, implementation, and formal review process of the plan.

It was flagged at the December 2022 Councillor Workshop by Councillors that some rewording of the document was required. These have been received and as these were considered minor and immaterial, they have been effected in the draft document.

It is proposed that the Disability Inclusion Action Plan be endorsed for public exhibition for an extended period of 42 days by virtue of the Christmas holiday period.

The development of a Disability Inclusion Action Plan will not only meet Council's legislative requirements, it will also assist in raising community awareness helping to make Blayney Shire more accessible for all community members.

**Risk/Policy/Legislation Considerations:**

The development of a Disability Inclusion Action Plan is required under the Disability Inclusion Act 2014 and will form part of Council's integrated planning and reporting process.

**Budget Implications:**

No budget allowance has been provided for plan preparation and finalisation of the plan with it coordinated using existing Council staff resources. Implementation of the plan is envisaged to be incorporated into activity and project planning and budgeted into operational and capital project costs.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

- 1 Draft Blayney Cabonne Orange Disability Inclusion Action Plan (Blayney Shire Council) 28 Pages

**11) 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 December 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****Storm Damage AGRN1034**

Blayney Shire experienced widespread storms on the 13 & 14 November 2022. Some areas experienced approximately 120mm in an 8 hour period. While the Blayney Township was mostly unaffected, extensive damage was incurred to roads and bridge infrastructure during this period.

It is estimated that the damage amounts to approximately \$3-5 million. Council has been working to undertake repairs under Natural Disaster – Immediate Reconstruction Works funding, with approx. \$100K already expended in repairs and a further \$200K in outstanding orders.

Scoping and estimates are currently in progress to further secure funding for Essential Public Asset Reconstruction, which is work that takes longer than 3 months to complete.

**Cadia Road Temporary Closure**

Cadia Road has now been reopened after a longer-than-expected closure.

Pavement sealing works were completed and the road is in excellent condition. Linemarking will be completed in early 2023 under temporary traffic control. The repair of the detour road is now the priority focus, with detailed scoping underway. It is expected construction will commence in February 2023.

Cadia has been cooperative during this challenging and complex situation.

### Blayney Flood Basins Concept Study

There are significant concerns that the previous flood models (Jacobs) and subsequently adapted by Storm Consulting poorly addresses local flooding behaviour and the provided modelling is not an accurate representation of flooding in the Blayney Township. The previous studies focussed on adapting river and creek flooding models, however the majority of the Blayney Township is more likely to be affected by overland flow.

Due to this, a local flood study modelling and validation should be undertaken to focus on flood behaviour within the local catchment. This will improve understanding of flood behaviour and impacts, and inform management of flood risk in the area. The outputs of the study will enable review of the Floodplain Risk Management.

The existing Basins Concept Study will remain in draft until this local model is undertaken.

The brief has been prepared for the Local Catchment Flood Study of the Blayney Township. This has been issued as a select request for quotation to six (6) consultants with known expertise and experience in this area.

The closing date of this request is 30 January 2023.

### **Major Contracts**

#### Leabeater Street Bridge

Bridge works are now complete. Road approaches will be constructed in early 2023.

#### Lucan Road Bridge

The majority of the bridge works are now complete with the deck and approach slabs due to be poured in early 2023. Following this the road approaches will be constructed in conjunction with the Leabeater Street bridge road works.

### **Major Works**

#### Hobbys Yards Road Repair

Works are currently being scoped and planned for the remainder of the funds under Resources for Regions Round 8. The preliminary geotechnical investigation report has been returned, with further geotechnical design underway for deciding additive-stabilising feasibility.

#### Gap Road Culvert Repair

This road is now open. A sealing contractor could not be secured and these works will be completed in 2023.

#### Long Swamp Road Heavy Patching

Preliminary drainage works are completed, with minor subgrade widening works expected to be completed the week before Christmas. Construction of pavement layers had been deferred due to prioritisation of storm-damaged roads. Completion of preliminary works prior to the end of the year will allow



all outstanding pavement works to be completed by mid-February 2023, pending fair weather. Sealing works shall be

#### Forest Reefs Road Reconstruction CH700-2300

Procurement of drainage items and pavement materials is currently underway, with box culverts on-site ready for commencement and pipes coming in late January. Minor preliminary works on drainage had commenced but were halted in mid-November due to re-prioritisation of works to storm-damaged infrastructure.

The land acquisition for road widening was gazetted 11 November 2022. Council can now proceed with the electrical, gas and water relocation works. Electrical and gas service relocation works are programmed for early 2023.

#### **Road Works**

Due to the vast, dilapidated state of both sealed and unsealed roads, the programmed maintenance was relinquished. A reactive process has been implemented to conduct repairs in order of risk to driver safety and severity of damage.

Road maintenance works including pothole patching, gravel road maintenance, and signage works have been undertaken in the Errowanbang, Neville, Newbridge, Moorilda, and Barry areas. Road side mowing has been undertaken around Carcoar Dam, Neville Road, and Neville village.

#### Road Maintenance works

Some minor gravel resheeting works were performed on Kings Plains Road. Deep pavement repairs have been undertaken on failed sections of Walkom Road, Hines Lane, Fell Timber Road, Carcoar Dam Road. Additional works will need to be undertaken on the following roads; Old Lachlan Road, Matthews Road, Wattersons Lane, Hobbys Yards Road, Barry Road, and Fardells Lane.

Re-sheeting works as part of the Fixing Local Roads Round 3 program on McKellars and Corks Lanes are still on hold due to re-prioritisation of works.

#### Culvert Renewal Program

Works on the Glenlea culvert are nearly complete, with backfilling and sub-base pavement reinstatement complete. Minor kerb construction works are outstanding, after which the culvert can be opened to public traffic. Works are still expected to complete and the culvert opened by Christmas.

#### **Footpaths**

The footpath on Coombing Street has been completed, with minor closeout works to be completed before project signoff. Path edge re-sealing on Coombing Street was not completed due to resourcing issues with staff and cationic emulsion. Pending weather, the road edge shall be sealed by the end of the year. Handrail works are also expected to be completed before Christmas.

The works on the Glenorie Road shared path has been awarded, with completion on target for end of February 2023. These projects are being completed under the Resources for Regions program, round 8.

### **Assets**

Asset condition inspections for Footpaths and unsealed roads completed.

Staff continue to work on Strategic Policy reviews and have been working with consultants for the revaluation of the Building and Other Structures Asset Class.

### **Parks and Recreation**

The Parks and Recreation teams are in full swing with mowing, with the improved weather conditions.

#### Smart Hub Lighting & Access Control

CWELC lighting, Dakers Oval amenities, and Redmond Oval lighting and access control sites are online with final programming and software deliverables outstanding.

Once completed and commissioned, this will enable Council to provide, monitor and control, access and lighting at these sites remotely. The KGO change rooms still require the installation of the locks.

#### Belubula River Walk – Stage 3

Contractors have installed the foot bridge to the “Island”. The boardwalk will commence late January 2023. The Gross pollutant trap and diversion pit have been delivered to site and installation will be in January 2023.

#### Millthorpe Cricket nets

This project is completed.

### **Wastewater**

#### Recycled Water Treatment Plant

The recycle water treatment plant sustained damage to some pumps during the 13 & 14 November flood event, and the validation that was to occur on the 12 December will be postponed to late January 2023.

### **Fleet, Plant & Depot**

Council had three mowers due for scheduled replacement. These have now been delivered to the depot.

Regular maintenance is still in progress. A detailed review of plant recovery rates is still underway.

The security gate upgrade of Council’s depot is still in progress. With the fencing now complete, delays in material supplies for the access control/security system has prohibited the project being completed before Christmas.

**Risk/Policy/Legislation Considerations:**

Information report only

**Budget Implications:**

Information report only

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**12) PROPOSED BRIDGE NAMING - CARCOAR ROAD**

**Department:** Infrastructure Services

**Author:** Director Infrastructure Services

**CSP Link:** 1. Maintain and Improve Public Infrastructure and Services

**File No:** RD.AD.1

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**Recommendation:**

That Council:

1. Endorse the naming of Carcoar Road Bridge over Cowriga Creek , as the Pte W.G. Smith Bridge; and
2. Place the proposed name on public exhibition for a period of not less than 28 days; and
3. Should no submissions be received during the public exhibition period, the name be adopted.

**Reason for Report:**

To seek Council endorsement to name the Carcoar Road bridge over Cowriga Creek, constructed in December 2019.

**Report:**

Councillors may recall a report to the 20 September 2021 Ordinary Council Meeting recommending the adoption of the name Pte W.G. Smith Bridge, where Council resolved to defer the Bridge naming, to enable Council staff to research an additional 2 names put forward by Councillors (Resolution 2109/013). These names were:

- Allan 'Ponco' Kind, and
- Neville Adams.

The two names proposed are consistent with the one of the objectives in the Road, Street, and Bridge Names Policy (025F) "to increase the use of names within the Blayney LGA which have relevant historical or botanical themes". However, they are not consistent with Council's "preference (is) to use names of Ex-Service personnel, previous Mayors of the Council and Indigenous Leaders".

In considering the proposed names, it is recommended that Councillors have regard to the following:

- Council is unable to resource further research into the proposed names,
- Consistency with Council's recent practice of naming (most) bridges after fallen soldiers from WW1, to reflect the 100-year anniversary of the Armistice,
- The contribution to the community should be considered in relation to their contribution above and beyond that of their paid work, and

- Proposed names should not be likely to be considered controversial by the broader community.

The proposed name of W.G. Smith Bridge was sourced from the Blayney Shire Local & Family History Group, who provided a report prepared by Gwenda Stanbridge identifying young servicemen who lived as close as possible to the abovementioned bridge location. This report is provided immediately after the report as an enclosure.

Advice was sought from the Lyndhurst Sub-branch of The Returned and Services League, Australia, as 3 names were provided. Of these 2 of the fallen service-men are recognised on the Carcoar War Memorial, the other is recognised in Orange, when in 1908 his family relocated to East Orange.

The Lyndhurst Sub-branch has subsequently advised that whilst all 3 service men were worthy of consideration, the preferred choice is Walter Godfrey Smith, as he has no formal burial place, and his body was never recovered or his whereabouts known, after he was left severely wounded on the battlefield.

It is therefore proposed to name the Carcoar Road bridge over Cowriga Creek, the Pte W.G. Smith bridge.

**Risk/Policy/Legislation Considerations:**

The proposed name is in accordance with Council's Road, Street and Bridge Names Policy (25F).

**Budget Implications:**

The supply and installation of signage shall be funded from within the existing rural road maintenance allocation

**Enclosures (following report)**

- 1 Blayney Shire Local and Family History Group Report 9 Pages

**Attachments (separate document)**

Nil

**BLAYNEY SHIRE COUNCIL - BRIDGE-NAMING PROJECT**  
**Carcoar-Millthorpe Road Bridge over Cowriga Creek**

*Compiled by*  
*Gwenda Stanbridge*  
*Blayney Shire Local & Family History Group Inc. 2021*



*Above: Crossing on the Carcoar-Millthorpe Road at the Cowriga Creek - site of the new bridge.*  
*Photo" G. Stanbridge*

For the sake of consistency and following the precedent already set for the naming of bridges during 2018, the centenary year of the armistice, it is hoped that this bridge will also be named after a WWI soldier.

The following names of WWI soldiers who died as a result of action in the Great War are suggested, with their place of residence in the shire being the closest to the location of the bridge. As there were no Brown's Creek soldiers who died as a result of their war service during the period of WWI, service personnel have been suggested from the next closest areas - Tallwood and Carcoar. The names of the two Carcoar soldiers were previously submitted for consideration for the naming of bridges in Carcoar and vicinity in 2018 and have been reprinted below. The first profiled soldier was born at Tallwood and resided there for more than half of his short life.

**Private Basil Nicholls (Tallwood)**  
**Regimental Number 2798A; 9th Battalion**  
**1895 - 1916**



**PRIVATE BASIL NICHOLLS**  
 died of wounds.

**Local Memorials:** *no longer listed in Blayney shire; Orange Cenotaph; Methodist Honour Roll - Orange Uniting Church.*

**Medals:** 1914-15 Star, British War Medal, Victory Medal

Almost five years after the death of Basil Nicholls, the students of the then Calvert School (re-named Tallwood) watched as Mr. Joseph Gleaves, a former AIF soldier, unveiled a memorial tablet erected by the students in memory of a former student at the school. Basil Nicholls, in whose honour the plaque was erected, received his early education at the school and was the only scholar to have enlisted during WWI. News of the day indicated that it was a very handsome tablet which was placed on the wall of the school-room.

A one-teacher school in the locality of Tallwood, the Calvert school was located on the Carcoar-Millthorpe Road, a short distance north of its intersection with the road to Forest Reefs, and initially named after the parish in which it was located. It was in this locality of Tallwood that, in 1895, Mrs. Annie Nicholls, gave birth to her first child, a boy, who was named Basil. Annie was the second wife of Edward Randal Nicholls, a local resident, also associated with "The Forest." The couple had married in 1894 after the death of Edward's first wife (1887) who was buried in the Millthorpe Cemetery. Basil was the fifth of Edward Nicholls' children. The latter already had two sons and two daughters from his first marriage. At least one of his older sons, Francis (Frank) Nicholls, appeared to have developed a close relationship with Basil throughout his childhood, which had a bearing on the young boy's later life. In 1896, Basil's sister, Ellinor (Nellie) was born, which completed the Nicholls family. Four years later, the family's life was tragically disrupted when his father, Edward Nicholls, died in 1898. He was subsequently buried in the Millthorpe Cemetery.

Annie Nicholls remained in Tallwood with her children and re-married two years later in 1900, this time to Henry Warburton whose property "Wheatfield" was also at Tallwood. This same year, Basil's step-brothers, Frank and John Nicholls, enlisted for service in the South African (Boer) War, both joining the NSW Imperial Bushmen. At the age of 5, these events must have left a deep impression on Basil, particularly on hearing stories of his step-brothers' South African experience, through their letters home and after their return in 1901. The following year another family event occurred when another step-brother was born. Albert Warburton, son of Henry and Annie Warburton was born in 1902. The same year Basil's formal education began when a school was opened in the Tallwood locality. The Calvert school, opened when Basil was about 7 years old. For the following six years his days were spent at the school or on his step-father's farm.

This routine was significantly altered during his 13th year (1908), when his step-father, Henry Warburton, retired from farming and the family moved to a house in McLachlan Street, East Orange. Basil enrolled in the Orange Superior Public School which later became known as the Orange District School in 1910. The family continued their affiliation with the Methodist Church after the move, Basil attending Sunday School in Anson Street. The year after his enrolment at the Orange School, the *Leader* newspaper in its school section published the following piece written by Basil Nichols (sic) of 5th Class.

#### THE KIND OF TEACHER I LIKE

The kind of teacher I like the best is an industrious well-informed teacher; one who takes an interest in the future welfare of his pupils. The reason why I like such a teacher is because a person may look up to and respect him, and also ask advice from him in times of difficulty.

By then, Basil would have been close to completing his education, whereupon he probably found work locally, until making the decision to leave Orange, moving away to be nearer his older step-brother, Frank, who was stationed at South Woodburn, between Grafton and Ballina, on the north coast. Frank Nicholls, after returning from the Boer War, had joined the N.S.W. Police Service and in 1909 had been appointed to the coastal community as constable.

Basil found work as a labourer, presumably on farms in the district, as his mother later gave him a calling as farmer, when she completed his Roll of Honour Circular after WWI. At least one of his leisure activities was cycling, as he competed with other young men in a cycle road race from Coraki to Broadwater in 1913, coming 2nd. The next year, Australia declared war on Germany and the country's young men began to volunteer. Basil by then aged 19, was old enough to enlist, but waited until the following year. This time spurred on by news that one of his former Orange friends, Harold Corkett, had died after being wounded on Gallipoli. Annie Warburton commented on the Roll of Honour Card that the news had "strengthened his determination to help the Australians and their fight for liberty."

So it was that on 16 August 1915, Basil and four other Woodburn recruits were farewelled at a function in the town where presentations of gifts were made, a light supper was served, and dancing continued to a late hour. Two days later he signed the enlistment papers at Lismore, having already given the medical officer his age as being 21 years 5 months when in fact he was

only 20 years old. The medical examiner also recorded that Basil had a dark complexion, blue eyes and black hair. He was 5 ft 8 ins tall and weighed 10 st. 6 lbs.

Like other north coast soldiers he was assigned to a Queensland Battalion, being placed in the 6th Reinforcements of the 25th Battalion, which had been raised at Enoggera, just a few months before. Basil joined other recruits for some initial training in Queensland before he and other reinforcements embarked just two months later, on 21 October 1915, aboard the troopship "Seang Bee" at Brisbane, destination Egypt. After arriving there, training continued. Like his companions Basil would have been in awe of the pyramids, but less taken with the sand. Towards the end of February he was transferred from the 7th Training Battalion to another Queensland battalion - the 9th. This occurred just after his release from the 1st Australian General Hospital at Heliopolis where he had spent a week recovering from influenza. A month later, Basil and other members of the 9th Battalion embarked on board ship at Alexandria. This time their destination was Marseilles in France. On 3rd April 1916 he stepped foot onto French soil where he sent a postcard home to his mother Annie, before assembling at the Marseilles Railway Station with his battalion for the journey to northern France and the front.

After the long journey across France, the 9th Battalion were deployed on a relatively "quiet" part of the front near Armentières, at Fleurbaix, by mid April. Though part of the 3rd Brigade, the 9th Battalion had been "lent" to the 1st Brigade, as the latter's 3rd Battalion had been quarantined by army authorities. Their billets were situated in an area, just two miles from the front line, which was still partly occupied by French farmers, with some of their orchards still bearing fruit. But nonetheless, the unexpected could occur. Charles Bean, in recording the scene, commented - "strangely enough, it was in just such quiet surroundings, and about that very time, that the Anzac troops in France first experienced the power of the German artillery."

On 19th April 1916, the 1st Brigade, which included the "lent" 9th Battalion moved into billets, previously occupied by the English unit, Lancashire Fusiliers. The billets were farmhouses, barns and cottages situated along a peaceful country lane. The following day, one company of the Australians was surprised by the burst of a German shell on the road nearby. It was followed by other shells, one of which burst near the entrance of a hut and wounded several men. Charles Bean recorded that other men ran to help them, and the next shell burst among them. He continued ...

" Lieutenant Fothergill was calling the men to shelter, and many were clustering beneath the wall of the house, when the wall was struck and brought down by another shell, killing or injuring nearly fifty. The fire, which was that of a battery of 5.9 inch howitzers, continued for an hour and then ceased. Fothergill and 24 men had been killed and the medical officer (Captain McKillop) and 48 others wounded." Bean also noted that Lt. Fothergill had previously been a school teacher from Grafton and Muswellbrook in New South Wales and the doctor had come from Goulburn, also in New South Wales. Among the 48 men who were wounded that day was another New South Wales Welshman, formerly of Tallwood, Orange and Woodburn. His name was Basil Nicholls, just 20 years old.

Severely wounded with gunshot wounds to his chest, Basil was taken to the 7th Casualty Clearing Station situated at Merville, about four miles west of Fleurbaix. Despite the efforts of the British medical staff, Basil died on 22nd April 1916. He was buried the same day in the British Military Cemetery at Merville, by the chaplain attached to the hospital. When Red Cross workers later sought confirmation of the circumstances of his death, they were told that the cemetery in which he was buried was well cared for and the graves had been marked out by the Grave's Registration Committee.

When the news of Basil's death was received by Rev. C. P. Walkden-Brown, the Orange Methodist minister, he duly visited Annie Warburton to convey the news. Reported in the *Orange Leader* and later copied by the *Richmond River Herald and Northern Districts Advertiser*, it was said that though heart-broken, Annie bore up bravely. The *Leader* noted that Basil was " the only Tallwood native to don khaki when he left these shores" and that there would be a number of his Orange



mates who would shed a silent tear when hearing of his death. "He was a sterling good fellow and an ideal soldier, and played the game for what it was worth in glory, and not for what he could get out of it."

Two months later, Basil's postcard and letter, put in the mail at Marseilles, arrived in Orange. The *Leader*, in publishing the news, noted that Basil's news " was couched in hopeful terms unfortunately never to be realised." The time between its posting and Basil's death in France was just ten days. News of the young man's final hours was received by his mother the next January (1917). The Orange paper published copies of letters received by Annie Warburton from Sister C. B. Robb, the Sister in Charge of the 7th Casualty Clearing Station where Basil was taken after being wounded. As well, was a letter by the Commanding Officer of the same station, Lt. Col. A. Wear. Sister Robb wrote ...

I was in charge of the station at that time... He was brought in along with a great many other Australians. He was very severely wounded in the abdomen and chest, suffering from shock, and was in a very collapsed condition. Everything was done for him that was possible. He was much too ill, unfortunately, to be able to give any message for his home people. This is a terrible time for us all, but I always feel for you, whose boys are so far away, it must be an even more anxious time.

The Commanding Officer explained that there had been many staff changes since the time of Basil's death. However he had managed to find the orderly who had nursed Basil, and was still at the station ...

He reports as follows: " From the time he came into the ward up to an hour before his death he spoke quite freely, of his home life and life in Australia. Before losing consciousness he remarked that he was determined not to die as he must see his parents again. He made a brave struggle for his life, but eventually lost consciousness and died quite peacefully." These are the words of the orderly who was with him to the end, and I hope they may be of some comfort to you. He was shot in the chest and abdomen for which an operation was performed.

Knowing the circumstances of Basil's treatment and death, though distressing, would no doubt have helped Basil's mother in her grieving. She subsequently joined the Soldiers Mothers, Wives and Widows' Association and became an active member of the War Chest Fund and Red Cross Society. In an obituary published in the Orange newspaper after her own death in 1935, it was said that her many friends in the town admired her for her generosity and care for anyone who needed help.

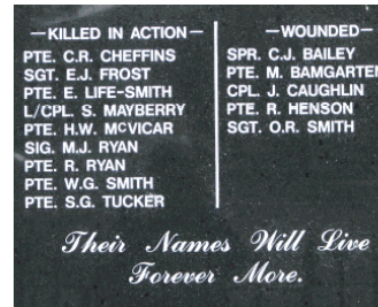
Annie had already made sure that Basil's name was included in the Orange Honour Roll published by the *Leader* newspaper, not long after he enlisted. It would also later be inscribed on a cenotaph in Robinson Park. In 1918 and 1919 the Orange Methodists ensured that his name was included on both the Methodist Sunday School Roll of Honour and a large timber Honour Board which was placed in the Anson Street church. Annie's husband, Henry Warburton, Basil's step-father, also paid for a tree to be planted in Orange's Memorial Avenue of Trees on Anzac Day in 1923. The avenue once extended from Lone Pine Avenue to Memory Park at Icely Road along the Bathurst Road in East Orange, Despite his connection with Tallwood and Forest Reefs, and his father's burial in Millthorpe Cemetery, Basil's only local remembrance in the former Lyndhurst Shire was initiated by the children and teacher of the Calvert school. His mother, when putting details on the official Roll of Honour Circular, stated that he should be acknowledged as primarily being associated with Orange. Perhaps it was this attitude that led to his name not being included on the Millthorpe Memorial Gates, as were soldiers from nearby Forest Reefs just a short distance from the Tallwood locality. The Calvert (Tallwood) School building was condemned in 1947, and a new school was built on a new site. It is not known what happened to the memorial plaque for Basil Nicholls. This act effectively removed all memory of Private Basil Nicholls connection to the Blayney district. ☞



**Lance Corporal Stanley Clyde Maybury / Mayberry (Carcoar)**  
**1896 - 1918**  
**Regimental Number 2936; 57th Battalion**

**Local Memorials:** Carcoar  
**Medals:** British War Medal, Victory Medal

*\* The AIF records for Stanley spell his surname as Maybury, as did newspapers of the day, however, NSW Birth registration records use the spelling Mayberry and his father Henry signed his name that way in official records. The spelling was also used on the Carcoar War Memorial (see right). Mayberry also appeared on the headstone of his father who died in 1935 and was buried in the Carcoar Cemetery.*



The fifth child of Henry (Harry) Mayberry and his wife Harriet, Stanley was born in Carcoar about May 1896. At the age of two, the same year as his youngest sibling was born (1898), Stanley's mother, Harriet, died. She had contracted measles and then, while in a weakened state of health, a further infection caused pleurisy, from which she died. Stanley's upbringing may have been left largely to his two older sisters, Helen and Sarah.

Stanley attended Carcoar Public School, and lived with his father and siblings in Jones Street, Carcoar. About the time he finished school, Stanley was reported as being a patient in the Carcoar Hospital after accidentally shooting himself in a foot with a pea rifle. Like his father he worked as a labourer and was known as Stan by the locals. When time permitted he played sport with local teams, being recorded as a member of the Carcoar B cricket team in 1915, scoring a duck against a visiting Cowra side on that occasion. The following year in September he caught the train to Bathurst and enlisted for service in the Australian Imperial Force at the Bathurst Military Camp. Subsequently he was placed in the 7th Reinforcements for the 57th Battalion and sent to camp in Sydney for training. The group embarked on the troopship "Afric" on Sydney Harbour on 3 November 1916. They disembarked at Plymouth in England on 9 January 1917. Five days later they marched into the Hurdcott Training Camp in Wiltshire, England, where Stan and his new mates spent three months undertaking training in preparation for service on the Western Front.

Private Maybury's first taste of France was at Etaples where he disembarked on 21st March 1917. Four days later he was joining the 57th Battalion in the field at Beaumetz, north-west of Amiens in France. It was spring and the weather still cool, raining and snowing the day he and another 66 reinforcements joined the battalion. Their introduction to the front line was short as the evening of the next day the 57th moved to billets, eventually to Villers au Flos near Bapaume, east of Pozieres in the Somme region. The battalion remained in the Bapaume area throughout April, with a few days of outpost duty at Morchies, but mostly spent at Mametz for a lengthy spell of rest, which included training and sport competitions; church parades on Sunday, and the occasional concert. The second week of May the battalion relocated to the front, where they were stationed on the Beugny Ytres Line, about 3 miles north-east of Bapaume. This was Stan's first real experience of front line work - trench maintenance and strengthening under heavy shell fire. Fatigue duty included carrying gas canisters for allied gunners. There were many wounded during enemy gunfire amongst the battalions, and a significant number of deaths, with burial parties also required. After 12 days the battalion was withdrawn and moved off the line to a tented camp at Biefvillers, north west of Bapaume. After such intense hostilities the 57th spent the rest of May and all of June in training and recreation, first at Biefvillers (23 days), then in billets at Contay, west of Albert. During this period there were also a number of route marches. Football was played and as it was by then summer, a cricket competition held amongst the various companies.

At the end of July 1917 the battalion moved north towards the Belgium border arriving at their billets in La Belle Hotesse on the 30th July. It remained there for six weeks, training each day, going on route marches and relaxing with various games and sports. During September tactical exercises were included as the men prepared to enter the war in Belgium. The battalion moved to the vicinity of Polygon Wood in the last week of September, and spent four days under very heavy shelling on the front line. Moving out of the line, the battalion travelled back to the vicinity of Ypres where they cleaned up themselves and equipment. During this period Stan contracted influenza and spent 13 days in hospital recovering. When he rejoined his unit it was at camp in Rossignol. The next major engagement was not until the end of November when the 57th took over a section of the line at Wyschaete in Belgium. By then it was winter and conditions cold. Most of the time the men spent in work parties improving trench conditions or picking up salvage. After two weeks on the line the men moved out to camps around Doudeauville in France, where they stayed for over two months, initially relaxing over Christmas/New Year, and then moving into the familiar pattern of mornings of training and drill, with afternoons of sport.

Their next move was to the front line near Messines. Entry was by single file, as their future posts were close to German lines. Still winter, the men had to endure shelling on both sides and minenwerfers launched from the German side. Night patrols were carried out in No Man's Land and work parties during the day. After three weeks on the line during the wet and cold of winter, the 57th was withdrawn from Belgium, eventually returning to familiar territory at Corbie in France by the end of March. In April they were established near Villers-Brettoneux, enduring frequent shelling and gas attacks. On Anzac Day in 1918, Stanley and his battalion participated in the counter-attack there which was a key victory for Australian Force. Throughout May they manned the line keeping the ground which had been gained in fighting. On 17 May Stanley was promoted to the position of Lance-Corporal. The battalion remained in the general area throughout June and into July taking turns in trench duty and work parties. Three weeks into July, Stan was given leave, which he spent in England. After two weeks leave he returned to the battalion then based at Allonville, north-east of Amiens, arriving on 6th August. The battalion was preparing to participate in what became known as "der Schwarz Tag" - the Black Day - of the German Army (the battle of Amiens.)



The village of Harbonnieres was in the southern sector of operations and it was tasked to be captured by the 57th and 59th Battalions. On this day Lance Corporal Stanley Maybury, fresh from leave and just 22 years of age lost his life. The unit diarist only indication of the retaliatory force on the day was to comment that there was shelling during the day and night. The Orange *Leader* newspaper, on 2 September 1918, in reporting news of his death said, "The sad news was received at Carcoar by telegram on Monday evening ... that Private Stanley Clyde Maybury had been killed in action in France on August 8th last. Stan left Carcoar about two years ago, and had seen considerable service in France. He evidently met his end on the first day of the recent big push of the Australian troops." Stan was buried in the Heath Cemetery at Harbonnieres, one of 984 Australians who also lost their life on the western front. The inscription on his grave simply reads "Born at Carcoar, 8 May 1896." 🌹

#### References

- 1901 NSW Census; Mayberry genealogy; BDM records - [www.ancestry.com.au](http://www.ancestry.com.au)
- Service Records of Stanley Clyde Maybury - [www.naa.gov.au](http://www.naa.gov.au)
- Honour Roll Card of Stanley Clyde Maybury - [www.awm.gov.au](http://www.awm.gov.au)
- 57th Battalion Unit Diary - [www.awm.gov.au](http://www.awm.gov.au)
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- Jones, Rhonda et al. *Blayney Shire Pioneer Register-Settlement to Federation*
- Blayney Shire Local & Family History Group Inc. - *Blayney & Surrounding Cemeteries Transcriptions of Headstones*
- McLachlan, Mat, *Walking With the ANZACS*
- Newspapers: *National Advocate*, 16 Dec 1898; *National Advocate*, 29 May 1911; *Cowra Free Press*, 6 Jan 1915; *National Advocate*, 14 Sept 1916; *Leader*, 2 Sept 1918
- Heath Cemetery Headstone Photograph - Gwenda Stanbridge

**Private Walter Godfrey Smith (Carcoar)**  
**1896 - 1918**  
**Regimental Number: 7533; 34th Battalion**

**Local Memorials:** Carcoar

**Medals:** British War Medal, Victory Medal

Walter Godfrey Smith was born in Carcoar towards the end of 1896. He was the 5th of ten children of Benjamin and Annie Minerva Smith (nee Stewart). They lived in Rodd Street, Carcoar and had married in 1885.

The Smiths were Church of England, and as such, Walter would have attended the Carcoar Public School as a child. His service records indicated that he had tried to enlist before 1917 but had been rejected because of defective eye sight. He had also admitted to having once been convicted of riotous behaviour. By the time 21 year old Walter presented himself to the Carcoar Dr. A W. Hawthorne to enlist a second time in 1917, enlistment requirements were less strict. The doctor noted that he had blue eyes, brown hair and a fair complexion. He was 5 ft 8 ins tall. The young man gave his occupation as labourer. Walter subsequently travelled by train to Sydney and was formally accepted into the 25th Reinforcements of the 13th Battalion at Victoria Barracks on 12 March 1917. After training at Liverpool in Sydney this group embarked on the HMAT Marathon on 10 May 1917 and sailed for England. Two months later the ship arrived in Devonport, England, where the reinforcements disembarked.



Walter's next journey was to Codford in England where he and his fellow soldiers joined the 4th Training Battalion on 20 July 1917. Four months later he proceeded to France where he was assigned to the Reinforcements for the 34th Battalion. He would remain with this Battalion for the rest of his service. On 21 November 1917 Walter Smith joined the battalion in the field in Belgium. The diarist for the 34th Battalion later commented that the reinforcements, a number of which were originally intended for the 13th Battalion, had physical conditions that were fair. Training was satisfactory "with the exception of Musketry which in many cases was below the desired standard."

It was by then late autumn and the battalion was moving to the front line trenches at Pont Rouge south of Warneton. For the rest of that month and throughout December, the 34th moved between the front line and rest area at Le Rossignol. Enemy activity was intermittent with occasional shelling or strafing. The weather gradually became cooler and there was much work to be done in improving trenches which were in a bad shape. Over the two days of 17 & 18th December, Walter, with the other troops voted in the Australian Conscription Referendum. Soon after the battalion moved into France to support relieve troops near Armentieres. Most of January 1918 Walter and his battalion rested and trained in Billets at Meteren before moving back towards the front line at the end of the month. The majority of February was spent in the Romarin Camp either training or supplying work parties. At the end of February (25th) the battalion was moved by light rail back to the Bas Warneton sector where it relieved the 40th Battalion. Winter days were now very cold though fine. During early March there was increased bombardment on both sides. On the 3rd March a brigade raiding party attacked the enemy line which included some of the 34th. Perhaps due to its success, two days later another raiding party was formed, but its members were less fortunate for it was met with great resistance from enemy machine guns. By the end of the day the young Carcoar lad was listed as missing in action. This was later changed to Killed in Action, Belgium.

Red Cross interviews were later held with some of Walter's 34th battalion comrades. In summary they recalled that on the 5th March 1918, Walter was being employed as a bayonet man during a raid on German trenches at Warneton. He had reached the enemy front line trench when a shell or possibly a stick grenade hit the parapet of the trench. He was severely wounded and lost consciousness. Witnesses stated that he was covered in blood, and though not dead, his condition appeared to be hopeless. He was unable to speak. The enemy barrage became so severe across No Man's Land that the battalion was ordered to retreat. Mortally wounded, he was left behind. Walter's body was never recovered.

After the war Walter's name was one of many recorded on the Menin Gate Memorial to the missing at Ypres in Belgium. His parents later received a Memorial Scroll and Memorial Plaque, as well as his medals - British War Medal and Victory Medal. The townspeople of Carcoar also ensured that his name was engraved on the Carcoar War Memorial.

Walter was one of three sons of Benjamin and Annie Smith to enlist. His brother, Frederick Ernest Smith (enlisted 17 February 1917), also served in the 34th Battalion, and William Benjamin Smith (enlisted 5 July 1916) joined the 32nd Battalion.

#### References

- Australian War Memorial: Red Cross files & Unit Diary of 34th Battalion
- National Archives of Australia – AIF service records; Series B2455: Walter Godfrey Smith – [www.naa.gov.au](http://www.naa.gov.au)
- The AIF Project: [www.aif.adfa.edu.au](http://www.aif.adfa.edu.au)
- [www.ancestry.com.au](http://www.ancestry.com.au) - Smith family Genealogy
- Newspapers: *Carcoar Chronicle*, 12 July 1935
- Walter Smith photograph- Blayney Honor Roll No. 1

**13) LAND CLASSIFICATION - GLENORIE ROAD****Department:** Infrastructure Services**Author:** Director Infrastructure Services**CSP Link:** 1. Maintain and Improve Public Infrastructure and Services**File No:** RD.RC.20**Recommendation:**

That Council following public notice, classifies the 316m<sup>2</sup> of closed road, adjacent to 18 Glenorie Road as Operational Land.

**Reason for Report:**

Council approval is required for the classification of land.

**Report:**

At the October 2022 ordinary Council meeting, Council resolved to:

*3. Give public notice for a period of 28 days of Council's intention to classify the land as operational land.*

**(Resolution 2210/020)**

Council placed an advertisement in the Blayney Chronicle on the 27 October 2022, notifying the proposed resolution to classify the 316m<sup>2</sup> of closed road adjacent to 18 Glenorie Road, Millthorpe as operational land. Any written submissions were to be made to council within 28 days of the advertisement, being 5:00pm, 24 November 2022.

Council received no submissions during the 28 day public notice period.

It is recommended that Council proceed with classifying the land as Operational Land.

**Risk/Policy/Legislation Considerations:**

This land requires classification as operational land so that it can be exchanged as compensation for other land acquired for the purposes of the Roads Act 1993.

Land classification process has been undertaken in accordance with s34 of the Local Government Act 1993.

**Budget Implications:**

Nil

**Enclosures (following report)**

1 Land Classification - Glenorie Road

1 Page

**Attachments (separate document)**

Nil





**14) LAND ACQUISITION - LEABEATER STREET****Department:** Infrastructure Services**Author:** Director Infrastructure Services**CSP Link:** 1. Maintain and Improve Public Infrastructure and Services**File No:** RD.AD.3**Recommendation:**

That Council:

1. Compulsorily acquire the land described as unnamed portion of Crown Land located within the area known as Leabeater Street, Lyndhurst and Grubbenbun Creek, Lyndhurst to the north of Lot 2 DP 738955 and Lot 360 DP 750392 pursuant to s186-187 of the Local Government Act 1993 and for the purpose of the *Roads Act* 1993.
2. The making of an Application to the Minister for Local Government and Governor for the approval of such compulsory acquisition.
3. Delegate to the Mayor and General Manager authority execute signature and fixing of the Council Seal on all required documentation to facilitate the acquisition.
4. Give public notice for a period of 28 days of Council's intention to classify the land as Operational Land.
5. Following public notice period, if no submissions are received the land be classified as Operational Land.

**Reason for Report:**

Council approval is required for the acquisition of land.

**Report:**

Council received funding under Fixing Country Bridges (round 1) for the construction of Leabeater Bridge, Lyndhurst.

During the planning and design phase of the project, it was identified that the existing bridge resided on private land. It was determined that the road would be straightened so that the new bridge could be constructed within existing Road Reserve.

It was also identified during the Review of Environmental Factors, that there was a residual lot of Crown Land over the waterway in Leabeater Street, with the boundary of road reserve being top of bank either side of the stream.

A licence was sought from Department of Planning, Industry & Environment: Crown Lands to construct the new bridge over this portion of land. A condition of the licence was that Council commenced the process to acquire this land. It is in Council's interest to acquire this land to ensure control and remove the annual licence fee to occupy the site.

**Risk/Policy/Legislation Considerations:**

It has been identified that the only available mechanism to acquire this Crown Land will be in accordance with the Land Acquisition (Just Terms Compensation) Act 1991.

**Budget Implications:**

The land acquisition process was quickly commenced so that the associated costs can be funded from the existing budget allocation associated with the construction of Leabeater Bridge.

It is anticipated the acquisition and associated costs will be approximately \$25,000.

A licence fee of approximately \$600 per year will be charged until Council acquires the land, noting that this fee may be subject to change, and outside of Council's control.

**Enclosures (following report)**

1 Land Acquisition - Leabeater Street

1 Page

**Attachments (separate document)**

Nil

Created on: 18/09/2022 10:58 AM



### PROPOSED CROWN LAND ACQUISITION

Projection: GDA94 / MGA zone 55  
 Date: 18/09/2022  
 Created By: Jacqui Hogan



The imagery and boundaries are sourced from Spatial Services, Department of Customer Service 2021.



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**15) MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 9 DECEMBER 2022**

**Department:** Infrastructure Services

**Author:** Director Infrastructure Services

**CSP Link:** 4. Community, Sport, Heritage and Culture

**File No:** TT.ME.1

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**Recommendation:**

1. That the minutes of the Blayney Traffic Committee Meeting, held on Friday 9 December 2022, be received and noted.
2. That Council endorse the Traffic Guidance Scheme for the annual Blayney Show, to be staged on 11 March 2023 on Blayney Showground, Marshalls Lane, as a Class 3 event, subject to the conditions detailed in the Director Infrastructure Services' Report with the amendment that a condition be added: for approval by Transport for NSW for the VMS.
3. That the signage on Martin St, Blayney be replaced with signs indicating "Bus Zone 7.30AM-3.00PM"
4. That council request NSW Police monitor parking at Millthorpe bus stop to ensure compliance with bus zones
5. That Council on behalf of Transport for NSW (TfNSW) install traffic counters along Park St in Millthorpe.
6. That Council request NSW Police to monitor speed on Park Street, Millthorpe.
7. That Transport for NSW (TfNSW) to triage the northern entry 50km signage placement for Park Street, Millthorpe.
8. That Council adopt the Guidelines for Rural School Bus Routes and informal Bus Stops, and informs school bus operators of the outcome.

**Reason for Report:**

For Council to endorse the minutes of the Blayney Shire Council Traffic Committee meeting held 9 December 2022.

**Report:**

The Blayney Shire Council Traffic Committee held its meeting on 9 December 2022.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL TRAFFIC COMMITTEE MEETING HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE, ON 9 DECEMBER 2022, COMMENCING AT 10:06AM****PRESENT**

**Members:** Cr John Newstead (Blayney Shire Council - Chair), Reg Rendall (Paul Toole Representative), Jackie Barry (TfNSW), Chris Pethick (NSW Police).

**Present:** Jacob Hogan (Director Infrastructure Services), Nikki Smith (Administration Officer).

**APOLOGIES**

Evatt Bourne (Design & Development Engineer).

**CONFIRMATION OF MINUTES**

**MINUTES OF THE PREVIOUS MEETING OF BLAYNEY SHIRE COUNCIL TRAFFIC COMMITTEE MEETING HELD 30 SEPTEMBER 2022**

**Recommendation:**

That the Minutes of the Traffic Committee Meeting held on 30 September 2022, be confirmed to be a true and accurate record of the meeting.

(Reg Rendall / Cr John Newstead)

**MATTERS ARISING FROM THE MINUTES**

Nil.

**DECLARATION OF INTEREST**

Nil.

**CORRESPONDENCE**

Nil.

**REPORTS**

20221209:01

**MEETING DATES 2023**

**Recommendation:**

That Council note the Blayney Shire Council Traffic Committee dates for 2023.

(Reg Rendall / Chris Pethick)

20221209:02

**STREET EVENT - BLAYNEY SHOW 11 MARCH 2023**

**Recommendation:**

That Council endorse the Traffic Guidance Scheme for the annual Blayney Show, to be staged on 11 March 2023 on Blayney Showground, Marshalls Lane, as a Class 3 event, subject to the conditions detailed in the Director Infrastructure Services' Report with the amendment that a condition be added: for approval by Transport for NSW for the VMS.

(Jackie Barry / Chris Pethick)

20221209:03

**AMENDED BUS STOP SIGNAGE, BLAYNEY AND MILLTHORPE**

**Recommendation:**

1. That the signage on Martin St, Blayney be replaced with signs indicating "Bus Zone 7.30AM-3.00PM"
2. That council request NSW Police monitor parking at Millthorpe bus stop to ensure compliance with bus zones.

(Reg Rendall / Cr John Newstead)

- 20221209:04     **SPEEDING CONCERNS - MILLTHORPE**  
**Recommendation:**
1. That Council on behalf of Transport for NSW (TfNSW) install traffic counters along Park St in Millthorpe.
  2. That Council request NSW Police to monitor speed on Park Street, Millthorpe.
  3. That Transport for NSW (TfNSW) to triage the northern entry 50km signage placement for Park Street, Millthorpe.  
(Chris Pethick / Reg Rendall)

- 20221209:05     **GUIDELINES FOR RURAL SCHOOL BUS ROUTES AND INFORMAL BUS STOPS**  
**Recommendation:**
1. That Council adopt the Guidelines for Rural School Bus Routes and informal Bus Stops, and informs school bus operators of the outcome.  
(Chris Pethick / Jackie Barry)

### **TRAFFIC REGISTER**

- 20221209:01     **TRAFFIC REGISTER**  
Noted.

### **INFORMAL MATTERS**

#### **CHIFLEY POLICE DISTRICT - SERIOUS/FATAL MVA REPORT - 2022**

NSW Police advised that reports will no longer be provided. Council's can obtain statistics through web site "Centre for Road Safety".

### **FUTURE MEETING DATES - 2022**

10 February 2023  
7 April 2023  
9 June 2023  
11 August 2023  
6 October 2023  
8 December 2023

There being no further business, the meeting concluded at 10:36am.

### **COUNCIL ISSUES**

Development of Policy and Guidelines for Advisory Signs.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil



**16) ADOPTION OF BLAYNEY LOCAL INFRASTRUCTURE CONTRIBUTIONS PLAN 2022**

**Department:** Planning and Environmental Services

**Author:** Director Planning and Environmental Services

**CSP Link:** 2. Build the Capacity and Capability of Local Governance and Finance

**File No:** CM.PL.4

---

**Recommendation:**

That Council:

1. Adopt the Blayney Local Infrastructure Contributions Plan 2022 attached to this report.
2. Note the Plan commences on the day notice of the council's decision to approve the plan is published on the council's website.
3. Update the schedule of fees and charges in the 2022/23 Operational Plan to reflect the new charges.

**Reason for Report:**

To seek Council's approval to formally adopt Blayney Local Infrastructure Contributions Plan 2022.

**Report:**

At its ordinary meeting of 17 October 2022 Council considered a report on the review of Blayney Local Infrastructure Contributions Plan 2013. The Council resolved to place draft Blayney Local Infrastructure Contributions Plan 2022 on exhibition for a period of 28 days. No submissions were received during the exhibition period.

**Features of the draft Plan**

The draft Plan is structured in a similar manner to the 2013 plan and applies to the following development types:

- a) Residential accommodation development that will or is likely to require the provision of or increase the demand for local infrastructure within the Blayney LGA.
- b) Heavy haulage development that will or is likely to accelerate the deterioration of the pavements on council roads.
- c) Development that is not included in (a) or (b) above that has a proposed cost of development of more than \$100,000.

Contribution rates for development types are set out in the plan as follows:

- Residential accommodation development resulting in additional dwellings or lots - \$9,296 per dwelling or lot
- Heavy haulage development –
  - \$0.52 per (Equivalent Standard Axle) ESA per km of regional sealed road

- \$0.66 per ESA per km of local sealed road
- \$0.52 per ESA per km of local gravel road
- S7.12 levies (Non-Residential Development) - Where the proposed cost of carrying out the development:
  - is more than \$100,000 and up to and including \$200,000 - 0.5% of than cost
  - is more than \$200,000 - 1.0% of that cost

The current 2013 Plan has rates of:

- Residential accommodation development resulting in additional dwellings or lots - \$6,880.00 per dwelling or lot
- Heavy haulage development –
  - \$0.22 per ESA per km of regional sealed road
  - \$0.50 per ESA per km of local sealed road
  - \$0.25 per ESA per km of local gravel road
- The 7.12 levy remains unchanged.

#### Works Schedule

The works schedule within the Plan lists the projects proposed to be part funded from the Plan. For Councils ease and reference, the 2 page works schedule has been copied from the Plan and included as an enclosure immediately following this report.

Shire wide contribution plans are not intended to fully fund projects. Approximately 10% of Council's estimated costs of works is a reasonable contribution. A wide range of works is proposed to be part funded from contributions including allocations for bridges, roads, footpaths, parks and recreation, stormwater, and libraries.

In addition to the works schedule, a nominal amount of 0.5% of the cost of works in the plan can be included to cover the cost of any future reviews.

The Environmental Planning and assessment Regulations provide that after considering any submissions about the draft contributions plan that have been duly made, the council may—

- (a) approve the plan in the form in which it was publicly exhibited, or
- (b) approve the plan with any alterations the council considers appropriate, or
- (c) decide not to proceed with the plan.

Council must publish notice of its decision on its website within 28 days after the decision is made and the new Plan comes into effect on the day notice of the council's decision to approve the plan is published on the council's website or a later day specified in the notice. The 2013 Contributions Plan is automatically repealed upon adoption of the new plan.

**Risk/Policy/Legislation Considerations:**

The preparation, adoption and operation of Infrastructure Contributions Plans are governed by Sections 7.11 to 7.21 of the Environmental Planning and Assessment Act 1979 and Part 9 of the Environmental Planning and Assessment Regulation 2021.

**Budget Implications:**

Infrastructure contributions from development provides a partial funding source for nominated Council works that effectively provides a saving of expenditure from Council's General Fund.

**Enclosures (following report)**

1 Works Schedule Extract 2 Pages

**Attachments (separate document)**

2 Blayney CP 2022 FINAL 66 Pages

Blayney Shire Local Infrastructure Contributions Plan 2022

| Item No.          | Facility | Location      | Works description  | Report/source | Total Project Costs | Grant Funds Y/N | Total Estimated Council costs* | Nexus      | Contribution Catchment (persons) | Contribution Rate (per person) | Priority / Staging |
|-------------------|----------|---------------|--|---------------|---------------------|-----------------|--------------------------------|------------|----------------------------------|--------------------------------|--------------------|
| <b>Bridges</b>    |          |               |  |               |                     |                 |                                |            |                                  |                                |                    |
| B1                |          | Mandurama     | Belubula Way over Icely Creek - repair   | CAPEX Program | \$ 1,100,000        | Y               | \$ 110,000                     | Shire wide | 8000                             | \$ 13.75                       | 2022-2025          |
| B2                |          | Blayney       | Liscombes Cr - realignment   | CAPEX Program | \$ 935,000          | N               | \$ 935,000                     | Shire wide | 8000                             | \$ 116.88                      | 2024-2027          |
| Sub-total Bridges |          |               |  |               | \$ 2,035,000        |                 | \$ 1,045,000                   |            |                                  | \$ 130.63                      |                    |
| <b>Roads</b>      |          |               |  |               |                     |                 |                                |            |                                  |                                |                    |
| R1a               |          | Blayney       | Village Rd   | CAPEX Program | \$ 959,028          | N               | \$ 1,054,931                   | Shire wide | 8000                             | \$ 131.87                      | 2023-2026          |
| R1b               |          |               |  |               |                     |                 |                                |            |                                  |                                |                    |
| R2                |          | Blayney       | Newbridge Rd realignment (Liscombes Creek)   | CAPEX Program | \$ 200,000          | N               | \$ 220,000                     | Shire wide | 8000                             | \$ 27.50                       | 2024-2027          |
|                   |          | Blayney       | Newbridge Road   | CAPEX Program | \$ 2,000,000        | N               | \$ 500,000                     | Shire wide | 8000                             | \$ 62.50                       | 2024-2027          |
| R3                |          | Blayney       | Hobbys Yards Road  | CAPEX Program | \$ 470,000          | Y               | \$ 200,000                     | Shire wide | 8000                             | \$ 25.00                       | 2022-2025          |
| R4                |          | Barry         | Coombing Lane & Mendham Lane intial sealing  | CAPEX Program | \$ 200,000          | Y               | \$ 30,000                      | Shire wide | 8000                             | \$ 3.75                        | 2022-2024          |
| R5a               |          | Lyndhurst     | North and South Prescott St, North Harrow St initial sealing   | CAPEX Program | \$ 150,000          | Y               | \$ 30,000                      | Shire wide | 8000                             | \$ 3.75                        | 2022-2024          |
| R5b               |          |               |  |               |                     |                 |                                |            |                                  |                                |                    |
| R6                |          | Browns Creek  | Browns Creek Rd  | CAPEX Program | \$ 700,000          | Y               | \$ 385,000                     | Shire wide | 8000                             | \$ 48.13                       | 2023-2026          |
| R7a               |          | Forest Reefs  | Forest Reefs Road  | CAPEX Program | \$ 1,298,040        | Y               | \$ 129,804                     | Shire wide | 8000                             | \$ 16.23                       | 2022-2025          |
| R7b               |          |               |  |               |                     |                 |                                |            |                                  |                                |                    |
| R8                |          | Mandurama     | Mandurama Road   | CAPEX Program | \$ 11,405,345       | Y               | \$ 6,843,207                   | Shire wide | 8000                             | \$ 855.40                      | 2023-2032          |
| R9                |          | Millthorpe    | Richards Lane  | CAPEX Program | \$ 2,200,000        | N               | \$ 220,000                     | Shire wide | 8000                             | \$ 27.50                       | 2023-2026          |
| R10               |          | Millthorpe    | Dakers Oval Carpark  | CAPEX Program | \$ 38,800           | N               | \$ 42,680                      | Shire wide | 8000                             | \$ 5.34                        | 2025-2028          |
| R11               |          | Blayney/Barry | Hobbys Yards Road  | CAPEX Program | \$ 6,360,000        | Y               | \$ 4,000,000                   | Shire wide | 8000                             | \$ 500.00                      | 2023-2032          |
| Sub-total Roads   |          |               |  |               | \$ 25,981,213       |                 | \$ 13,655,622                  |            |                                  | \$ 1,706.95                    |                    |
| <b>Footpaths</b>  |          |               |  |               |                     |                 |                                |            |                                  |                                |                    |
| P1                |          | Blayney       | Orange Rd / Millthorpe Rd - SP - Binstead St - Nestle staff entrance (AMS 3)                           | CAPEX Program | \$ 280,644          | N               | \$ 308,708                     | Shire wide | 8000                             | \$ 38.59                       | 2024-2027          |
| P2                |          | Blayney       | Charles St - FP - Adelaide St - Osman St (AMS 8)   | CAPEX Program | \$ 51,142           | N               | \$ 56,256                      | Shire wide | 8000                             | \$ 7.03                        | 2024-2027          |
| P3                |          | Blayney       | Belubula River Walk - SP - Stage 4 - Charles St - Heritage park (AMS 9B)                               | CAPEX Program | \$ 471,200          | Y               | \$ 47,120                      | Shire wide | 8000                             | \$ 5.89                        | 2022-2025          |
| P4                |          | Blayney       | Hawke St - FP - Stirling Pl - Ewin St (AMS 21)   | CAPEX Program | \$ 30,442           | N               | \$ 33,486                      | Shire wide | 8000                             | \$ 4.19                        | 2024-2027          |
| P6                |          | Blayney       | Ewin St - FP - Existing - Palmer Street (AMS 18)   | CAPEX Program | \$ 18,265           | N               | \$ 20,092                      | Shire wide | 8000                             | \$ 2.51                        | 2024-2027          |
| P10               |          | Blayney       | Mt Errol St - FP - Polona St - Mt Errol St (Blayney 12)  | CAPEX Program | \$ 69,083           | N               | \$ 75,991                      | Shire wide | 8000                             | \$ 9.50                        | 2026-2029          |
| P11               |          | Blayney       | Heritage Park - SP around park - Martha St - Adelaide St (Blayney 13)                                  | CAPEX Program | \$ 255,865          | N               | \$ 281,452                     | Shire wide | 8000                             | \$ 35.18                       | 2026-2029          |
| P12               |          | Blayney       | Heritage Park - SP Extension Bird Viewing Platform - Lower Farm Ln (Blayney 27)                        | CAPEX Program | \$ 17,058           | N               | \$ 18,764                      | Shire wide | 8000                             | \$ 2.35                        | 2022-2024          |
| P13               |          | Blayney       | Plumb & Palmer Sts - FP - Stage 3 - 19A Palmer St - Frappe St (Blayney 11C)                            | CAPEX Program | \$ 410,000          | N               | \$ 50,000                      | Shire wide | 8000                             | \$ 6.25                        | 2027-2030          |
| P14               |          | Blayney       | Queen St (West Side) - FP - Lee Hostel - Stillingfleet St (Blayney AD3)                                | CAPEX Program | \$ 18,358           | N               | \$ 20,194                      | Shire wide | 8000                             | \$ 2.52                        | 2027-2030          |
| P15               |          | Blayney       | Clarke St - FP to Presidents Walk - Existing - Presidents Walk (Blayney AMS 5)                         | CAPEX Program | \$ 70,061           | N               | \$ 77,067                      | Shire wide | 8000                             | \$ 9.63                        | 2027-2030          |
| P16               |          | Blayney       | Heritage Park (Adelaide St) - SP & Kerb Blisters - Stillingfleet St - Martha St (Blayney 2)            | CAPEX Program | \$ 40,323           | N               | \$ 44,355                      | Shire wide | 8000                             | \$ 5.54                        | 2028-2031          |
| P17               |          | Blayney       | Mitchell St - FP - Napier St - Presidents Walk (Blayney 6)   | CAPEX Program | \$ 40,323           | N               | \$ 44,355                      | Shire wide | 8000                             | \$ 5.54                        | 2028-2031          |
| P18               |          | Blayney       | Belubula River Walk - SP - Stage5 - Mitchell St - Napier Oval (Blayney AD2)                            | CAPEX Program | \$ 134,409          | N               | \$ 147,850                     | Shire wide | 8000                             | \$ 18.48                       | 2028-2031          |
| P19               |          | Blayney       | Gilchrist St - Lane St - Plumb St (Blayney AD6)  | CAPEX Program | \$ 37,634           | N               | \$ 41,397                      | Shire wide | 8000                             | \$ 5.17                        | 2028-2031          |
| P20               |          | Blayney       | Carcoar St - SP FP Upgrade - Church St - Ogilvy St (Blayney 10)  | CAPEX Program | \$ 98,735           | N               | \$ 108,609                     | Shire wide | 8000                             | \$ 13.58                       | 2029-2032          |
| P21               |          | Blayney       | Amos Ave - FP - Carcoar St - Piggot Pl FP (AMS 22)   | CAPEX Program | \$ 110,215          | N               | \$ 121,237                     | Shire wide | 8000                             | \$ 15.15                       | 2029-2032          |
| P22               |          | Blayney       | Adelaide St - Improved Rail Crossing - Construction - Railway Lane - Martha St (Blayney 1B)            | CAPEX Program | \$ 227,454          | N               | \$ 250,199                     | Shire wide | 8000                             | \$ 31.27                       | 2031-2034          |
| P23               |          | Blayney       | Adelaide St - Kerb blisters / Crossing (Blayney 25,26 & 17)  | CAPEX Program | \$ 1,033,883        | N               | \$ 1,137,271                   | Shire wide | 8000                             | \$ 142.16                      | 2031-2034          |
| P23               |          |               |  |               |                     |                 |                                |            |                                  |                                |                    |
| P23               |          |               |  |               |                     |                 |                                |            |                                  |                                |                    |
| P24               |          | Blayney       | Somers Pl (Blayney AD 8)   | CAPEX Program | \$ 57,897           | N               | \$ 63,687                      | Shire wide | 8000                             | \$ 7.96                        | 2031-2034          |
| P25               |          | Blayney       | Main Street MasterPlan Projects  | CAPEX Program | \$ 2,000,000        | N               | \$ 2,000,000                   | Shire wide | 8000                             | \$ 250.00                      | 2024-2029          |
| P26               |          | Carcoar       | Railway station - FP - Naylor St - Railway Station (Carcoar 5)   | CAPEX Program | \$ 48,013           | N               | \$ 52,814                      | Shire wide | 8000                             | \$ 6.60                        | 2030-2033          |
| P27               |          | Carcoar       | Coombing St - FP & Footbridge - Showground Entrance - Icely St (AMS 2)                                 | CAPEX Program | \$ 118,839          | Y               | \$ 11,884                      | Shire wide | 8000                             | \$ 1.49                        | 2022-2025          |
| P28               |          | Carcoar       | Coombing St - FP Eulamore St - Showground Entrance (AMS 8)   | CAPEX Program | \$ 16,638           | Y               | \$ 1,664                       | Shire wide | 8000                             | \$ 0.21                        | 2022-2025          |
| P29               |          | Mandurama     | Olive st (SE Vside) FP - Silver St - Copper St (Mandurama 6)   | CAPEX Program | \$ 58,849           | N               | \$ 64,734                      | Shire wide | 8000                             | \$ 8.09                        | 2026-2029          |
| P30               |          | Mandurama     | Olive St (MWH) - Vehicle Calming at entries to Village - Mid Western Highway Nth - Sth (Mandurama 7)   | CAPEX Program | \$ 41,355           | N               | \$ 45,491                      | Shire wide | 8000                             | \$ 5.69                        | 2031-2034          |
| P31               |          | Mandurama     | Olive St (MWH) Relocate Ped Ref - Construction Olive St/Gold St Intersection (Mandurama 4B)            | CAPEX Program | \$ 585,867          | N               | \$ 644,454                     | Shire wide | 8000                             | \$ 80.56                       | 2031-2034          |
| P32               |          | Millthorpe    | Richards Lane  | CAPEX Program | \$ 248,000          | N               | \$ 272,800                     | Shire wide | 8000                             | \$ 34.10                       | 2023-2026          |
| P33               |          | Millthorpe    | Glenorie Road SP / Park St - Stage 1 - Blake St - Rail Overbridge (AMS 10A)                            | CAPEX Program | \$ 118,816          | Y               | \$ 11,882                      | Shire wide | 8000                             | \$ 1.49                        | 2022-2025          |
| P34               |          | Millthorpe    | Glenorie Road SP / Park St - Stage 2 - Rail Overbridge - Dog Run (AMS 10B)                             | CAPEX Program | \$ 221,790          | Y               | \$ 22,179                      | Shire wide | 8000                             | \$ 2.77                        | 2022-2025          |
| P35               |          | Millthorpe    | Elliott St - FP - Victoria St - Pym St (AMS AD1)   | CAPEX Program | \$ 116,529          | Y               | \$ 11,653                      | Shire wide | 8000                             | \$ 1.46                        | 2022-2025          |
| P36               |          | Millthorpe    | Crowson St - FP - Stage 3 (inc SP in cut through to Park St) Pearce St - Montgomery St (Millthorpe 9C) | CAPEX Program | \$ 69,936           | N               | \$ 76,930                      | Shire wide | 8000                             | \$ 9.62                        | 2026-2029          |
| P36               |          | Millthorpe    | Crowson St - FP - Stage 1 - Unwin St - Stabback St (Millthorpe 9A)                                     | CAPEX Program | \$ 20,194           | N               | \$ 22,213                      | Shire wide | 8000                             | \$ 2.78                        | 2027-2030          |
| P38               |          | Millthorpe    | Park St - FP - Existing - Richards Lane (Millthorpe AD 08)   | CAPEX Program | \$ 117,393          | N               | \$ 129,132                     | Shire wide | 8000                             | \$ 16.14                       | 2027-2030          |

Blayney Shire Local Infrastructure Contributions Plan 2022

| Item No.                       | Facility         | Location   | Works description  | Report/source | Total Project Costs | Grant Funds Y/N | Total Estimated Council costs* | Nexus      | Contribution Catchment (persons) | Contribution Rate (per person) | Priority / Staging |
|--------------------------------|------------------|------------|--|---------------|---------------------|-----------------|--------------------------------|------------|----------------------------------|--------------------------------|--------------------|
| P36                            |                  | Millthorpe | Crowson St - FP - Stage 2 - Stabback St - Pearce St (Millthorpe 9B)              | CAPEX Program | \$ 52,419           | N               | \$ 57,661                      | Shire wide | 8000                             | \$ 7.21                        | 2028-2031          |
| P40                            |                  | Millthorpe | Hawke St - FP - Crowson St - Victoria St (Millthorpe 5)                          | CAPEX Program | \$ 75,269           | N               | \$ 82,796                      | Shire wide | 8000                             | \$ 10.35                       | 2028-2031          |
| P41                            |                  | Millthorpe | Station St - SP - Existing - Railway Station (Millthorpe AD5)                    | CAPEX Program | \$ 13,777           | N               | \$ 15,155                      | Shire wide | 8000                             | \$ 1.89                        | 2029-2032          |
| P42                            |                  | Millthorpe | Church St / StabbackSt - FP - Existing - Crowson St (Millthorpe AD3)             | CAPEX Program | \$ 127,092          | N               | \$ 139,801                     | Shire wide | 8000                             | \$ 17.48                       | 2030-2033          |
| P43                            |                  | Millthorpe | Victoria St - FP - Boomerang St - Fleet St (Millthorpe AD6)                      | CAPEX Program | \$ 42,364           | N               | \$ 46,600                      | Shire wide | 8000                             | \$ 5.83                        | 2030-2033          |
| P44                            |                  | Millthorpe | Millthorpe Main Street Master Plan Projects (Pym and Victoria Street)            | CAPEX Program | \$ 2,000,000        | N               | \$ 2,000,000                   | Shire wide | 8000                             | \$ 250.00                      | 2024-2029          |
| P46                            |                  | Newbridge  | Trunkey St / Caloola St - Rail Overbridge - Pedestrian Rail Overbridge (AMS AD1) | CAPEX Program | \$ 41,976           | N               | \$ 46,174                      | Shire wide | 8000                             | \$ 5.77                        | 2031-2034          |
| P47                            |                  | Newbridge  | Trunkey St / Caloola St to showground (AMS Nw 01)                                | CAPEX Program | \$ 167,643          | N               | \$ 184,407                     | Shire wide | 8000                             | \$ 23.05                       | 2022-2025          |
| P48                            |                  | Newbridge  | Blayney Street (AMS 3)   | CAPEX Program | \$ 49,403           | N               | \$ 54,343                      | Shire wide | 8000                             | \$ 6.79                        | 2024-2027          |
| P49                            |                  | Neville    | Carcoar St/Crouch St - FP - Public Hall - Park (Neville AMS 1)                   | CAPEX Program | \$ 93,000           | N               | \$ 102,300                     | Shire wide | 8000                             | \$ 12.79                       | 2025-2028          |
| P50                            |                  | Millthorpe | Blake Street   | CAPEX Program | \$ 50,000           | N               | \$ 50,000                      | Shire wide | 8000                             | \$ 6.25                        | 2030-2033          |
| Sub-total Footpaths            |                  |            |  |               | \$ 9,968,153        |                 | \$ 9,095,156                   |            | 8000                             | \$ 1,136.89                    |                    |
| <b>Parks and recreation</b>    |                  |            |  |               |                     |                 |                                |            |                                  |                                |                    |
| OS1                            |                  | Blayney    | Heritage Park - Amenities Refurbishment  | CAPEX Program | \$ 360,000          | Y               | \$ 50,000                      | Shire wide | 8000                             | \$ 6.25                        | 2022-2025          |
| OS2                            |                  | Blayney    | Carrington Park - Amenities Refurbishment  | CAPEX Program | \$ 90,000           | Y               | \$ 30,000                      | Shire wide | 8000                             | \$ 3.75                        | 2022-2025          |
| OS3                            |                  | Blayney    | Napier Oval Kiosk  | CAPEX Program | \$ 150,000          | N               | \$ 150,000                     | Shire wide | 8000                             | \$ 18.75                       | 2023-2026          |
| OS4                            |                  | Blayney    | Heritage Park - shade sail renewal various                                       | CAPEX Program | \$ 100,000          | N               | \$ 110,000                     | Shire wide | 8000                             | \$ 13.75                       | 2027-2030          |
| OS5                            |                  | Blayney    | Frape St / Beaufort St Park  | CAPEX Program | \$ 1,000,000        | N               | \$ 1,000,000                   | Shire wide | 8000                             | \$ 125.00                      | 2023-2025          |
| OS6                            |                  | Blayney    | King George Oval Parking & Pedestrian Integration Project                        | CAPEX Program | \$ 1,045,000        |                 | \$ 104,500                     | Shire wide | 8000                             | \$ 13.06                       | 2022-2025          |
| OS7                            |                  | Blayney    | Netball Court lights   | CAPEX Program | \$ 140,000          | Y               | \$ 70,000                      | Shire wide | 8000                             | \$ 8.75                        | 2022-2025          |
| OS8                            |                  | Blayney    | King George Oval lights  | CAPEX Program | \$ 140,000          | Y               | \$ 70,000                      | Shire wide | 8000                             | \$ 8.75                        | 2022-2025          |
| OS9                            |                  | Blayney    | King George Oval grandstand improvements   | CAPEX Program | \$ 300,000          | Y               | \$ 115,000                     | Shire wide | 8000                             | \$ 14.38                       | 2022-2025          |
| OS10                           |                  | Blayney    | Belubula River Walk Stage 3  | CAPEX Program | \$ 336,000          | Y               | \$ 211,600                     | Shire wide | 8000                             | \$ 26.45                       | 2022-2025          |
| OS11                           |                  | Millthorpe | Blake Street Community Space   | CAPEX Program | \$ 100,000          | Y               | \$ 100,000                     | Shire wide | 8000                             | \$ 12.50                       | 2022-2025          |
| OS12                           |                  | Millthorpe | Millthorpe Community Open Space  | CAPEX Program | \$ 1,000,000        | N               | \$ 1,000,000                   | Shire wide | 8000                             | \$ 125.00                      | 2025-2028          |
| Sub-total Parks and recreation |                  |            |  |               | \$ 4,761,000        |                 | \$ 3,011,100                   |            | 8000                             | \$ 376.39                      |                    |
| <b>Stormwater</b>              |                  |            |  |               |                     |                 |                                |            |                                  |                                |                    |
| W1                             |                  | Millthorpe | Stabback & Unwin Street  | CAPEX Program | \$ 1,211,142        |                 | \$ 300,000                     | Shire wide | 8000                             | \$ 37.50                       | 2022-2025          |
| C1                             | <b>Libraries</b> | Blayney    | Blayney Library - Stage 2  | CAPEX Program | \$ 2,000,000        | N               | \$ 2,200,000                   | Shire wide | 8000                             | \$ 275.00                      | 2031-2034          |
| <b>Total Works</b>             |                  |            |  |               | \$ 45,956,508       |                 | \$ 29,306,878                  |            |                                  | \$ 3,663.36                    |                    |

\* includes 10% contingency

**17) PLANNING PROPOSAL TO AMEND BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 – RU2 RURAL LANDSCAPE TO R2 LOW DENSITY RESIDENTIAL – 34 CHARLES STREET, BLAYNEY**

**Department:** Planning and Environmental Services

**Author:** Director Planning and Environmental Services

**CSP Link:** 5. Protect Our Natural Environment

**File No:** DB.AB.1866

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**Recommendation:**

That Council:

1. Submit the Planning Proposal to the Minister for Planning in accordance with Section 3.34(1) of the Environmental Planning and Assessment Act 1979, requesting a Gateway Determination, pursuant to Section 3.34(2) of the Environmental Planning and Assessment Act 1979.
2. Request delegation to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.
3. Prepare and exhibit an amendment to the Blayney Shire Development Control Plan 2018 to include development controls relating to the subject property in accordance with the Environmental Planning and Assessment Act 1979.
4. Require, prior to submitting the Planning Proposal for Gateway Determination, that the landowner be advised and agree to paying all reasonable costs involved for Council to amend the Blayney Shire Development Control Plan 2018.

**Reason for Report:**

The purpose of this report is to:

- Seek Council resolution to submit a Planning Proposal (PP) to the Department of Planning and Environment to amend the Blayney Local Environmental Plan 2012 (BLEP 2012) under the Environmental Planning and Assessment Act 1979.
- Subsequently, amend and exhibit an amendment to the Blayney Shire Development Control Plan 2018 (BDCP2018) to include development controls relating to the subject property under the Environmental Planning and Assessment Act 1979.

**Report:**

A private Planning Proposal has been submitted seeking Council support to rezone land located at 34 Charles Street Blayney from RU2 Rural Landscape to R2 Low Density Residential and amend the minimum lot size from 100 hectares to 2,000m<sup>2</sup> under BLEP2012.

The subject property is made up of several allotments and described as Lot 11-18 Section 8 DP758121 and Lot 2 DP1214094. The land is vacant and rectangular in shape. It is bound by Charles Street to the north, Lower Farm Street to the east, and residential land to the west and south.



Figure 1: Aerial view of 34 Charles Street, Blayney



Figure 2: Existing Zoning under BLEP2012 of 34 Charles Street, Blayney

The subject property is zoned RU2 Rural Landscape under the BLEP2012. This PP seeks to rezone from RU2 Rural Landscape to R2 Low Density Residential and amend the minimum lot size from 100 hectares to 2,000m<sup>2</sup> under the BLEP2012 to be developed for residential purposes.

This PP was prepared by Anthony Daintith Town Planning on behalf of the landowner, which details the proposed amendments to the BLEP2012 and is provided at Attachment 1. Figure 3 and 4 below demonstrates the proposed zoning and minimum lot size.

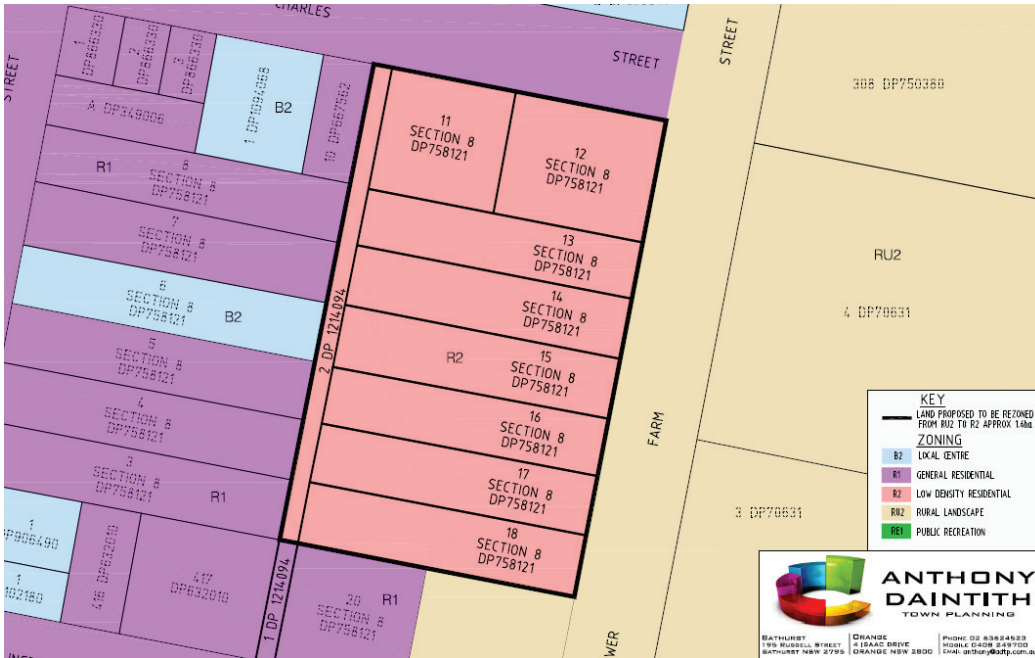


Figure 3: Proposed Zoning for 34 Charles Street, Blayney

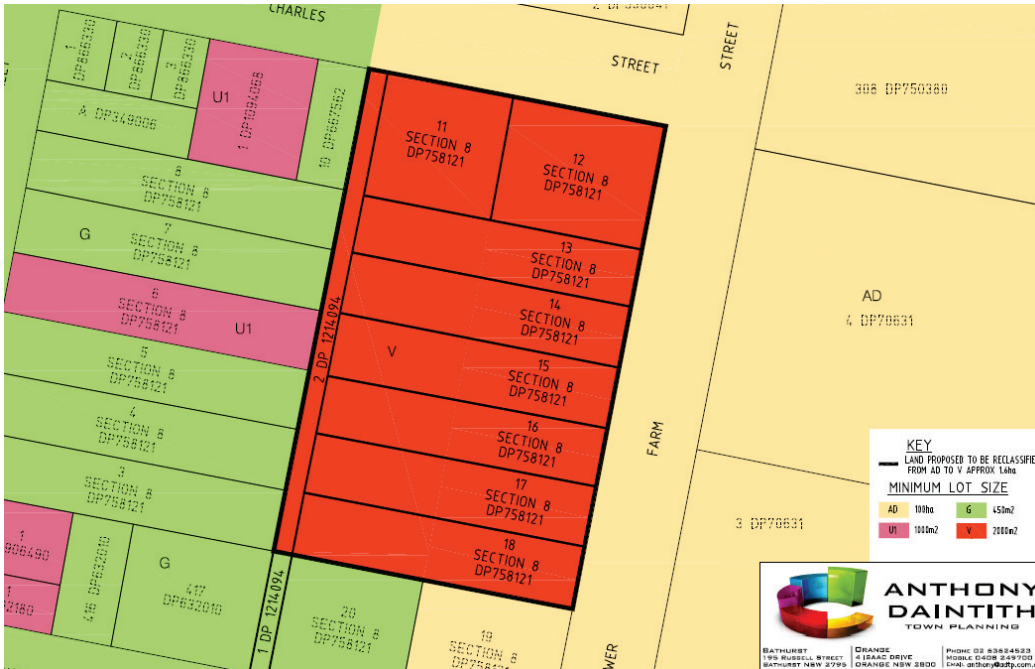




Figure 4: Proposed Minimum Allotment Size for 34 Charles Street, Blayney

This PP is a result of discussions with the landowner and the endorsed Blayney Shire Settlement Strategy 2021 (Strategy 2021). The Strategy 2021 identifies the subject property as having development potential for residential purposes, subject to a Planning Proposal.

This PP proposes to rezone the subject property to R2 Low Density Residential zone with a minimum lot size of 2,000m<sup>2</sup>. This is consistent with the development potential identified in the Strategy 2021.

The Strategy 2021 further identifies that additional investigation into the provision of services and managing flood risk should be resolved. This PP provides a Preliminary Engineering Investigation report prepared by Calare Civil and is provided at Attachment 4. The report provides a concept plan and concludes that building envelopes should be applied to the allotments and any future development will have a Finished Floor Level constructed 500mm above the flood level as demonstrated in Figure 5 below. It should be noted that the Private Laneway shown on the concept plan would not be supported in any future development application and this has been communicated to the applicant.

It is recommended that Council staff amend and exhibit the BDCP2018 to include development controls relating to the subject property to ensure the management of flood risk and the provision of services (roads, access and utilities) for future residential development. The amendment to BDCP 2018 would come to effect when the amendment to BLEP 2012 is formally made.

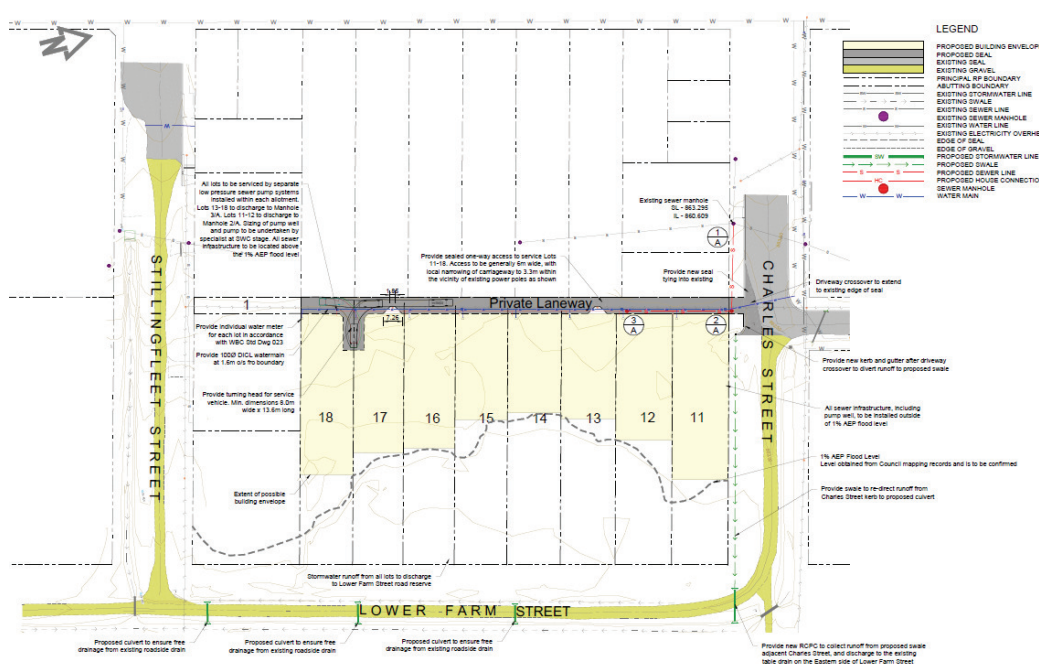


Figure 5: Concept Plan for Civil Works for 34 Charles Street, Blayney

This PP has strategic merit and is consistent with the Strategy 2021, therefore, it is recommended that this PP be submitted to the Department of Planning and Environment to amend the Blayney Local Environmental Plan 2012 (BLEP 2012) under the Environmental Planning and Assessment Act 1979.

**Risk/Policy/Legislation Considerations:**

This PP is consistent with the Strategy 2021, adopted at the Ordinary Council Meeting of 15 February 2021.

**Budget Implications:**

The landowner engaged a consultant to prepare this PP and paid the applicable fee in accordance with Council's Operational Plan 2022/2023. Council staff will be required to facilitate the completion of this PP.

One of the outcomes of the assessment of Planning Proposal is the necessity to amend the Blayney Shire Development Control Plan 2018 to include development controls relating to the subject property. This will involve additional work not covered in the fee.

Section 3.33 (3) of the Environmental Planning and Assessment Act 1979 entitles a planning proposal authority, requested by the owner of any land to exercise its relevant functions, to require a condition for the owner to carry out studies or provide other information concerning the proposal or to pay the costs of the authority. Consequently, it will be recommended that as a condition of proceeding that the landowner pay Council's costs incurred in preparing the amendment of the DCP.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

|   |                         |          |
|---|-------------------------|----------|
| 1 | Planning Proposal       | 32 Pages |
| 2 | Maps                    | 4 Pages  |
| 3 | Concept Plans           | 4 Pages  |
| 4 | Preliminary Engineering | 21 Pages |

**18) PLANNING PROPOSAL TO AMEND THE BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 - PP3: SIX (6) UNSEWERED VILLAGES AND SURROUNDS**

**Department:** Planning and Environmental Services

**Author:** Manager Development Assessment

**CSP Link:** 5. Protect Our Natural Environment

**File No:** LP.ZN.5

**Recommendation:**

That Council:

1. Endorse, as exhibited, the amendment to the Blayney Local Environmental Plan 2012 *PP3 Six (6) Unsewered Villages & Surrounds* as outlined in this report.
2. In exercising its delegation under Section 3.36 of the Environmental Planning and Assessment Act 1979, as endorsed by NSW Department Planning and Environment, forward the required documentation to Parliamentary Counsel for opinion to amend the Blayney Local Environmental Plan 2012.
3. Delegate authority to the General Manager to finalise the amendments to Blayney Local Environmental Plan 2012 with advice from Parliamentary Counsel and the NSW Government on terms that are broadly consistent with the Planning Proposal and this report, including any final feedback from government agencies.

**Reason for Report:**

The purpose of this report is to seek Council resolution to endorse and proceed to make an amendment to Blayney Local Environmental Plan 2012 (BLEP2012).

**Background/Timeline:**

The timeline of key completed steps/stages in this Planning Proposal process have been as follows:

| <b>Date</b>                         | <b>Stage</b>  |
|-------------------------------------|---|
| 15 February 2021<br>Council Meeting | Council resolution to endorse <i>Blayney Shire Settlement Strategy 2020</i> – Resolution No.2102/025 including recommendation no.5 to update BLEP2012 in accordance with that Strategy (Actions A2-1, A3-1 & A4-1). |
| 18 October 2021<br>Council Meeting  | Council resolution to endorse Draft Planning Proposal PP3 - <i>Six (6) Unsewered Villages &amp; Surrounds</i> and seek a Gateway Determination from the NSW Government (see detail below).                          |
| 4 February 2022                     | Gateway Determination PP-2021-7118 issued by NSW Government.  |
| 13 October 2022                     | Blayney Council request for extension of time to amend  |

|                                |   |
|--------------------------------|---|
|                                | Condition 7 of the Gateway Determination.   |
| 3 November 2022                | Alteration of Gateway Determination by NSW Government – Extension of Time - Condition 7 – The LEP is to be completed by 28 April 2023.  |
| 20 October to 18 November 2022 | Public exhibition of Planning Proposal from 20/10/2022 to 18/11/2022 (28 days) including: <ul style="list-style-type: none"> <li>• Council website 19/10/2022 to 18/11/2022;</li> <li>• Blayney Chronicle 20/10/22</li> </ul> |

**Report:**

The subject Planning Proposal, *PP3: Six (6) Unsewered Villages & Surrounds* proposes the following changes:

**PP3A: Urban Zoning – Village Zone & Large Lot Residential Zone**

The Proposal is to apply a consistent minimum lot size (MLS) for new residential accommodation only (requiring on-site effluent management) and subdivision in the six (6) unsewered villages as outlined in table 1.

This will be applied by changes to the Lot Size Maps in BLEP2012 applying to each relevant village as well as new/amended clause wording to apply the MLS to new residential accommodation applications. Table 1 shows the changes in MLS (currently only applying to subdivision but proposed to affect future subdivision and residential accommodation) is set out below.

For future subdivision this will affect Mandurama (RU5), Lyndhurst (RU5/R5), Newbridge (RU5), and Barry (R5). For future residential accommodation applications, it will introduce a new minimum lot size for all six (6) unsewered villages reliant on on-site effluent management.

**Note:** All non-residential applications will be required to meet a merits based assessment under the Environmental Planning and Assessment Act and subject to the recommendations of an on-site effluent management study.

**Table 1: Proposed Minimum Lot Size changes**

| VILLAGE          | Zone        | Area/<br>Location         | Existing<br>Lot Size | Proposed<br>Lot Size | Impact<br>Subdivision |
|------------------|-------------|---------------------------|----------------------|----------------------|-----------------------|
| <b>Carcoar</b>   | RU5 Village | Village core              | 3,000m <sup>2</sup>  | 2,000m <sup>2</sup>  | Decrease              |
|                  | R5 LLR      | NW corner/<br>Belubula St | 2ha                  | 2ha                  | No change             |
|                  | R5 LLR      | Remainder                 | 6,000m <sup>2</sup>  | 4,000m <sup>2</sup>  | Decrease              |
| <b>Mandurama</b> | RU5 Village | South of<br>Banana St     | 1,000m <sup>2</sup>  | 4,000m <sup>2</sup>  | Increase              |
|                  | RU5 Village | Remainder                 | 1,000m <sup>2</sup>  | 2,000m <sup>2</sup>  | Increase              |
|                  | R5 LLR      | East of Rail<br>Line      | 2ha                  | 2ha                  | No change             |
|                  | R5 LLR      | West of Rail<br>Line      | 4,000m <sup>2</sup>  | 4,000m <sup>2</sup>  | No change             |

| VILLAGE   | Zone        | Area/<br>Location         | Existing<br>Lot Size | Proposed<br>Lot Size | Impact<br>Subdivision |
|-----------|-------------|---------------------------|----------------------|----------------------|-----------------------|
| Lyndhurst | RU5 Village | Village core              | 1,000m <sup>2</sup>  | 2,000m <sup>2</sup>  | Increase              |
|           | R5 LLR      | West of<br>Creek          | 3,500m <sup>2</sup>  | 4,000m <sup>2</sup>  | Increase              |
|           | R5 LLR      | East of Creek             | 1ha                  | 1ha                  | No change             |
| Neville   | RU5 Village | Village core              | 2,000m <sup>2</sup>  | 2,000m <sup>2</sup>  | No change             |
|           | R5 LLR      | Egbert St/<br>Kentucky Rd | 1.25ha               | 1ha                  | Decrease              |
|           | R5 LLR      | Remainder                 | 4,000m <sup>2</sup>  | 4,000m <sup>2</sup>  | No change             |
| Newbridge | RU5 Village | Village core              | 1,600m <sup>2</sup>  | 2,000m <sup>2</sup>  | Increase              |
|           | R5 LLR      | All                       | 4,000m <sup>2</sup>  | 4,000m <sup>2</sup>  | No change             |
| Barry     | R5 LLR      | core                      | 2,000m <sup>2</sup>  | 4,000m <sup>2</sup>  | Increase              |
|           | R5 LLR      | edge                      | 8,000m <sup>2</sup>  | 4,000m <sup>2</sup>  | Decrease              |

PP3B: Dwelling Permissibility – within 500m of the Village zone

The Proposal is to allow an application for a dwelling house on a lot or holding that complies with the following criteria:

- a) Is in Zone RU1 Primary Production or Zone RU2 Rural Landscape;
- b) Has no existing dwelling house or dual occupancy;
- c) All (or a significant part) of the lot is within 500m of designated ‘urban’ zones of each village as set out in the table below;

| Settlement/Village                         | Zone(s) from which 500m is Measured              |
|--|--|
| Carcoar, Mandurama,<br>Newbridge & Neville | Zone RU5 Village                                 |
| Lyndhurst                                  | Zone RU5 Village + Zone R5 Large Lot Residential |
| Barry                                      | Zone R5 Large Lot Residential                    |

- d) Has a minimum lot/holding area of 1.5ha;
- e) Is not significantly affected by any environmental or other constraints (including, but not limited to, minimising impacts on agricultural lands and land use conflict); and
- f) Has a legal access to a public road (that does not require substantial road extensions/upgrades to achieve access).

The lot or holdings have been mapped as having ‘dwelling opportunity’ on the new *Dwelling Opportunity Map(s)* with an amendment to the wording under Clause 4.2A of BLEP2012 to provide the exception to the minimum lot size in that clause.

It is important to note that if a lot/holding is mapped as having a ‘*Dwelling Opportunity*’ it does not guarantee that a dwelling will be approved. Council may still request additional studies/information and will assess each application on its merits. In addition, the ‘dwelling opportunity’ only remains valid for 5 years from the Date of Commencement of this amendment to the BLEP2012 so an application ideally needs to be approved prior to that end date.

The table below summarises the lots/holding that will be mapped as having ‘*Dwelling Opportunity*’ as set out in the Planning Proposal:

| No. on Map | CARCOAR Address | Title (Lot/DP)                |
|------------|-----------------|-------------------------------|
| 1          | 16 Mandurama St | Lots 11-20 Sect 6<br>DP758225 |

| No. on Map | LYNDHURST Address        | Title (Lot/DP)                                   |
|------------|--------------------------|--|
| 1          | 117 Garland Rd           | Lot 3 DP197791                                   |
| 2          | 116 Garland Rd           | Lot 2 DP197791                                   |
| 3          | 10 Hay St                | Lot 2 Sect 35 DP758629                           |
| 4          | 4 Hay St                 | Lot 89 DP750393                                  |
| 5          | 2 Hay St                 | Lot 90 DP750393                                  |
| 6          | 16 Leabeater St          | Lot 5 Sect 36 DP758629                           |
| 7          | 1 Burke St               | Lot 5 Sect 37 DP758629<br>Lot 1 DP130262         |
| 8          | 1 Burke St               | Lots 3-12 Sect 38<br>DP758629                    |
| 9          | 1 Burke St               | Lot 32 DP750393                                  |
| 10         | 6609 Mid Western Highway | Lots 2 & 3 Sect 26<br>DP758629                   |
| 11         | 6578 Mid Western Highway | Lot 1 DP1123773                                  |
| 12         | 6578 Mid Western Highway | Lots 2 & 3 DP1123773                             |
| 13         | 111 Prescot St           | Lot 1 DP133604<br>Lot 84 DP750393                |
| 14         | 111 Prescot St           | Lots 77-79 DP750393                              |
| 15         | 2 Thomas St              | Lot 1 Sect 1 DP758629                            |
| 16         | 2 Thomas St              | Lot 2 Sect 1 DP758629                            |
| 17         | 14-16 Thomas St          | Lot 1 Sect 3 DP758629<br>Lot 3 DP130390          |
| 18         | 7-10 Thomas St           | Lot 2 Sect 3 DP758629;<br>Lot 1 DP130389         |
| 19         | 22 Thomas St             | Lot 2 Sect 4 DP758629;<br>Lot 1 DP1126655        |
| 20         | 16 Harrow St             | Lot A DP308921;<br>Lots 1-3 DP1092791            |
| 21         | 12 Harrow St             | Lot 1 DP123347                                   |
| 22         | 6 – 8 Harrow St          | Lot 1 Sect 22 DP758629<br>Lot 2 Sect 22 DP758629 |

| No. on Map | NEWBRIDGE Address | Title (Lot/DP)          |
|------------|-------------------|-------------------------|
| 1          | 45 Caloola St     | Lot 8 DP1090786         |
| 2          | 29 Caloola St     | Part Lot 1010 DP1129792 |

| <b>No. on Map</b> | <b>NEVILLE Address</b> | <b>Title (Lot/DP)</b>  |
|-------------------|------------------------|--|
| 1                 | 1663 Neville Rd        | Lot 1 DP1039920  |
| 2                 | 1663 Neville Rd        | Lot 2 DP1039920  |
| 3                 | 70 Teasdale Rd         | Lot 1 Sect 3 DP758767  |
| 4                 | 71 Kentucky Rd         | Lot 4 Sect 32 DP758767   |
| 5                 | 7 Macquarie St         | Lot 421 DP750399 & Lot 3 DP247651  |
| 6                 | 779 Barry Rd           | Lot 415 DP750399<br>Lot 1 DP1161407  |
| 7                 | 48 Crouch St           | Lot 1 Sect 12 DP758767   |
| <b>No. on Map</b> | <b>BARRY Address</b>   | <b>Title (Lot/DP)</b>  |
| 1                 | 27 Pearson St          | Lots 1-10 Sect 9 DP758062<br>Lot 16 DP111690                               |
| 2                 | 2306 Hobbys Yards Rd   | Lots 143-144 DP750399<br>Part Lot A DP111690                               |
| 3                 | 40 Coombing Ln         | Lot 215 DP750399   |
| 4                 | 46 Barry Rd            | Lots 162, 163 & 165 DP750399   |
| 5                 | 47 Barry Rd            | Lots 236 DP750399  |
| 6                 | 47 Barry Rd            | Lots 237 DP750399  |
| 7                 | 2225 Hobbys Yards Rd   | Lots 167 & 168 DP750399  |
| 8                 | 2225 Hobbys Yards Rd   | Lots 166 & 176 DP750399  |
| 9 & 10            | 2225 Hobbys Yards Rd   | Lots 1-10 Sect 19 DP758062; Lots 1-10 Sect 20 DP758062; Lots 7-10 DP111690 |
| 11                | 2 Barker St            | Lots 1-10 Sect 16 DP758062; Lots 5 & 6 DP111690                            |

#### Submissions during Public Exhibition

During public exhibition of the Planning Proposal (20/10/2022 to 18/11/2022 - 28 days) a total of eleven (11) public submissions were received, which are summarised (with staff comments) in the Table below and provided unredacted as confidential attachments.

In summary, no changes are proposed to the Planning Proposal/LEP amendment from the submissions received with reasoning set out below.

| No. | Submission Summary   | Council Staff Comment  |
|-----|--|--|
| 1   | 6450 Mid Western Hwy LYNDHURST (Lot 5 DP1108340). Area GIS ~15.4ha/16.08ha | <p><b>NOT RECOMMENDED FOR INCLUSION AT THIS TIME</b> for a range of reasons that include, but may not be limited to:</p> <ul style="list-style-type: none"> <li>a) The lot size exceeds the 10ha guide justified as a threshold in the Proposal. The Proposal sought to benefit small (highly fragmented) historic village lots that had no agricultural potential and development would have negligible impact on agriculture. Larger lots take up more agricultural land and have a larger interface with agricultural land. If an exception was made for this lot, then there would be a significant potential increase in land to be granted a dwelling potential and this is unlikely to be supported by the NSW Government;</li> <li>b) The lot has a significant interface with Grubbenbun Creek and a high flood potential. The indicative flood mapping cannot be relied on. No Flood Study has been provided. There is also a secondary creek that cuts across the access from North St and may affect flood-free access;</li> <li>c) North St is not fully formed and the lot is set back more than 100m from the Highway which would be of significant cost to upgrade. It relies on a culvert crossing over the unnamed creek that may not be flood-free. Direct access to the Mid Western Highway is not supported.</li> </ul> |
| 2   | 108 Brady Rd CARCOAR (Lot 1 DP626899). Area GIS ~9.15ha.                   | <p><b>NOT RECOMMENDED FOR INCLUSION AT THIS TIME</b> for a range of reasons that include, but may not be limited to:</p> <ul style="list-style-type: none"> <li>a) The lot size is very close to the 10ha guide justified as a threshold in the Proposal. The Proposal sought to benefit small (highly fragmented) historic village lots only.</li> <li>b) The land has a marked watercourse, steeply sloping land, and significant vegetation and sensitive biodiversity overlay. Development of access and a dwelling is likely to have significant impact on land, water &amp; biodiversity and possibly the northern gateway to Carcoar and this has not been adequately addressed in the submission.</li> <li>c) Whilst the lot has frontage to Brady/ Belubula Rd there are likely to limited locations with suitable</li> </ul>   |



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|  |  | sight-line and a high impact on vegetation.  |
| 3  | 4 Hay St LYNDHURST (Lot 89 DP750393). Area GIS ~1.67ha.  |  |
| Supports Proposal as site identified as having Dwelling Potential. |  | <b>NO NEED TO CHANGE PROPOSAL AS A 'DWELLING POTENTIAL' HAS BEEN PROVIDED TO THE SITE.72 teas</b> No need for more detailed review.  |
| 4  | 72 Teasdale St NEVILLE (Lot 407 DP750399). Area ~5.8ha (GIS)                                   |  |
| Request to be included in Dwelling Potential Mapping.              |  | <b>NOT RECOMMENDED FOR INCLUSION AT THIS TIME</b> for a range of reasons that include, but may not be limited to:<br>a) The lot is approximately 800m from the RU% village zone. If an exception was made for this lot, then there would be a significant potential increase in land to be granted a dwelling potential and this is unlikely to be supported by the NSW Government;<br>b) The land is within the buffer area to the Neville Waste Depot which generally seeks to exclude residential uses to minimise (future) land use conflicts;<br>c) The land has a significant interface with other Zone RU1 / potential agricultural land to west/south/east increasing the potential for land use conflict;<br>d) There is a biodiversity overlay over the perimeter of the Site. |
| 5  | 71 Kentucky Rd NEVILLE (Lot 1 S31 DP758767). Area 2ha (GIS). ALTERNATIVE Lots 2/3 Area ~2.2ha. |  |
| Request to be included in Dwelling Potential Mapping.              |  | <b>NOT RECOMMENDED FOR INCLUSION AT THIS TIME</b> for a range of reasons that include, but may not be limited to:<br>a) This holding is isolated by unformed roads; Egbert St, Sunset Hills Rd, Macquarie St and Moorilda St. It has a holding size (including some unformed roads) of nearly 20ha which exceeds the 10ha guide justified as a threshold in the Proposal. The holding does not have direct access to formed road.<br>If an exception was made for this lot/holding, then there would be a significant potential increase in land to be granted a dwelling potential and this is unlikely to be supported by the NSW Government;<br>b) The submission relates to Lot 1 Section 31 DP758767 which is a lot nearly 200m east of   |

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|  | <p>Kentucky Road along the unformed Egbert St closer to Number One Swamp Creek;</p> <p>c) It would require Egbert St to be formed as a road &gt;200m at significant cost which may result in tree removal under the biodiversity overlay.</p>  |
| 6  | 16 Mandurama St CARCOAR (Multiple addresses/lots)  |
| <p>Request to be included in Zone RU5 or R5 Large Lot Residential.</p>   | <p><b>NOT RECOMMENDED FOR INCLUSION AT THIS TIME</b> for a range of reasons that include, but may not be limited to:</p> <p>a) The land has been mapped in the Proposal as having ‘Dwelling Potential’ which may provide some development potential (subject to merit assessment);</p> <p>b) The Settlement Strategy has not identified this land for inclusion in Zone RU5 Village or Zone R5 Large Lot Residential, most likely due to significant environmental constraints on the land including, but not limited to: sloping land, significant vegetation and biodiversity overlays, and possible difficulties for some lots to support on-site effluent (consistent with the minimum lot sizes for residential accommodation in the villages in this Proposal);</p> <p>c) Inclusion would be contrary to the Blayney Shire Settlement Strategy.</p>  |
| 7/8  | 4-6 Toomey St NEWBRIDGE (Lots 22 & 23 DP776836). Area GIS (2 lots) ~1,544sqm.  |
| <p>Change in minimum lot size for villages likely to result in lost dwelling potential on two (2) lots from 2,000sqm minimum.</p> <p>Would like:<br/>Existing minimum lot sizes for a dwelling applies;<br/>Retain ability to lodge a Clause 4.6 variation in the future;<br/>Until March 2023 to lodge a DA under current</p> | <p><b>NOT RECOMMENDED TO CHANGE PROPOSAL AT THIS TIME</b> for a range of reasons that include, but may not be limited to:</p> <p>a) Council staff have discussed this concern with the submitter and recommended they lodge a development application for a dwelling on one of the lots with a supporting on-site effluent report <u>prior to</u> the LEP amendment commencing in early 2023 and this will be assessed under the current controls which have no minimum lot size for a dwelling (only for subdivision). The submitter has suggested they would lodge an application. They would then have five (5) years from any consent to commence that approval. This approach provides reasonable fairness to the submitter;</p> <p>b) If an exception was made for these lots (after the LEP amendment commences), then it would undermine the adopted recommendations of the Settlement Strategy, ignore the issue with on-site effluent management on undersized lots, and there</p> |

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| rules.   | would be a significant potential increase in land to be granted a dwelling potential and this is unlikely to be supported by the NSW Government.  |
| <b>9   LAND NOT SPECIFIED</b>  |   |
| Change in minimum lot size for villages likely to result in lost dwelling potential on lots less than 2,000sqm minimum. Has Council considered other effluent systems? | <p><b>NOT RECOMMENDED TO CHANGE PROPOSAL AT THIS TIME</b> for a range of reasons that include, but may not be limited to:</p> <ul style="list-style-type: none"> <li>a) The Settlement Strategy has made a clear recommendation to increase the minimum lot sizes to permit residential accommodation (primarily dwellings) and this has been adopted by Council.</li> <li>b) Council’s Development Control Plan (DCP) Section G2.5 is consistent with the Strategy in ensuring there is sufficient land for all development with a primary and secondary ‘reserve’ area for effluent disposal that is often difficult to achieve on lots less than 2,000m<sup>2</sup>.</li> <li>c) Council does not wish to encourage pump-out or other effluent systems with high management regimes that require additional enforcement.</li> <li>d) Amendment to this position would undermine the Settlement Strategy adopted recommendations and poses a higher risk to the natural environment and residential amenity.</li> </ul> |
| <b>10   LAND NOT SPECIFIED- GENERAL</b>  |   |
| Change in minimum lot size for villages likely to result in lost dwelling potential on lots less than 4,000sqm minimum.  | <p><b>NOT RECOMMENDED TO CHANGE PROPOSAL AT THIS TIME.</b></p> <p>See comment to Submission 9 above. As general submission, not possible to comment on specific site opportunities or constraints.</p>  |

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| 11  | <b>LAND NOT SPECIFIED – GENERAL</b>  |
| Change in minimum lot size for villages likely to result in lost dwelling potential on lots less than 4,000sqm minimum. | <p><b>NOT RECOMMENDED TO CHANGE PROPOSAL AT THIS TIME.</b></p> <p>See comment to Submission 9 above. As general submission, not possible to comment on specific site opportunities or constraints.</p> |

Addressing Gateway Determination Conditions

The Table below sets out each of the Gateway Determination conditions and how they have been satisfied:

| <b>GATEWAY CONDITION</b>  | <b>COUNCIL RESPONSE/COMPLIANCE</b>   |
|---|--|
| <p>1. Prior to community consultation a revised planning proposal is to be resubmitted that addresses the following:</p> <p>a) undertake a preliminary contamination investigation to satisfy Council the subject areas that may be potentially contaminated are suitable or can be made suitable for future residential use;</p> <p>b) address application of the proposed minimum lot size on permissible non-residential uses in zones RU5 Village and R5 Large Lot Residential; and</p> <p>c) update the Project Timeline Council is to seek approval from the Department of Planning and Environment – Western Region prior to undertaking community consultation.</p> | <p>a) Council staff have conducted a desktop assessment &amp; review of records for all of the listed ‘Dwelling Potential’ sites as well as a site visit. Council staff confirm that there is no evidence of potentially contaminating land uses that may require more detailed contamination studies and most properties were used primarily for extensive agriculture (low-risk). Council staff are satisfied that each site is suitable for future residential use. The Department was notified by email dated 19 August 2022 to Wayne Garnsey/Oyshee Iqbal of this finding.</p> <p>b) The Planning Proposal clearly states that the minimum lot size ONLY applies to ‘residential accommodation’ and NOT to other uses (e.g., employment land uses) that can be assessed on their merits. This was reconfirmed as satisfactory in recent phone discussion with Mr Wayne Garnsey of the Department on 29 November 2022.</p> <p>c) Council has requested an Alteration of Gateway Determination (GA-2022-189) and this was granted on 3 November 2022 with an extension to complete the LEP amendment until 28 April 2023.</p> |
| <p>2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:</p> <p>a) the planning proposal is to be made publicly available</p>  | <p>Public exhibition of the Planning Proposal occurred from 20/10/2022 to 18/11/2022 (28 days) including:</p> <ul style="list-style-type: none"> <li>• Council website 19/10/2022 to 18/11/2022;</li> <li>• Blayney Chronicle 20/10/22</li> </ul>  |

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| <p>for a minimum of <b>28 days</b>;<br/>and<br/>b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Stage 5 of Local Environmental Plan Making Guideline (Department of Planning and Environment, December 2021).</p> | <p>Copies of all documents were available at Council’s offices in Blayney and met the requirements.</p>  |
| <p>3. Consultation is required with the Department of Planning and Environment – Environment, Energy and Science under section 3.34(2)(d) of the Act.<br/>The public authority/agency is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.</p>  | <p>A minor error was made in not individually advising this Department (EES) on this particular Proposal. To resolve this, it is proposed to notify EES immediately and provide an extended period over Christmas/New Year for a response prior to progressing the LEP amendment. Satisfaction of any issues raised is required before the Department of Planning &amp; Environment will finalise the LEP amendment. If significant issues are raised then the Proposal can come back to a Council meeting for resolution.</p> |
| <p>4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).<br/>a)</p>  | <p>There is no requirement for a public hearing and based on our response to the submissions above, Council staff do not believe that one is necessary. There was extensive public engagement during the preparation of the <i>Blayney Settlement Strategy</i> that supports these amendments.</p>   |
| <p>5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:<br/>b) the planning proposal authority has satisfied all</p>  | <p>Blayney Council is exercising its local plan-making functions and will work with Parliamentary Counsel to draft the amendments. We suggest this Table shows how the Gateway conditions have been addressed and the Planning Proposal shows how it is consistent with the Section 9.1 Directions (or inconsistencies are</p>   |

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| <p>the conditions of the Gateway determination;</p> <p>c) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and</p> <p>d) there are no outstanding written objections from public authorities.</p> | <p>justified). There are no outstanding written objections from public authorities (subject to receiving any feedback from EES as noted above).</p> |
| <p>6. Prior to submission of the planning proposal under section 3.36 of the Act, the final LEP maps must be prepared and be compliant with the Department’s ‘Standard Technical Requirements for Spatial Datasets and Maps’ 2017.</p>   | <p>Council has engaged Chartis Technologies &amp; iPLAN PROJECTS to prepare the final LEP maps in the standard format.</p>                          |
| <p>7. The time frame for completing the LEP is to be <b>nine (9) months</b> following the date of the Gateway determination.</p>   | <p>The date of completion was extended to 28 April 2023 by Alteration of Gateway Determination (GA-2022-189) noted above.</p>                       |

Way Forward

Following due process and review of submissions it is now considered appropriate for Council to endorse the Planning Proposal. Should Council agree, final mapping can be prepared and liaison occur with the Parliamentary Counsel to prepare the appropriate wording for the amending LEP. It is anticipated the BLEP2012 will not be formally amended until February / March 2023.

**Risk/Policy/Legislation Considerations:**

The Planning Proposal, *PP3: Six (6) Unsewered Villages & Surrounds* is largely consistent with the *Blayney Settlement Strategy 2020*, adopted at the Ordinary Meeting of 15 February 2021.

**Budget Implications:**

Allocation within the 2022/23 operational plan has already been made for iPLAN PROJECTS to assist Council with finalising the amendment to BLEP2012 and for Chartis Technology to assist with the mapping in Standard Instrument format.

Contributions as per the Blayney Local Infrastructure Contributions Plan 2022 will apply to applications lodged under PP3B: Dwelling Permissibility – within 500m of the Village zone.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

1 Submissions 31 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.*

19) **DA94/2022 - ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING - 7 - 9 VICTORIA STREET MILLTHORPE**

**Department:** Planning and Environmental Services

**Author:** Manager Development Assessment

**CSP Link:** 5. Protect Our Natural Environment

**File No:** DB.AB.1843

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**Recommendation:**

That Council consent to Development Application 94/2022 for alterations and additions to an existing dwelling house at Lot 116 DP587508, 7 – 9 Victoria Street, Millthorpe subject to the recommended conditions of consent.

**Reason for Report:**

For Council to consider and determine Development Application 94/2022 for alterations and additions to an existing dwelling house at Lot 116 DP587508, 7 – 9 Victoria Street, Millthorpe.

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

**Report:**

Executive Summary

Council's consent is sought for alterations and additions to an existing dwelling house at Lot 116 DP587508, 7 – 9 Victoria Street, Millthorpe (the 'subject property').

The subject property has a total area of 1808.81m<sup>2</sup> and contains an existing dwelling house, outbuilding (shed) and established landscaping. The existing dwelling house is a Heritage Item and located in the Millthorpe Conservation Area pursuant to the *Blayney Local Environmental Plan 2012*. Properties surrounding the subject property comprise of residential development.





Figure 1: Aerial View of 7 – 9 Victoria Street, Millthorpe

The key issue for consideration is one (1) submission received during the notification period, as required by the *Blayney Community Participation Plan 2020*. The submission raised concerns regarding the colour finish of ‘monument’ on the proposed alterations and additions and the visual impact from Pilcher Street. The submission is addressed in Section 4.15(1)(d) of this report.

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

#### Proposed Development

Council’s consent is sought for alterations and additions to an existing dwelling house at Lot 116 DP587508, 7 – 9 Victoria Street, Millthorpe (the ‘subject property’).

The proposed development is of single storey construction and located at the rear of the existing dwelling house and accommodates a modern dining area, mudroom, laundry, rear entry, and a master bedroom wing.

The construction comprises of a range of materials, including timber (ironash tongue and groove wall cladding), colorbond (standard seam profile with a matt colorbond monument colour) and face brickwork (salvaged bricks to match the existing dwelling house).

## **ASSESSMENT – ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**

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

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

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

## **SECTION 4.15 EVALUATION**

### **Matters for Consideration – General**

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

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

#### **Blayney Local Environmental Plan 2012**

#### **Part 1 – Preliminary**

#### **Clause 1.2 Aims of Plan**

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

#### **Clause 1.7 Maps**

|                                   |  |
|-----------------------------------|--|
| <b>Land zoning:</b>               | RU5 Village  |
| <b>Lot size:</b>                  | 1808.81m <sup>2</sup>  |
| <b>Heritage:</b>                  | Local Heritage Item (I300) & Millthorpe Heritage Conservation Area |
| <b>Terrestrial biodiversity:</b>  | N/A  |
| <b>Groundwater vulnerability:</b> | N/A  |
| <b>Drinking water catchment:</b>  | N/A  |
| <b>Watercourse:</b>               | N/A  |
| <b>Flood:</b>                     | N/A  |

#### **Clause 1.9A – Suspension of Covenants, Agreements and Instruments**

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

- *a covenant imposed by the Council or that the Council requires to be imposed, or*
- *any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or*
- *any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or*

- *any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or*
- *any property vegetation plan within the meaning of the Native Vegetation Act 2003, or*
- *any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or*
- *any planning agreement within the meaning of Division 6 of Part 4 of the Act.*

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

## **Part 2 – Permitted or prohibited development**

### **Clause 2.3 – Zone objectives and Land Use Table**

The subject property is zoned RU5 Village. Alterations and additions to a dwelling house is permissible in the in the RU5 Village zone.

The objectives of the RU5 Village Zone seek to:

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

The development is assessed to be consistent with the forgoing objectives.

## **Part 5 – Miscellaneous provisions**

### **Clause 5.10 – Heritage Conservation**

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

Given that the subject property is identified as a local Heritage Item and is located within the Millthorpe Heritage Conservation Area, the applicant consulted with Council's Heritage Advisor in order to achieve a satisfactory design outcome.

Whilst Council's Heritage Advisor commented that the approach is sound and suits the significance of the building and streetscapes, a number of recommendations were made during the design process regarding the colour finish of the proposed built form. Of greatest significance was the Heritage Advisors comment that the Colorbond cladding should be Colorbond Basalt, rather than Colorbond Monument.

The applicant was provided the opportunity to respond to the Heritage recommendations as provided in Attachment 5. As such, the colour finish of 'monument' is supported by Council staff due to the following reasons:

- The proposed design includes an appropriate setback from Pearce Street of 11.5 metres, therefore, reducing the visual impact from the streetscape.
- The subject property has established existing landscaping along the northern and eastern boundaries. The application included an additional landscaping plan to provide further screening from Pearce Street.
- The proposed design is located behind the front building line of the existing dwelling house and is a defined separation between the existing Heritage Item and proposed development.
- The proposed design is a mixture of materials, including brick, timber and Colorbond cladding, therefore, providing a relief in the bulk of the design visible from Pearce Street.
- The existing fencing along the eastern boundary is a black colour finish therefore, the proposed development is consistent with the built form and character of the subject property; and
- The proposed development is similar to other properties in Millthorpe and Carcoar in regard to design and the colour finish of Monument, for example, 29 Victoria Street, Millthorpe and 2 Belubula Street, Carcoar.

Therefore, it is considered that the proposed development is consistent with the objectives of Clause 5.10.

## **Part 6 – Additional local provisions**

### **Clause 6.2 Stormwater management**

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

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

### **Clause 6.8 Essential services**

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

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

**State Environmental Planning Policy (Resilience & Hazards) 2021**

*State Environmental Planning Policy (Resilience & Hazards) 2021* requires that a consent authority must not consent to the carrying out of development of land unless it has considered whether the land is contaminated; is satisfied that the land is suitable in its contaminated state for the development that is proposed, and if the land requires remediation to be made suitable for the proposed development it is satisfied that the land will be remediated before the land is used for that purpose.

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

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

**Part C: Residential Development**

**C2 Single Dwellings in Urban Areas**

**C2.1 Dwelling Siting & Setbacks**

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

|               |   |
|---------------|---|
| Front Setback | NA.   |
| Side Setbacks | The front setback complies with the 1.5m provision.         |
| Rear Setback  | The side setback complies as it exceeds the 1.5m provision. |

**C2.2 Site Coverage**

The proposed development provides sufficient site area for built form, landscaping and private open space; no adverse impacts are assessed.

**C2.3 Height & Scale**

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

Not applicable to this application.

**Impacts:** *Where a dwelling is:*

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

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

The proposed development is a single storey building and the development is appropriate in scale and height to adjoining properties. The proposed setbacks and landscaping, limit the visual impact on the views from Pilcher Street. Therefore, no adverse impacts are assessed.

### **C2.4 Building Elevations**

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

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

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

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

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

### **C2.5 Noise & Visual Privacy**

*Development that:*

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

The proposed development has been designed to limit overlooking and any impact on visual privacy to adjoining properties. No adverse impacts are assessed.

### **C2.6 Fencing**

Not applicable to this application.

## **C2.7 Landscaping & Private Open Space**

The submitted Landscaping Plan expands on the existing established landscaping on the subject property and provides additional screening along the eastern boundary of Pilcher Street. Therefore, providing privacy benefits and reduces the visual impact of the built form on the area.

### **Part H: Heritage Conservation**

Part H3 of the DCP sets out a series of objectives with regard to development of Heritage Items which address issues including scale and form; siting; materials and colours; doors and windows; outbuildings; and fencing.

The relevant issues of the DCP are addressed below.

#### **H3 Development of Heritage Items**

##### **H3.1 Demolition**

Not applicable to this application.

##### **H3.2 Subdivision**

Not applicable to this application.

##### **H3.3 Adaptive Reuse**

Not applicable to this application.

##### **H3.4 Scale and Proportion**

*1) Avoid significant changes to the front elevation of heritage items; locate new work at the rear of, or behind the original building section or behind the front building line.*

The proposed development is located behind the building line.

*2) Design new work to respect the scale, form, massing and style of the existing building and ensure it does not visually dominate the original building or streetscape.*

The proposed design is located behind the front building line of the existing dwelling house and is a defined separation between the existing Heritage Item and proposed development. The proposed design is a mixture of materials, including brick, timber and colorbond cladding, therefore, providing a relief in the bulk of the design visible from Pearce Street.

*3) Development of an inconsistent scale to the heritage item is allowable only if it can be demonstrated that the new development will not detract from the aesthetic quality and important views of the heritage item and the streetscape.*

The proposed design is located behind the front building line of the existing dwelling house and is a defined separation between the existing Heritage Item and proposed development. The proposed design is a mixture of materials, including brick, timber and colorbond cladding, therefore, providing a relief in the bulk of the design visible from Pearce Street.

*4) Important elements of the form of a heritage item such as, main roof forms, chimneys and verandas should not be demolished or obscured, unless justified.*

Not applicable to this application.

### **H3.5 Materials and Colours**

*1) Original materials of heritage items should not be replaced with different materials or materials of different colour, unless unavoidable or it can be shown not to detract from the heritage significance of the heritage item and the streetscape.*

The proposed design is a mixture of materials, including brick, timber and colorbond cladding, therefore, providing a relief in the bulk of the design visible from Pearce Street. No adverse impacts are assessed.

*2) Non – original materials of heritage items that are being replaced should be replaced with materials that match or complement the original as closely as possible.*

The proposed design is a mixture of materials, including brick, timber and colorbond cladding, therefore, providing a relief in the bulk of the design visible from Pearce Street. No adverse impacts are assessed.

*3) Colour schemes are to reflect the period and detail of the property, in consultation with Council or the Heritage Advisor.*

The proposed design is a mixture of materials, including brick, timber and colorbond cladding, therefore, providing a relief in the bulk of the design visible from Pearce Street. No adverse impacts are assessed.

*4) Painting or rendering face brick is generally supported, where appropriate.*

Not applicable to this application.

### **H3.6 Doors and Windows**

*1) Original window and door openings are important elements and should generally be retained.*

Not applicable to this application.

*2) Where original windows and doors in important elevations have been removed and replacement of the joinery is proposed, the original windows or doors should be reconstructed or replaced in sympathy.*

Not applicable to this application.

*3) New windows and door openings in important elevations must be carefully located to retain the original relationship of solids and voids and of*



*proportions, materials, and details similar to existing windows and door openings in the building.*

The proposed design and layout of windows is considered appropriate. No adverse impacts are assessed.

*4) New windows and doors visible from the street must be located to complement the original design of the building and of proportions and details to complement the original character of the building.*

The proposed design and layout of windows is considered appropriate. No adverse impacts are assessed.

### **H3.7 Fencing and Gates**

Not applicable to this application.

### **H3.8 Landscaping Elements**

*1) Original or early garden layouts that contribute to the significance of the heritage item should be retained and enhanced.*

The existing landscaping is to be retained. No adverse impacts are assessed.

*2) When selecting suitable trees and species, the following must be considered:*

- a) the varieties that already exist in the area and in the original garden;*
- b) the size and location of the tree when mature; and*
- c) the potential of the chosen species to interfere with services, retaining walls and other structures, and the amenity of adjoining properties.*

The existing and proposed landscaping provides suitable screening to the proposed built form. No adverse impacts are assessed.

### **H3.9 Outbuildings and Rainwater Tanks**

Not applicable to this application.

### **H3.10 Advertising and Signage**

Not applicable to this application.

## **H5 Development within Heritage Conservation Areas**

### **H5.1 Scale and Form**

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

The proposed design is reflective of the surrounding buildings and character of the area.

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

The proposed development provides sufficient site area for the built form and landscaping; therefore, no adverse impacts are assessed.

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

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

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

The proposed development is reflective of the surrounding buildings with the scale, height and landscaping reflective of the character of the area.

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

The proposed design is located behind the front building line of the existing dwelling house and is a defined separation between the existing Heritage Item and proposed development. The existing and proposed landscaping provides additional screening from the streetscape, no adverse impacts are assessed.

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

The proposed design is reflective of the surrounding buildings and character of the area and will contribute to the Millthorpe Conservation Area.

## **H5.2 Siting**

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

The proposed development complies with the setback requirements.

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

No new structures are built forward of the building line.

**H5.3 Materials and Colours**

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

The proposed development includes an area of brickwork. Salvaged bricks will match the existing dwelling house. No adverse impacts are assessed.

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

The proposed development includes an area of brickwork. Salvaged bricks will match the existing dwelling house. No adverse impacts are assessed.

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

The proposed materials and colour scheme has been reviewed by Council staff and are considered appropriate.

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

The proposed materials and colour scheme has been reviewed by Council staff and are considered appropriate.

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

The proposed materials and colour scheme has been reviewed by Council staff and are considered appropriate.

**H5.4 Doors and Windows**

*1) Original door and window openings visible from the streetscape on existing heritage buildings should not be altered, unless justified.*

Not applicable to this application.

*2) Original door and window joinery visible from the streetscape on existing heritage buildings should not be altered, unless justified.*

Not applicable to this application.

*3) New door and window openings on existing heritage buildings that are visible from the streetscape should be of proportions and details that relate to existing door and window openings.*

The proposed door and window opening has been reviewed by Council's Heritage Advisor and staff and are considered appropriate.

#### **H5.5 Outbuildings**

Not applicable to this application.

#### **H5.6 Fencing**

Not applicable to this application.

#### **H5.7 Advertising & Signage**

Not applicable to this application.

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

There are no planning agreements relating to the subject property.

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

Not applicable to this application.

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

Not applicable to this application.

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

Not applicable to this application.

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

Not applicable to this application.

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

A BASIX Certificate was submitted with the application.

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

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

### **Context and Setting**

The subject property has a total area of 1808.81m<sup>2</sup> and contains an existing dwelling house, outbuilding (shed) and established landscaping. Properties surrounding the subject property comprise of residential development.

The proposed development is of single storey construction and located at the rear of the existing dwelling house and accommodates a modern dining area, mudroom, laundry, rear entry, and a master bedroom wing. The construction comprises of a range of materials, including timber and Colorbond finishes.

The proposed design reflects the existing dwelling house and character of the area with the scale and height clearly identifying the difference between the historic and modern built forms. Based on this assessment, it is considered that the proposed development is unlikely to have a significant or detrimental impact on the surrounding context and setting.

### **Heritage**

The existing dwelling house is a Heritage Item (I300) and located in the Millthorpe Conservation Area pursuant to the *Blayney Local Environmental Plan 2012*.

Given that the subject property is identified as a local Heritage Item and is located within the Millthorpe Heritage Conservation Area, the applicant consulted with Council's Heritage Advisor in order to achieve a satisfactory design outcome.

Whilst Council's Heritage Advisor commented that the approach is sound and suits the significance of the building and streetscapes, a number of recommendations were made during the design process regarding the colour finish of the proposed built form. Of greatest significance was the Heritage Advisors comment that the Colorbond cladding should be Colourbond Basalt, rather than Colourbond Monument.

The applicant was provided the opportunity to respond to the Heritage recommendations as provided in Attachment 5. As such, the colour finish of 'monument' is supported by Council staff due to the following reasons:

- The proposed design includes an appropriate setback from Pearce Street of 11.5 metres, therefore, reducing the visual impact from the streetscape.
- The subject property has established existing landscaping along the northern and eastern boundaries. The application included an additional landscaping plan to provide further screening from Pearce Street.
- The proposed design is located behind the front building line of the existing dwelling house and is a defined separation between the existing Heritage Item and proposed development.

- The proposed design is a mixture of materials, including brick, timber and Colorbond cladding, therefore, providing a relief in the bulk of the design visible from Pearce Street.
- The existing fencing along the eastern boundary is a black colour finish therefore, the proposed development is consistent with the built form and character of the subject property; and
- The proposed development is similar to other properties in Millthorpe and Carcoar in regard to design and the colour finish of Monument, for example, 29 Victoria Street, Millthorpe and 2 Belubula Street, Carcoar.

Based on this assessment, it is considered that the proposed development is unlikely to have a significant or detrimental impact on the heritage significance of area or character of the village.

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

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

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

One submission has been received from an adjoining landowner. A copy of the submission and response from the applicant are provided unredacted as a confidential attachment.

The key issues identified in the submissions include:

#### The visual impact of the colour finish of 'Monument' on the Heritage Item and surrounding Millthorpe Heritage Conservation Area

The colour finish of 'monument' is supported by Council staff due to the following reasons:

- The proposed design includes an appropriate setback from Pearce Street of 11.5 metres, therefore, reducing the visual impact from the streetscape.
- The subject property has established existing landscaping along the northern and eastern boundaries. The application included an additional landscaping plan to provide further screening from Pearce Street.
- The proposed design is located behind the front building line of the existing dwelling house and is a defined separation between the existing Heritage Item and proposed development.
- The proposed design is a mixture of materials, including brick, timber and Colorbond cladding, therefore, providing a relief in the bulk of the design visible from Pearce Street.
- The existing fencing along the eastern boundary is a black colour finish therefore, the proposed development is consistent with the built form and character of the subject property; and
- The proposed development is similar to other properties in Millthorpe and Carcoar in regard to design and the colour finish of Monument, for example, 29 Victoria Street, Millthorpe and 2 Belubula Street, Carcoar.

**Section 4.15(1)(e) The public interest**

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

**Conclusions:**

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

**Risk/Policy/Legislation Considerations:**

Compliance with the *Blayney Local Environmental Plan 2012*, *Blayney Shire Development Control Plan 2018*, and *Blayney Shire Community Participation Plan 2020*.

**Budget Implications:**

Nil

**Enclosures (following report)**

Nil

**Attachments (separate document)**

|   |                                    |          |
|---|------------------------------------|----------|
| 1 | Plans                              | 10 Pages |
| 2 | Statement of Environmental Effects | 5 Pages  |
| 3 | Heritage Impact Statement          | 12 Pages |
| 4 | Proposed Conditions                | 5 Pages  |
| 5 | Response to Submission             | 8 Pages  |
| 6 | Submission                         | 1 Page   |

*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.*

20) **DA99/2022 - PROPOSED ALTERATIONS AND ADDITIONS TO THE FORMER BLAYNEY BOWLING CLUB FOR USE AS A RESTAURANT, BAR, LOUNGE AND GUEST RECREATION AREA ANCILLARY TO THE BLAYNEY MOTEL - 62 OSMAN STREET BLAYNEY**

**Department:** Planning and Environmental Services

**Author:** Manager Development Assessment

**CSP Link:** 5. Protect Our Natural Environment

**File No:** DB.AB.1848

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**Recommendation:**

That Council consent to Development Application 99/2022 for alterations and additions to the former Blayney bowling club at 62 Osman Street Blayney for use as a restaurant, bar, lounge and guest recreation area ancillary to the Blayney Motel at 62 Osman Street, Blayney subject to the recommended conditions of consent.

**Reason for Report:**

For Council to consider and determine Development Application 99/2022 for alterations and additions to the former Blayney bowling club at 62 Osman Street Blayney for use as a restaurant, bar, lounge and guest recreation area ancillary to the Blayney Motel at 62 Osman Street, Blayney.

The matter is reported to Council as a variation is required to Blayney Development Control Plan 2018 in relation to car parking and a submission has been received in relation to the proposed development.

**Report:**

Blayney Shire Council has received a Development Application (DA) from Rovest Holdings Pty seeking consent for a proposed development which is described on the application form (PAN-241761) as:

*'Proposed change of use of the former bowling club building to form an ancillary restaurant associated with the approval on site motel.'*

The DA includes a Statement of Environmental Effects (SEE) prepared by Premise dated 14 September 2022 and Architectural Drawings A001 to A006 dated 17 June 2022. A more detailed description of the proposed development is provided in the SEE as follows:

*'Proposed alterations and additions to the building formerly used as a registered club and fit out as a restaurant, bar, lounge and guest recreation space'.*



The land, the subject of the development, is described in the DA Form as Lots 11, 12, 13 and 14 Section 13 DP 758121, Lot 1 DP 162646, Lot 8 DP 505215, Lot 20 DP 569741, and Lot 10 DP 1114679 with the property addressed to 62 Osman Street, Blayney. Council's unique identification number for the processing of the Development Application for the proposal is DA99/2022 .

DA99/2022 has been processed by Blayney Shire Council in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021, the Blayney Local Environmental Plan 2012, the Blayney Shire Development Control Plan 2018 and the Blayney Community Participation Plan.

This report provides for the assessment of the proposal, as detailed in Development Application No. DA99/2022 and the relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979. The main assessment findings are summarised as follows:

- There is a degree of interrelationship between the proposed restaurant development under DA99/2022 and the motels already approved under DA4/2021 and DA6/2022. This includes ancillary aspects to development such as vehicle and pedestrian access, parking and loading facilities, utility services, stormwater management, landscaping and waste bin storage.
- The proposed use of the former Bowling Club building for a restaurant, bar, lounge and guest recreation area associated with the new Blayney Motel is an appropriate use of an existing building on the site and is suitable on the site and wider site context, with minimal environmental impacts assessed to likely occur. Conditions relating to land title consolidation, access and fire safety, lighting, waste management, utility upgrades, parking, infrastructure and community contributions are also required to ensure a fully compliant development.
- The proposed alterations and additions to the former Bowling Club building, including fit out as a restaurant, bar, lounge and guest recreation area, is capable of complying with the Building Code of Australia, subject to the issue of a Construction Certificate by either Blayney Shire Council or an Accredited Certifier, addressing the conditions of consent and the nominal standards / performance solutions provided under the Building Code of Australia.
- The proposed alterations and additions to the former Bowling Club building, including fit out as a restaurant, bar, lounge and guest recreation space is assessed to be consistent with all relevant development standards, except for Section D4 of the Blayney Shire Development Control Plan 2018. A variation is assessed to apply as the proposal technically involves a shortfall of 89 off-street car parking spaces based on DA99/2022 not providing any additional off-street car parking over and beyond what has already been approved for the land at 62 Osman Street under DA4/2021 and DA6/2022 for the motels. Assessment of all

development activities on the site proposed under DA 4/2021, DA6/2022 and DA99/2022 confirms a net surplus of 2 spaces on the site. This calculation is made on the basis that an estimated 80% of the users of the proposed restaurant, bar, lounge and guest recreation area will be residents of the approved motels, and also that all of the land relating to DA 4/2021, DA6/2022 and DA99/2022 (including onsite parking areas) will be consolidated into a single land holding.

- Proposed infrastructure and servicing arrangements are in accordance with relevant standards and requirements of relevant servicing authorities, including Blayney Shire Council and Central Tablelands Water in relation to stormwater management, reticulated water supply and sewerage.

The full details of the assessment of DA99/2022 are provided in this report. It is the findings of this assessment that sufficient information has been submitted with DA99/2022 to allow the Blayney Shire Council to make an informed decision on the proposal. The proposed restaurant development fits in the locality and is suitable on the site. The Design Drawings (08C Plan Set) prepared by Premise are generally compliant with the standards imposed on this type of development in the Blayney Shire. Consideration of the matters prescribed in Section 4.15 of the Environmental Planning and Assessment Act 1979 confirms the conclusions made in the Statement of Environmental Effects prepared by Premise that the proposal will unlikely result in any significant impacts on the receiving environment.

It is the findings of the assessment that DA99/2022 can be approved with conditions addressing issues raised in the report.

## **Report:**

### **1. SITE AND LOCALITY DESCRIPTION**

#### **1.1. Surrounding land-use**

62 Osman Street, Blayney is surrounded by a mix of residential, commercial and community uses. The land to the north and the south is generally used for residential purposes. The land to the east is generally used for commercial purposes (forming part of the Blayney Central Business District). Land to the west (on the opposite side of Osman Street) accommodates the Blayney High School.

#### **1.2. General site description**

The property at 62 Osman Street is located towards the centre of the Blayney Township and contained within a neighbourhood block defined by Church Street (northern edge), Adelaide Street (east), Water Street (south) and Osman Street (west of the site). The site has predominant frontage to Osman Street, however vehicle access is gained via an existing driveway to Church Street, and pedestrian access is available from both Osman Street and Church Street. The site is currently under construction for purposes associated with a motel that has already been approved by Blayney Shire Council under DA4/2021 and DA6/2022. The former Blayney Bowling Club building remains centrally within the site. The internal spaces of the building

have been demolished and it is currently not used for any active purposes. There are no other defining characteristics of the land.

### **1.3. Land title description**

The proposed development relates specifically to the existing former Bowling Club building, which is located on specific lots 11 and 12 Section 13 DP 758121, both of which have direct frontage to Osman Street. The description of the development site also includes Lots 13 and 14 Section 13 DP 758121, Lot 1 DP 162646, Lot 8 DP 505215, Lot 20 DP 569741, Lot 10 DP 1114679 which are titles associated with the broader site of the former Bowling Club. The Development Application has clearly stated that all of the described land titles will be consolidated into a single allotment and that the resulting allotment will accommodate all components of the proposed development.

### **1.4. Description of existing buildings and site improvements**

The site currently comprises the Bowling Club building, underground services, signage and remnant landscaping and hardstand areas. The bowling greens have been removed from the site. Construction works associated with DA4/2021 have already commenced and Blayney Shire Council is the Principal Certifier for the project. At the time of writing report, Construction works associated with DA6/2022 have not yet been commenced.

## **2. SITE HISTORY AND CONTEXT**

### **2.1. Relevant Site History**

The following site history is established having regard to the information submitted in support of the Development Application and a review of relevant property records held by Blayney Shire Council:

- Under existing conditions, the land at 62 Osman Street comprises eight allotments occupied by the former Blayney Bowling Club including main building, bowling greens and associated parking areas. The use of the land for purposes associated with the Bowling Club ceased approximately 3 years ago in 2019.
- DA4/2021 was approved by Blayney Shire Council on 10 October 2021, which enabled:
  - Construction of a motel within the eastern portion of the site, comprising an office and laundry in the existing bowling club building, 26 moveable buildings (comprising 98 rooms) and 80 onsite parking spaces as Stage 1 works.
  - Reduction of motel units from 26 to 23 moveable buildings (comprising 81 rooms) and 100 parking spaces as Stage 2 works.
- DA6/2022 was approved by Blayney Shire Council on 2 September 2022, which enabled erection of motel accommodation and associated signage in the western portion of the site accommodating 20 motel rooms and 26 on-site car parking spaces.

Construction works associated with DA4/2021 have recently commenced and Blayney Shire Council is the Principal Certifier for the project. At the time of writing this report, construction works associated with DA6/2022 have not yet been commenced.

### 3. DESCRIPTION OF PROPOSED DEVELOPMENT

Based on the plans and supporting documents lodged with DA99/2022, the proposed development is being assessed as alterations and additions to an existing building to be used as a restaurant, bar, lounge and guest recreation area.

The proposed alterations and additions involve the following works:

- At ground floor level of the existing building:
  - External to the building, a new entry setback from the external wall with a new portico.
  - Reconstruction of the existing stairway and installation of a passenger lift in building lobby.
  - In the area approved for fit-out in the north-eastern corner under DA4/2021, installation of new fire rated and stud walls to provide laundry, kitchenette, female and accessible bathrooms, storage room and a reception and waiting area.
  - In the south-eastern corner of the building, replacement of an existing conventional door entry to the building with a roller door, removal of an existing stairway to the first floor and installation of a bar; and
  - In the south-western corner, installation of a new stud wall to provide two separate storage rooms.
- At first floor level of the existing building:
  - Installation of new stud walls to provide a dining area, kitchen, male and female and accessible bathrooms, a bar, storage and guest recreation space (games room, pool table, table tennis, reading area etc).
- To the elevations of the existing building, noting that the appearance of the building partially retains existing finishes completed as exempt development (by reference to Blayney Shire Council authorisation attached as Appendix C to the SEE) whilst also incorporating new materials and finishes to modernise its appearance:
  - Cleaning of visible retained brickwork at the ground floor.
  - Installation of a combination of CSR Barestone Cladding and Colourbond Ironstone Longline Parapet Cladding at the first floor, separated by Surfmet Aluminium Joinery, and
  - Installation of Colourbond Ironstone Roller Doors (where roller doors are retained or proposed at Ground Floor).

In terms of the operational aspects of the proposed use, the hours of operation are expected to fluctuate season to season and day to day and depending on uptake of breakfast, lunch, dinner and event services. Allowing for staff set-up and clean-up time at either end of the day in the most conservative scenario (during the peak summer season, with demonstrated

demand for all meal services and evening events), the hours of operation are expected to be between 5am and 2am, seven days per week. The hours of operation will likely be less outside of the peak period and if uptake of certain meal services is inadequate (e.g. breakfast or lunch).

There is also a degree of interrelationship between the development proposed under DA99/2022 and the developments already approved under DA4/2021 and DA6/2022, including:

- Vehicle and pedestrian access,
- On-site car parking (noting that additional car parking provision is not proposed to support the proposed change of use),
- Landscaping,
- Stormwater management works,
- Shared bin storage, and
- Loading and unloading areas.

#### **4. DEVELOPMENT ASSESSMENT FRAMEWORK**

The Blayney Local Environmental Plan 2012 requires consent to be obtained prior to any works associated with the proposed alterations and additions to the old Blayney Club building and not already approved under DA4/2021 and DA6/2022.

A Development Application has been lodged by Rovest Holdings Pty Ltd for the proposed development. Blayney Shire Council is the consent authority and the DA has been lodged with Council via the NSW Planning Portal, along with a Statement of Environmental Effects and Design Drawings prepared by Premise.

The proposal is assessed to be local development, as it does not trigger any of the provisions listed below:

- The proposal is not ‘designated development’ pursuant to Part 1 Schedule 3 of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation) and an Environmental Impact Statement (EIS) is not required.
- The proposal does not trigger ‘regionally significant development’ because it is not designated development and is general development less than \$30 million, pursuant to State Environmental Planning Policy (Planning Systems) 2021.
- The proposal does not trigger ‘integrated development’ because it does not require any other approval listed under Section 4.46 of the EP&A Act.

The proposal requires vehicle access via an existing driveway to Church Street, Blayney. Church Street is a classified road and a permit under Section 138 of the Roads Act 1993 from Blayney Shire Council will be required for any required upgrade / improvement works. The proposal involves plumbing and drainage, which requires an approval under Section 68 of the Local Government Act, 1993.

DA99/2022 has been publicly notified in accordance with the Blayney Shire Council Community Participation Plan, which requires public exhibition and notification of certain development applications as per the BDCP. A single submission has been received by Blayney Shire Council in relation to the proposed development. Further details in relation to the consultation process, including an assessment of issues raised in the single public submission, is included in later sections of this report.

Referral of the DA to other government or service agencies has not been deemed a statutory requirement or necessary by Blayney Shire Council, having regard to the Blayney Shire Council Community Participation Plan and referral / concurrence provisions contained in the Environmental Planning and Assessment Act 1979 and other relevant planning instruments such as the Blayney Local Environmental Plan 2012 and State Environmental Planning Policy (Transport and Infrastructure) 2021.

## **5. ENVIRONMENTAL PLANNING ASSESSMENT**

The assessment of the proposed development has followed the Blayney Shire Council Generic Development Assessment Template. The assessment template provides a pathway for Council or its delegated staff to assess applications in a consistent and transparent manner, including decisions on the following key assessment criteria:

- Assessment on the adequacy of the information provided in the DA, and whether there is sufficient information available for Council and other parties to understand the proposal and its site context.
- Provide commentary on the Statement of Environmental Effects, design drawings and any other specialist reports and information submitted with the DA.
- Document the independent assessment of the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979,
- Conclude on a position as to whether Blayney Shire Council, as consent authority, can make an informed decision to determine the proposal under Section 4.16 of the Environmental Planning and Assessment Act 1979.
- List any conditions that are to be imposed on the consent and their reasons for imposition.

The following matters for consideration have been highlighted to record the main assessment findings:

### **5.1. Section 4.15 - Evaluation**

Section 4.15 of the Environmental Planning and Assessment Act 1979 provides the matters for consideration in the assessment of development proposals. A consent authority must have regard to these provisions when determining whether or not to grant consent to a proposal. An assessment of Section 4.15 of the Act is documented below:

**5.1.1. Section 4.15(1)(a)(i) The Provisions of any Environmental Planning Instrument  
Blayney Local Environmental Plan 2012**

The Blayney Local Environmental Plan 2012 (the BLEP) applies to all land within the Blayney Local Government Area. The following sections of this report include a detailed evaluation of the proposed development against the relevant clauses of the BLEP.

An important function of the BLEP is to define ‘development’ as to whether it is permissible / prohibited within the zone on which the development is proposed. As per the BLEP zoning map, the subject land is zoned B2 Local Centre, which permits restaurants with consent.

The Statement of Environmental Effects (SEE) prepared by Premise and lodged in support of DA99/2022 has identified that the proposed use of the existing building is ancillary to the approved use of the land at 62 Osman Street for the purposes of motel accommodation that has already been granted consent under DA4/2021 and DA6/2022.

The characterisation of the development as ancillary development to the approved motel is considered to be accurate having considered the plans and supporting documents submitted with the DA, and also having considered the guiding information contained in *‘NSW Planning Circular PS 21-008 (2 December 2021) – How to characterise development’*. The proposed development is suitable to be characterised as ancillary to the approved motel for the following reasons:

- An ancillary use is a use that is subordinate or subservient to the dominant purpose. The larger and dominant use of the land is for the purposes of the approved Blayney Motel. The proposed restaurant, bar, lounge and guest recreation space will serve the dominant motel purpose.
- The integral relationship between the approved Blayney Motel and the proposed restaurant, bar, lounge and guest recreation space, means that it is appropriate to characterise the entire use of the land as being for the dominant purpose of a motel.
- The proposed consolidation of the land at 62 Osman Street will result in all of the described uses being held together under a single allotment of land and under common ownership.

On the basis of the above, it is not necessary to characterise the individual uses that are proposed for the former bowling club building (restaurant, bar, lounge and guest recreation) and establish the permissibility of those individual uses within the B2 Local Centre zone.

There are a number of maps included / reference in the BLEP that are relevant to the assessment of the proposal. In accordance with the requirements of Clause 1.7, the following maps relating to the BLEP have been considered as part of the assessment of the proposed development:

| <b>Map Series</b>         | <b>Assessment</b>                          |
|---------------------------|--|
| Land zoning               | B2 Local Centre                            |
| Lot size                  | 1,000m <sup>2</sup>                        |
| Heritage                  | Blayney Conservation Area (C1)             |
| Terrestrial biodiversity  | Terrestrial biodiversity not present       |
| Groundwater vulnerability | Vulnerable groundwaters not present        |
| Drinking water catchment  | Site not within a drinking water catchment |
| Riparian Land & Waterways | Riparian land or waterways not present     |
| Flood                     | Site not within a Flood Planning Area      |

The following special provisions in the BLEP are relevant and have been considered as part of the assessment of the proposed development. An assessment of relevant special provision requirements of the BLEP has been carried out below:

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.

A review of the file history, including the assessment work completed in relation to DA4/2021 and DA6/2022 confirms that the site is affected by two easements, both rights of carriageway. These easements burden the subject land and benefit Lot 6 DP653720 and Lot 21 DP569741. It is noted that Lot 79 DP1137273 has currently benefited from an agreement to access the rear of the land via the subject site, however this has never been formalised. It is noted the requirements for consolidation / easements are reflected in Condition 59 of DA4/2021, including the formalisation of a right of carriageway to the rear of Lot 79 DP 1137273.

These easements do not relate to a part of the site affected by this DA and therefore no special conditions are recommended relating to Clause 1.9A of



the BLEP, other than the requirement for consolidation of lots as the means of creating required easements.

#### Clause 2.3 – Zone Objectives and Land Use Table

The subject is land is zoned B2 Local Centre in accordance with the BLEP.

Clause 2.3(3) of the BLEP requires that Council, as consent authority, must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone. The objectives for the B2 Local Centre zone are repeated in full as follows:

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

Section 4.4.1.2 of the Premise SEE states that the proposal is consistent with the objectives for the B2 Local Centre zone, for the following reasons:

- The proposed alterations and additions primarily meet the needs of people who frequent the motel although the opportunities exist for members of the public to use the facility.
- The proposed alterations and additions and fit out provide employment opportunities in a central location within Blayney.
- Existing footpaths along both of the site's frontages (Osman Street and Church Street) encourage walking to the site.
- The proposed activities will augment and support the viability of the approved motel, which will in turn draw visitors to Blayney, encouraging increased patronage.

An assessment of the relevant plans and documents submitted with the DA supports the findings in the Premise SEE that the proposal is consistent with the objectives for the B2 Local Centre zone. In particular, the proposal will support the temporary employment accommodation needs of the community which is experiencing considerable uplift and spin-off benefits for all objectives of the B2 Local Centre zone.

The proposed development is therefore assessed to be permissible in the B2 Local Centre zone of the BLEP.

#### Clause 2.6 – Subdivision – consent requirements

Clause 2.6 of the BLEP requires that land may only be subdivided with the consent of Council, except where the proposal meets the requirements for exempt or complying development in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

The Premise SEE has not included an assessment of Clause 2.6 of the BLEP as consent has not been sought from Council for the subdivision of the land. It is noted that Blayney Shire Council Development Consent No. DA4/2021 (as modified) requires the consolidation of all land titles at 62 Osman Street Blayney. It is understood that the plan of consolidation is currently being progressed by a Registered Surveyor. At the time of writing this report, the plan of consolidation had not been registered with NSW Land Registry Services.

A condition of consent (similar to DA4/2021 and DA6/2022) is recommended for this DA to ensure that consolidation of land titles occurs irrespective of which development is progressed first. The consolidation is necessary given the existing building encroaches the dividing boundary to Lots 11 and 12 Section 13 DP 158121.

#### Clause 5.10 Heritage Conservation

Clause 5.10 Heritage Conservation seeks to conserve the environmental heritage of Blayney Shire, including the heritage significance of heritage items and heritage conservation areas.

The Premise SEE has identified that an assessment of Clause 5.10 of the BLEP is necessary for the following reasons:

- The proposal seeks to construct alterations and additions to an existing building that is located within the Blayney Heritage Conservation Area.
- The site located on a street block accommodating a number of heritage items including the Royal Hotel (I19), Club House Hotel (C22), National Australia Bank (former CBC Bank and stables) (I23), St James' Catholic Church (former Town Hall) (I24), St Paul's Presbyterian Church and house (I26), Surgery and residence (I28), Shop (Starlight Café) (I30), House (I51), House (I53), Two storey house and cottage (I55) and Residence (former Railway Institute of the Arts) (I109);
- The site is located adjoining Street Trees (I88) on Osman Street; and
- The site is located opposite Old Growth Elm Trees and Hoop Pine Trees – Blayney High School (I105).

Section 4.1.1.3 (pg. 11) of the Premise SEE includes the following assessment of Clause 5.10:

- The proposed alterations and additions are acceptable on the following grounds:
  - The existing building does not have heritage value.
  - The proposed alterations and additions propose a mix of materials and finishes to the existing building that are sympathetic to the visual appearance of the broader heritage conservation area.
  - Works to the site and building have been designed in consultation with Council's heritage advisor and do not detract from the heritage values of nearby buildings; and

- The visibility of the building from nearby heritage-listed properties and the public domain is limited due to the screening provided by the approved (DA4/2021 and DA 6/2022) motel buildings.

Clause 5.10(4) requires Council to consider the effect of the proposed development on the heritage significance of the Blayney Heritage Conservation Area (C1). An assessment is required regardless of whether a heritage management document has been prepared for the development.

In assessing the likely impact on the Blayney Heritage Conservation Area, the following pre-requisites are noted:

- There is no proposal to physically change, alter, remove or demolish any heritage items (or components therefore) that are listed in Schedule 5 of the LEP.
- Apart from the significant trees in Osman Street covered by listings I88 and I105 in Schedule 5 of the LEP, the land the subject of the proposed development is not immediately adjoined by any heritage item. These significant trees will be unimpacted by the proposal.
- The former bowling club building is not identified as having heritage value.
- The former bowling club building is located centrally within the development site. Visibility of the building from nearby heritage-listed properties and the public domain is limited due to the screening provided by the motel buildings approved under DA4/2021 and DA6/2022.

Based on a review of the plans and documents submitted with the DA it is assessed the proposed development would not have a significant effect on any heritage item listed in BLEP and / or the Blayney Conservation Area (C1) for the following reasons:

- The proposed alterations and additions to the building will not increase the existing bulk, scale or height of the structure,
- The future construction of the motel approved under DA6/2022 will screen the visibility of the building from Osman Street.
- Advice given by Council's Heritage Advisor David Scobie Architects in relation to previous assessments of DA4/2021 and DA6/2022.
- The proposed treatments to the external elevations of the building including a mix of materials and colours that are supported by the Heritage Advisor.
- The proposed development relates to an existing building. The development proposes changes that are likely to positively enhance the existing condition and appearance of the building.

Clause 5.10(5) provides that Council may require a heritage management document to be prepared before granting consent to any development on land within a Heritage Conservation Area or on land that is within the vicinity of a heritage item. A heritage management document (such as a Heritage Impact

Assessment or Heritage Conservation Plan) was not sought by Blayney Shire Council in relation to DA99/2022 for the following reasons:

- There was considered to be sufficient detail submitted with the DA to allow an assessment of the matters prescribed by Clause 5.10 without need for a specific heritage management document.
- The existing building to which the proposal relates is not a listed heritage item.
- The existing building proposed to be used as a restaurant is located centrally within the site and is physically screened from the public domain by the proposed motel building approved under DA6/2022.
- The scope of works primarily relate to the internal fit-out of an existing building, and consent for the use of the building.
- David Scobie Architects (Heritage Advisor to Blayney Shire Council) has inspected the site and provided previous advice on the components of the Blayney Motel development that were considered relevant to the Blayney Heritage Conservation Area.
- Council has already granted a Section 5.10(3) exemption for works to external parts of the building, as described prior.

Clause 5.10(8) requires Council to consider whether the proposed development is likely to impact on an Aboriginal place of heritage significance and consider the likely effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at or near the development site.

A visual inspection of the site revealed a highly disturbed / modified environment. Given the highly disturbed nature of the site and known land-use history (associated with the former Blayney Bowling Club), it is assessed to be unlikely that any items of Aboriginal heritage will be discovered during construction processes associated with the proposed development. According to information submitted with the DA, a search of the Aboriginal Heritage Information System (AHIMS) has not identified any items of significance located within the subject property, or within a distance that would warrant further detailed investigations to determine potential impact.

Having regard to the above, it is assessed that the proposed development satisfies the requirements of Clause 5.10 of the LEP. A number of conditions have been included in the recommendation to this report which are aimed at ensuring the important heritage related characteristics of the development (including colour scheme) are appropriately reflected in the plans submitted to Blayney Shire Council with the application for Construction Certificate.

*Note: It is understood Rovest Holdings Pty Ltd has completed some works to the external elevations of the proposed restaurant under the exempt development provisions of Clause 5.10(3) of the BLEP. A more detailed description of these works and a copy of the authorisation from Blayney Shire Council is included in Appendix C to the Premise SEE lodged in support of the DA.*

### Clause 6.2 Stormwater Management

Clause 6.2 applies to all land in a residential, business or industrial zone under the LEP and aims to minimise the impacts of urban stormwater on adjoining properties, native bushland and receiving waters. Clause 6.2(3) requires Council to be 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
- The development includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
- The development 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.

Section 4.1.4.4 of the Premise SEE includes an assessment of the proposal against the requirements of Clause 6.2 and states as follows:

*'The proposed development does not reduce water permeable surfaces within the site. The site is not located near native bushland or receiving waters. Once operational, surface stormwater would be managed on site via detention in the car park area and control discharged via Lot 1 DP718479 to the south of the site (also in the ownership of the applicant) for onward connection to Council's stormwater management network in accordance with the applicable engineering guidelines. There is sufficient room in the site to manage the extent of stormwater expected to be generated. No change to permeable or impermeable surfaces would occur as a result of the proposal, on the basis that the building is existing.'*

A stormwater management plan has been prepared for the land at 62 Osman Street by Premise and approved by Council as part of DA4/2021 and DA6/2022. On the basis that the proposal relates to an existing building and hardstand areas, the approved stormwater management design for 62 Osman Street will adequately provide for the needs of the development.

With specific regard to the requirements of Clauses 6.2(3)(a)-(c), it is assessed that:

- The proposed development does not result in any changes to permeable or impermeable surfaces on the land.
- Roof water from the existing building will be directed to on-site detention for onward connection to Council's stormwater management network and is not proposed for re-use. The nature of the proposed development is such that total reliance on collected rainwater for alternate water supply purposes is unlikely to be practically achievable. The existing building is currently connected to mains water supply, and this is proposed as the primary method of achieving the water supply

requirements for the development. This arrangement is assessed to be acceptable in the circumstances.

- The likelihood of the proposed development causing significant impacts (in terms of stormwater runoff on adjoining properties) is assessed to be low. The stormwater management plan for the land (approved under prior DA4/2021 and DA6/2022) adequately demonstrates that roof and surface water can be properly managed without causing unacceptable environmental impact.

It is assessed that the proposed development is consistent with Clause 6.2 of the LEP.

*Note: The DA has been referred to Council's Infrastructure and Services Department for comment. Council's engineers are satisfied with the proposed arrangements for stormwater management.*

#### Clause 6.8 – Essential Services

Clause 6.8 requires that Council must not grant consent to development unless it 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. In relation to this proposal, the services that are identified as being essential include the supply of water, the supply of electricity, the disposal of management of sewage, stormwater drainage / conservation and suitable vehicular access.

Section 4.1.1.5 of the Premise SEE includes an assessment of the proposal against the requirements of Clause 6.8 and states as follows:

*'The site is connected to the town reticulated water network, and these connections would be augmented to ensure sufficient supply of water to the development. This is further discussed in Section 4.5.9.3 of the SEE. The site is connected to the reticulated electricity network. The site has historically accommodated loads associated with the bowling club development, and these would be augmented as required to supply the proposed development. There is adequate room on site to accommodate any necessary infrastructure.*

*The site is connected to the sewer reticulated water network, and these connections would be augmented to ensure sufficient supply of water to the development. This is further discussed in Section 4.5.9.3 of the SEE. The site is accessible via an existing driveway from Church Street'*

The information and plans submitted with DA99/2022 are sufficient to allow an assessment of the essential service requirements of the proposed motel.

It is assessed that the overall design of the proposal satisfies the requirements of Clause 6.8 of the BLEP. This is supported by the following assessment of individual services.

#### *Water*

The building has an existing connection to the Council's reticulated water supply main which is located within the road reservation to Osman Street and Church Street. Central Tablelands Water (CTW) is the relevant supply

authority. The water demand generated by the proposed use of the existing building (restaurant, bar, lounge and guest recreation space) does not exceed the former use of the building for the purposes of the Blayney Bowling Club. It is assessed that adequate arrangements exist for the provision of a suitable water supply to the proposed development.

#### *Electricity*

Referral of the DA to Essential Energy has not been undertaken, as the proposed development does not meet any of the triggers for referral to Essential Energy prescribed by Clause 2.48 of State Environmental Planning Policy (Transport and Infrastructure) 2021.

The building has an existing connection to the grid electricity supply network and has historically accommodated loads associated with the former use as a Bowling Club. If upgrades are required to the existing network to accommodate the intended use of the building, it will be the developer's responsibility to make the appropriate application with Essential Energy. The Premise SEE confirms that electricity will be augmented as required to supply the proposed development and that there is adequate room on site to accommodate the necessary infrastructure.

It is assessed that arrangements can be made for the provision of a suitable electricity supply to the proposed development.

#### *Disposal of Sewage*

The existing building to which this proposal relates has an existing connection to the Blayney reticulated sewer system.

Blayney Shire Council imposed a condition on Development Consent No. DA4/2021 requiring the preparation of a report analysing the predicted impact of the development on the capacity of the existing sewerage system. The report was also required to state the predicted number of Equivalent Tenements (ETs) generated by that development.

Baker Ryan Stewart (acting on behalf of the proponent) prepared a report titled 'Sewer Capacity Assessment Report – 62 Osman Street Blayney' dated 14 December 2021. The report concluded that there is capacity in the existing sewer system to accommodate for the anticipated increases in load generated by the motel accommodation approved on the site under DA4/2021. The same report was submitted in support of DA6/2022 and the accompanying SEE included an assessment of the capacity of the existing sewer system to accommodate the expected load generated by an additional 20 motel rooms.

On the basis of the assessment work completed under DA4/2021 and DA6/2022 related to sewer capacity, and on the basis that the proposal involves the reinstatement of uses within the existing building that are of similar intensity to the former use (Bowling Club), Council's engineers have advised the proposed uses of the existing building can also be accommodated by the existing sewerage system and connections.

Having regard to the above, it is assessed that adequate arrangements exist for the connection of the proposed development to Council's reticulated sewer supply system. A condition of approval is recommended to ensure that appropriate approvals under Section 68 of the Local Government Act are obtained prior to the carrying out of any new plumbing and drainage works. Headworks contributions are assessed to apply.

#### *Stormwater*

An assessment of relevant issues associated with the proposed method of stormwater management for the proposal has been discussed in detail as part of the assessment of Clause 6.2 of the LEP. A repeat discussion of relevant issues is not proposed, but the assessment concluded that adequate arrangements for the disposal of stormwater from the existing building have been allowed for in the stormwater designs relating to DA4/2021 and DA6/2022 for the approved motels at 62 Osman Street.

#### *Access*

The existing building is accessible to vehicle traffic via an existing internal access drive that connects to Church Street. The same vehicle access provides primary access to the motel development also located on the land at 62 Osman Street and approved by Blayney Shire Council under DA4/2021. Vehicular access to the public road network is not possible from other locations.

The existing building is accessible to pedestrian traffic from Osman Street via an entrance gate that connects to the existing public footpath network. As part of the design of the motel development under DA6/2022 this entrance gate is proposed to be retained, allowing for pedestrian traffic to enter the land on Osman Street, walk through the centre of the motel building and then onwards to the former bowling club building via a network of internal concrete paths. The building is also accessible to pedestrian traffic from Church Street via a series of internal concrete paths that are to be constructed in accordance with the approved plans relating to DA4/2021. Once constructed, these internal concrete paths will access connections from the existing footpath networks on Osman Street and Church Street to the proposed development.

It is assessed that adequate arrangements have been made for the provision of suitable vehicle and pedestrian access to the development.

#### **State Environmental Planning Policy (Resilience and Hazards) 2021**

Section 4.4.3 of the Premise SEE provides an assessment of the proposal against the requirements of State Environmental Planning Policy (Resilience and Hazards) 2021 – referred to hereafter as the Hazards SEPP.

Clause 4.6 of the Hazards SEPP requires that Council must not consent to the carrying out of any development on land (including a change of use) unless it has considered whether the land is contaminated.

The following statement is made by the applicant on Page 12 of the Premise SEE:



*'The site has a low likelihood of potential contamination due to continuous use for the purposes of a lawn bowls club since the 1930s and lack of sites identified within the BSC LGA under the EPA list of sites reported to the EPA as at 26 of November 2021 and the EPA contaminated land register.*

*The site has been used as a bowling club for many years and has been approved for use as a motel. The alterations and additions to the main building and fit out as a restaurant, bar, lounge and guest recreation space does not introduce a more sensitive use from a contamination perspective. The suitability of the site for a motel reflects the suitability for the ancillary activities proposed under this application. Accordingly, the development is considered to satisfy the requirements of Clause 4.6 of the Hazards SEPP.'*

The applicant's assessment findings are supported. An inspection of the development has not identified any additional issues that have not been considered in the SEE relating to the contamination potential of the land. Further investigation in relation to land contamination is considered unnecessary in the circumstances.

#### **State Environmental Planning Policy (Transport and Infrastructure) 2021**

Section 4.4.4 of the Premise SEE provides an assessment of the proposal against the requirements of State Environmental Planning Policy (Transport and Infrastructure) 2021 – referred to hereafter as the Infrastructure SEPP.

There are provisions contained within the Infrastructure SEPP which are triggers for the referral of Development Applications to certain authorities prior to the Council being able to grant consent. With particular regard to the nature of the development proposed by this DA, the potential triggers for referral are summarised as follows.

#### Development Likely to affect an electricity transmission or distribution network

Clause 2.48 of the Infrastructure SEPP requires Council to give written notice to the electricity supply authority (and consider any response received within 21 days) when a DA involves development that involves:

- the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,
- development carried out within or immediately adjacent to an easement for electricity purposes or substation, or within 5 metres of an exposed overhead electricity power line.
- Development involving the installation of a swimming pool within 30m of a structure supporting an overhead transmission line, or within 5m of an overhead electricity power line.
- Development involving or requiring the placement of power lines underground.

Based on a review of the plans and documents submitted with the DA, the proposal does not trigger the requirement for written notice to be provided to the electricity supply authority.

Development in or adjacent to road corridors and road reservations

Clause 2.122 of the Infrastructure SEPP requires Council to give written notice to Transport for NSW (and consider any response received within 21 days) when a DA involves traffic generating development of a kind specified in Column 1 of Schedule 3 of the SEPP.

Section 4.4.4 of the Premise SEE has considered the relevant provisions and assessed that a referral of the DA is not necessary. Based on a review of Schedule 3, this assessment supports the applicant's findings and concludes that the proposal does not trigger the requirements for written notice to be provided to Transport for NSW for the following reasons:

- The proposal is a commercial premises but does not increase the capacity of on-site car parking by more than 50 spaces.
- The proposal is a commercial premises but does not involve more than 2500m<sup>2</sup> in gross floor area.
- The proposal is not likely to generate more than 50 or more motor vehicle trips per hour.

**State Environmental Planning Policy (Biodiversity and Conservation) 2021**

Section 4.1.4 of the Premise SEE provides an assessment of the proposal against the requirements of State Environmental Planning Policy (Biodiversity and Conservation) 2021 – referred to hereafter as the Biodiversity SEPP.

Chapter 2 of the SEPP applies to non-rural areas of the State, which includes land within the B2 Local Centre zone under Blayney Local Environmental Plan 2012. The SEPP provides the policy and assessment framework that is to be followed when new development involves the clearing of native vegetation that is declared by a Development Control Plan (adopted by the Council) as requiring a permit prior to its removal, or which will exceed the biodiversity offsets scheme threshold without approval from the Native Vegetation Panel.

Section 4.1.4 of the Premise SEE includes the following assessment findings with regards to the Biodiversity SEPP:

*'A review of the BDCP 2018 reveals no specific controls applying with respect to tree removal. Furthermore, the proposed development does not require the removal of any vegetation. As such, the Biodiversity SEPP is not considered to apply to the development.'*

This assessment supports the applicant's findings and concludes that the proposal does not trigger the need for a Biodiversity Development Assessment Report (BDAR) or approval from the Native Vegetation Panel. The proposed development is assessed to be consistent with the requirements of the Biodiversity SEPP.

**5.1.2. 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**

No draft instruments have been identified which contain provisions likely to be of relevance to the determination of DA99/2022.

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

Blayney Shire Development Control Plan 2018 (DCP) applies to all land within the Local Government Area of Blayney and is the relevant DCP for assessment against the proposed development.

The following Parts of the DCP contain provisions which apply to the proposal:

- Part B – Notification and Public Exhibition
- Part D – Commercial, Community and Industrial Development.
- Part E – Other Land Uses
- Part G – Environmental Management and Hazards
- Part H – Heritage Conservation

Appendix A of the Premise SEE includes a detailed assessment of the proposed development against the provisions contain in Parts D, G and H of the DCP. The applicant's assessment concludes that the proposal is consistent with the prescribed standards and controls in those parts, except that a variation is required to the nominal rates for off-street car parking provision. This assessment report generally supports the conclusions drawn by the applicant in Appendix A of the Premise SEE. The DCP assessment is summarised in Table 1, which includes the following detail:

- DCP Reference
- Summary of control requirements
- Statement of Consistency
- Planning assessment comment

Table 1

| <b>DCP Ref.</b>                                      | <b>Name of Control</b>                 | <b>Statement of Consistency</b>                                     | <b>Planning assessment comment</b>   |
|--|--|---|--|
| <b>Part B – Notification &amp; Public Exhibition</b> |  |   |  |
| <b>Notified Development</b>                          |  |   |  |
| B2.1   | Development not requiring Notification | Not applicable to proposal.   | The proposed development is assessed to be notified development within the meaning of the DCP.   |
| B2.2   | Who will be notified?                  | The development is assessed to be consistent with the DCP Controls. | DA99/2022 was notified to adjoining landowners during the public exhibition period from 22 September – 7 October 2022, with one submission being received by Council during this |

| <b>DCP Ref.</b>               | <b>Name of Control</b>   | <b>Statement of Consistency</b>                                     | <b>Planning assessment comment</b>  |
|-------------------------------|--|---|---|
|                               |  |   | period.   |
| B2.3                          | Information to be included with Notification Letters                 | The development is assessed to be consistent with the DCP Controls. | All notifiable landowners have received a copy of the information and plans prescribed by Section B2.3 of the DCP.  |
| B2.4                          | Notification Period  | The development is assessed to be consistent with the DCP Controls. | A minimum period of 14 days was provided by Council for the public exhibition of DA99/2022.   |
| <b>Advertised Development</b> |  |   |   |
| B3.1                          | What Development will be advertised?                                 | The development is assessed to be consistent with the DCP Controls. | DA99/2022 was processed by Blayney Shire Council as advertised development for public interest reasons in accordance with control B3.1(8) of the DCP.   |
| B3.2                          | Public Exhibition Period   | The development is assessed to be consistent with the DCP Controls. | A public notice of the exhibition related to DA6/2022 was placed in the local newspaper on 22 September 2022, inviting submissions for 15 days until Friday 7 October 2022. The minimum period for public exhibition is prescribed by the DCP to be 14 days. One submission was received by Council during this period. |
| B3.3                          | Information to be publicly exhibited                                 | The development is assessed to be consistent with the DCP Controls. | Council is satisfied that all interested parties have received adequate opportunity to receive a copy of the information and plans prescribed by Section B3.3 of the DCP.   |
| B3.4                          | Making of submissions during the notification and advertising period | N/A   | Council received one public submissions during the public exhibition and notification periods. Further details relating to the Council's assessment of issues raised in the public submission is included in Section 8.1.8 of this report.  |
| B3.5                          | Consideration of submissions during the                              | N/A   | Further details relating to the Council's assessment of issues raised in the public submissions   |

| <b>DCP Ref.</b>  | <b>Name of Control</b>                                    | <b>Statement of Consistency</b>                                     | <b>Planning assessment comment</b>   |
|--|---|---|--|
|  | notification and exhibition period                        |   | is included in Section 8.1.8 of this report. DA99/2022 is intended to be determined by meeting of the Council.   |
| B3.6   | Notification of determination of Development Applications | N/A   | Appropriate notification of the Council meeting has been provided to the person(s) who have made a submission to the DA.   |
| <b>Part D – Commercial, Community &amp; Industrial Development</b> |   |   |  |
| <b>Commercial and Community Buildings &amp; Design</b>             |   |   |  |
| D2.1   | Site selection and Land-use Conflict                      | The development is assessed to be consistent with the DCP Controls. | The proposed development is a permissible form of development in the B2 zone. The use of the building for the purposes of a restaurant, bar, lounge and guest recreation area is ancillary to an approved use of the land for motel purposes. The proposal is unlikely to create an unacceptable land-use conflict risk.                                     |
| D2.2   | General Building Setbacks                                 | The development is assessed to be consistent with the DCP Controls. | The proposal relates to an existing building located centrally within the land at 62 Osman Street. Setbacks to road frontages are not relevant for consideration. The existing building will achieve the required setbacks to boundaries under the National Construction Code subject to consolidation of the land, as is proposed and described in the SEE. |
| D2.3   | Setbacks - Zone B2 Local Centre                           | The development is assessed to be consistent with the DCP Controls. | As above. The proposal complies.   |
| D2.4   | Setbacks – Zone B5 Business Development                   | Not applicable to this proposal.                                    |  |
| D2.5   | Setbacks – Zone RU5 Village and                           | Not applicable to this proposal.                                    |  |

| <b>DCP Ref.</b>                         | <b>Name of Control</b>                | <b>Statement of Consistency</b>                                     | <b>Planning assessment comment</b>  |
|---|---------------------------------------|---|---|
|   | Zone B6                               |   |   |
| D2.6                                    | Building Height and Bulk              | The development is assessed to be consistent with the DCP Controls. | The proposal relates to an existing building. The proposed alterations and additions to this building will not increase the bulk, scale or height of the structure. The proposal complies.  |
| D2.7                                    | Building Design                       | The development is assessed to be consistent with the DCP Controls. | The proposed alterations and additions to the existing building can be expected to positively enhance its visual appearance. The proposed treatment of external elevations will provide a contemporary finish that is also sympathetic to traditional values in the heritage context of the site. An assessment of crime risk including the principles of CPTED has been included in Section 8.1.6 of this report. External infrastructure and services (air conditioning units) are provided in locations that are not directly visible to the public domain in Osman Street or Church Street. |
| D2.8                                    | Structure over public footpaths       | Not applicable to this proposal.                                    | Assessment not required.  |
| D2.9                                    | Street Trading / Footpath Dining      | Not applicable to this proposal.                                    | Assessment not required.  |
| <b>Industrial Building &amp; Design</b> |                                       |   |   |
| D3.1                                    | Site selection and land-use conflicts | Not applicable to this proposal.                                    | Assessment not required.  |
| D3.2                                    | Setbacks                              | Not applicable to this proposal.                                    | Assessment not required.  |
| D3.3                                    | Building Height and Bulk              | Not applicable to this proposal.                                    | Assessment not required.  |
| D3.4                                    | Building Design                       | Not applicable to this proposal.                                    | Assessment not required.  |
| D3.5                                    | Building Materials and                | Not applicable to this  | Assessment not required.  |

| DCP Ref.           | Name of Control  | Statement of Consistency  | Planning assessment comment   |
|--------------------|------------------|---|---|
|                    | Colours          | proposal.   |   |
| Access and Parking |                  |   |   |
| D4.1               | General Controls | Considered. Assessment not required.                                | The proposed development does not provide new off-street car parking over and beyond what has been approved by Council for the motel accommodation under DA4/2021 and DA6/2022. An assessment of key issues related to car parking is provided in a further section of this report.   |
| D4.2               | Vehicle Access   | The development is assessed to be consistent with the DCP Controls. | <p>The existing building is accessible to vehicle traffic via an existing internal access drive that connects to Church Street, which is a classified road. The same vehicle access provides primary access to the motel development also located on the land at 62 Osman Street and approved by Blayney Shire Council under DA4/2021. The access provides for two-way traffic movement and contains sufficient space for the construction of a new footpath joining the proposed development to the existing footpath network in Church Street.</p> <p>Vehicular access to the public road network is not possible from other locations and therefore vehicle movements into and out of the development site are to be concentrated in this location on Church Street. The Premise SEE has considered the potential for increased conflict between vehicles and pedestrians at this access location, and considers the proposal to be acceptable on the following grounds:</p> <ul style="list-style-type: none"> <li>– Church Street has a low-speed limit of 50km/h which allows for easy deceleration to enter the site and acceleration to exit the site.</li> </ul> |

| DCP Ref. | Name of Control                   | Statement of Consistency  | Planning assessment comment  |
|----------|-----------------------------------|---|--|
|          |                                   |   | <ul style="list-style-type: none"> <li>– The southern shoulder of Church Street provides adequate deceleration and waiting area for vehicles turning left-in to the site when waiting for pedestrians crossing or entering the driveway.</li> <li>– The number of additional movements from Church Street is not such that would significantly impact the current level of service when vehicles turning right-in to the site are waiting for pedestrians crossing or entering the driveway.</li> <li>– At the access point to Church Street, motorists exiting the site have good sightlines due the fence on the eastern side being a chain link fence and hedges on the western side being low level.</li> </ul> <p>The assessment findings in the SEE are supported. Continued access to the development site from this location is assessed to be acceptable on the basis that it is an existing arrangement, not practical alternative options are available and is unlikely to create any traffic or pedestrian safety hazards.</p> |
| D4.3     | Circulation & loading / unloading | The development is assessed to be consistent with the DCP Controls. | <p>The internal site design relating to loading and unloading operations at 62 Osman Street has been approved by Council under DA4/2021 and DA6/2022. Changes are not proposed to the approved design, which generally allows for:</p> <ul style="list-style-type: none"> <li>– Two-way traffic flow into, throughout and out of the development site.</li> <li>– On-site car parking designed to comply with relevant legislative requirements and</li> </ul>   |



| DCP Ref. | Name of Control                | Statement of Consistency  | Planning assessment comment   |
|----------|--------------------------------|---|---|
|          |                                |   | <p>Council engineering standards, including the provision of disabled car parking spaces.</p> <ul style="list-style-type: none"> <li>– A dedicated loading and unloading bay.</li> </ul> <p>On the basis that proposal relates to an existing building, the approved loading and unloading arrangements for the site under DA4/2021 will adequately provide for the needs of the development.</p>   |
| D4.4     | Parking                        | Considered. Assessment not required.  | <p>The proposed development does not provide new off-street car parking over and beyond what has been approved by Council for the motel accommodation under DA4/2021 and DA6/2022. An assessment of key issues related to car parking is provided in a further section of this report.</p>  |
| D4.5     | Pedestrian access and mobility | The development is capable of achieving compliance with the DCP controls, subject to further design work at CC stage. | <p>The DCP requires substantial alterations and additions, parking and access to comply with the Disability (Access to Premises - Buildings) Standards 2010 (as amended and replaced) under the Disability Discrimination Act 1992, the National Construction Code and Australian Standards. Internal referral of the DA to Council's Senior Building Surveyor has resulted in the following comments:</p> <p><i>An accessible path of travel to the proposed alterations in accordance with the requirements of the Premises Standards will be required from the principal pedestrian entrance. Due to the age of the building, it will be difficult to fully comply with AS1428.1, so a Performance Solution will be required to be submitted prior to the issue of</i></p> |

| DCP Ref. | Name of Control        | Statement of Consistency  | Planning assessment comment   |
|----------|------------------------|---|---|
|          |                        |   | <p><i>the CC.</i></p> <p>An appropriate condition of consent has been included in the recommendation to this assessment report.</p>   |
| D4.6     | Parking and safety     | Considered. Assessment not required.                                  | The proposed development does not provide new off-street car parking over and beyond what has been approved by Council for the motel accommodation under DA4/2021 and DA6/2022. An assessment of key issues related to car parking is provided in a further section of this report.   |
| D4.7     | Off street car parking | The development is assessed to be inconsistent with the DCP Controls. | <p>In response to an additional information request from Blayney Shire Council, Premise has provided a written letter dated 6 December 2022 which provides:</p> <ul style="list-style-type: none"> <li>– An assessment of the car parking requirements for the development under the DCP</li> <li>– An analysis of the likely car parking demand generated by the proposed development</li> <li>– Discussion of the proposed sharing of on-site car parking, having regard to the already approved arrangements under DA4/2021 and 6/2022 for the land at 62 Osman Street.</li> <li>– Assessment of the likely impacts of not providing further on-site car parking as part of the proposed development.</li> </ul> <p>In summary, Premise has identified that a total of 89 new parking spaces is required to be provided in connection with the proposed development, based on the provision of 575m<sup>2</sup> of new floor space.</p> <p>The proposed development does not provide new off-street car parking over and beyond what</p> |

| DCP Ref. | Name of Control                  | Statement of Consistency              | Planning assessment comment   |
|----------|----------------------------------|---------------------------------------|---|
|          |                                  |                                       | <p>has been approved by Council for the motel accommodation under DA4/2021 and DA6/2022 and for this reason a variation to the DCP is required.</p> <p>A detailed assessment has been completed to determine whether the proposed car parking arrangements can be supported by Council without resulting in acceptable impacts on the local road network in terms of overspill car parking. This assessment is presented in further detail in Section 8.1.6 of this report but concludes that the proposal is capable of being supported on merit.</p> <p>In summary, it has been calculated that a net car parking surplus of 2 spaces would result for the land at 62 Osman Street under DA4/2021, DA6/2022 and DA99/2022 (this DA). This is calculated on the basis that:</p> <ul style="list-style-type: none"> <li>– 80% of the car parking demand generated by the new uses proposed under DA99/2022 will already be accommodated by the on-site car parking to be provided in support of DA4/2021 and DA6/2022.</li> <li>– all of the land relating to DA4/2021, DA6/2022 and DA99/2022 (including onsite parking areas) will be consolidated into a single land holding.</li> </ul> |
| D4.8     | Exemptions to off street parking | Exemptions are assessed not to apply. | <p>Appendix A to the SEE provides an assessment of the proposal against the six exemption categories listed in the DCP, and identifies that the proposal meets the exemption categories relating to:</p> <ul style="list-style-type: none"> <li>– Alterations and additions to an existing building, where</li> </ul>   |

| DCP Ref.                     | Name of Control                   | Statement of Consistency  | Planning assessment comment   |
|------------------------------|-----------------------------------|---|---|
|                              |                                   |   | <p>less than 25m<sup>2</sup> of new floor space is created and there are no encroachments on existing off-street parking areas.</p> <ul style="list-style-type: none"> <li>– Demonstration that there is alternative parking available on another public or private site in close proximity to the development without impacting the parking requirements of other users.</li> </ul> <p>It is assessed that the proposal does not qualify for an exemption to the provision of additional on-site car parking. Whilst the proposal relates to the conversion of existing floorspace only, the existing on-site car parking spaces associated with the former use (Blayney Bowling Club) have been dedicated to a different purpose (motel accommodation) by way of Council approving DA4/2021 and DA6/2022. Providing an exemption to on-site car parking based on the availability of nearby public or private car parking is also not considered to be in the public interest due to nature and scale of the proposal, and the site history relating to previously approved development on the land at 62 Osman Street. On this basis, any shortfall of off-street parking associated with the proposal is to be treated as a variation to the DCP.</p> |
| D4.9                         | Table of Car Parking Requirements | The development is assessed to be consistent with the DCP Controls. | See assessment to DCP control D4.7.   |
| <b>Ancillary Development</b> |                                   |   |   |
| D5.1                         | Open storage,                     | The   | The site layout does not propose  |

| <b>DCP Ref.</b> | <b>Name of Control</b>    | <b>Statement of Consistency</b>                                     | <b>Planning assessment comment</b>   |
|-----------------|---------------------------|---|--|
|                 | utility and service areas | development is assessed to be consistent with the DCP Controls.     | new storage areas that require screening from public view. Site utilities, including air conditioning units, are generally not visible from public places due to the centralised location of the existing building and the screening effects achieved by the placement of the proposed motel approved under DA6/2022.  |
| D5.2            | Solid Waste Management    | The development is assessed to be consistent with the DCP Controls. | Garbage storage and collection is to occur from within the site as approved under DA4/2021. A dedicated and secure waste bin storage area would be located onsite for bins associated with the collection of waste and garbage, which would be arranged with a commercial waste and recycling operator. Internal waste collection is provided at source with integrated waste collection at the activity points within the facility. This includes appropriate sanitary waste collection of activity waste at the sinks within the facility. |
| D5.3            | Landscaping               | The development is assessed to be consistent with the DCP Controls. | As the proposal relates to an existing building, there are no new landscape works proposed or required.  |
| D5.4            | Fencing                   | The development is assessed to be consistent with the DCP Controls. | As the proposal relates to an existing building, there are no new fencing works proposed or required.  |
| D5.5            | Advertising and signage   | Not applicable to this proposal.                                    | Assessment not required.   |
| D5.6            | External lighting         | The development is assessed to be consistent                        | The SEE confirms that lighting would be installed ( <i>to AS 4282-1997 Control of the obtrusive effects of outdoor lighting</i> ) to   |

| <b>DCP Ref.</b>                                | <b>Name of Control</b>   | <b>Statement of Consistency</b>                                     | <b>Planning assessment comment</b>  |
|--|--------------------------|---|---|
|  |                          | with the DCP Controls.  | ensure a safe environment for site users.   |
| <b>Site Planning, Earthworks and Utilities</b> |                          |   |   |
| D6.1   | Site planning            | The development is assessed to be consistent with the DCP Controls. | The proposal relates to an existing building. Ancillary aspects to the development relating to access, parking, loading / unloading and utility provision have already been determined to be acceptable under existing approvals (DA4/2021 and DA6/2022). The proposed works to the external parts of the existing building have been assessed to be appropriate within the heritage context of the site. |
| D6.2   | Earthworks               | The development is assessed to be consistent with the DCP Controls. | The existing site topography will not require significant cut/fill or changes to existing landform. The site is generally flat and is assessed to be suitable for the proposed development. Site contamination has been assessed and no significant issues have been identified (refer Section 8.3.1).  |
| D6.3   | Building near utilities  | The development is assessed to be consistent with the DCP Controls. | A site survey has been submitted with the DA and does not identify any public or private utility installations in locations that will be impacted by the proposed development, particular as the works relate to an existing building. There are no known easements in locations that will impede the proposed site layout.   |
| D6.4   | Connection to utilities  | The development is assessed to be consistent with the DCP Controls. | Refer to Section 8.3.1 of this report for assessment of Clause 6.8 of the Blayney LEP 2012. It is assessed that appropriate arrangements have been made for the connection of the proposed development to relevant utilities.   |
| D6.5   | Siting and visibility of | The development   | A site survey has been submitted with the DA and does   |

| <b>DCP Ref.</b>  | <b>Name of Control</b>      | <b>Statement of Consistency</b>   | <b>Planning assessment comment</b>   |
|--|-----------------------------|---|--|
|  | utilities                   | is assessed to be consistent with the DCP Controls.                       | not identify any public or private utility installations in locations that will be impacted by the proposed development, particular as the works relate to an existing building. There are no known easements in locations that will impede the proposed site layout.  |
| D6.6   | Liquid Trade Waste          | The development is capable of achieving compliance with the DCP controls. | The proposed use of the building (restaurant, bar, lounge and guest recreation area) will generate a liquid trade waste stream. A Liquid Trade Waste Permit will be required prior to the commencement of use and appropriate conditions have been recommended.  |
| D6.7   | On-site Sewage Management   | Not applicable to this proposal.  | Assessment not required.   |
| D6.8   | Water and Energy Efficiency | The development is assessed to be consistent with the DCP Controls.       | The building design will need to comply with Part J of the National Construction Code. Compliance to be assessed as part of the submission of the Construction Certificate Application.  |
| <b>Part G – Environmental Management &amp; Hazards</b> |                             |   |  |
| <b>Part G2 - Buffers to Sensitive Land Uses</b>        |                             |   |  |
| G2.1   | Application of section      | The controls in Part G2 are assessed not to apply.                        | <p>Part G2 applies to a proposed development where:</p> <ul style="list-style-type: none"> <li>– a sensitive land-use is proposed within the nominated buffer distances to an existing or likely higher impact land-use, or</li> <li>– a higher impact land-use proposed within the nominated buffer to an existing or likely future sensitive land-use.</li> </ul> <p>The proposed development is not assessed to be a “higher impact land-use”. Section 8.1.6 of this report includes a more detailed assessment of the likely</p> |

| <b>DCP Ref.</b>                          | <b>Name of Control</b>         | <b>Statement of Consistency</b>   | <b>Planning assessment comment</b>   |
|--|--------------------------------|---|--|
|  |                                |   | impacts associated with the development, including noise and traffic generation, which have not been found to be significant.<br>Further assessment of Part G2 is not considered to be necessary.  |
| G2.2                                     | Objectives                     | Considered. Assessment not required.  | Refer to comment at G2.1.  |
| G2.3                                     | Noise and Vibration            | Considered. Assessment not required.  | Refer to comment at G2.1.  |
| G2.4                                     | Odour and Dust                 | Considered. Assessment not required.  | Refer to comment at G2.1.  |
| G2.5                                     | On-site effluent disposal      | Considered. Assessment not required.  | Refer to comment at G2.1.  |
| G2.6                                     | Buffers to Sensitive Land Uses | Considered. Assessment not required.  | Refer to comment at G2.1.  |
| G2.7                                     | Buffers and Landscaping        | Considered. Assessment not required.  | Refer to comment at G2.1.  |
| G2.8                                     | Agriculture and Right to Farm  | Considered. Assessment not required.  | Refer to comment at G2.1.  |
| <b>Part G3 – Stormwater and Drainage</b> |                                |   |  |
| G3.1                                     | Application of section         | The development is assessed to be consistent with the DCP Controls.                           | Section G3 of DCP requires assessment.   |
| G3.2                                     | Objectives                     | The development is assessed to be consistent with the objectives for stormwater and drainage. | A detailed assessment of the proposed development against the requirements of Section 6.2 of BLEP 2012 has been completed and included in Section 8.3.1 of this report. The assessment concluded that adequate arrangements for the disposal of stormwater from the existing building have been allowed for in the stormwater designs relating to DA4/2021 and DA6/2022 for the approved |



| <b>DCP Ref.</b>  | <b>Name of Control</b> | <b>Statement of Consistency</b>   | <b>Planning assessment comment</b>   |
|--|------------------------|---|--|
|  |                        |   | motels at 62 Osman Street.   |
| G3.3   | Stormwater Management  | The development is assessed to be consistent with the objectives for stormwater and drainage. | As above.  |
| <b>Part G4 - Flooding</b>  |                        |   |  |
| This section of the DCP is blank.  |                        |   |  |
| <b>Part G5 - Bushfire</b>  |                        |   |  |
| The land is not mapped as Bushfire Prone. Consideration of Part G5 is not necessary. |                        |   |  |
| <b>Part G6 – Land Contamination</b>  |                        |   |  |
| G6.1   | Application of section | The development is assessed to be consistent with the DCP Controls.                           | Section G6 applies to land within the Blayney LGA and requires assessment.   |
| G6.2   | Objectives             | The development is assessed to be consistent with the objectives for land contamination.      | A detailed assessment of the proposed development against the requirements of the Hazards SEPP has been completed and included in Section 8.3.1 of this report.<br>There is a low likelihood of potential contamination at the site of the proposed development. The use of the land for purposes associated with the former Blayney Bowling Club is understood to have extended as far back as the 1930's. There are no uses of the site which are known to have occurred on the land since the closure of the Bowling Club which give rise to concerns about potential land contamination. Further investigation in relation to land contamination is considered unnecessary in the circumstances. |
| <b>Part G7 – Significant Vegetation and Biodiversity</b>                             |                        |   |  |

| <b>DCP Ref.</b>   | <b>Name of Control</b>              | <b>Statement of Consistency</b>  | <b>Planning assessment comment</b>  |
|---|-------------------------------------|--|---|
| This section of the DCP is blank.   |                                     |  |   |
| <b>Part G8 – Drinking Water Catchments and Ground Water Vulnerability</b>   |                                     |  |   |
| The land is not identified as being within an area affected by vulnerable groundwaters or within a drinking water catchment area. |                                     |  |   |
| <b>Part G9 – Land and Soils</b>   |                                     |  |   |
| G9.1  | Application of section              | The development is assessed to be consistent with the DCP Controls.                        | Site investigations have been completed. There is no indication that the site might be affected by geological, soil classification/types or salinity issues that could impact on the proposed development. There are no environmental constraints which are considered to be prohibitive to the proposed development.   |
| <b>Part H – Heritage Conservation</b>   |                                     |  |   |
| <b>Part H1 - Introduction</b>   |                                     |  |   |
| H1.1  | Application of section              | The development is assessed to be consistent with the DCP Controls.                        | Section H applies to the proposed development as it is located within the Blayney Heritage Conservation Area and is also located in proximity to an identified heritage item.   |
| H1.2  | Objectives of Heritage Conservation | The development is assessed to be consistent with the objectives for heritage conservation | A detailed assessment of the proposed development against the heritage planning framework in Clause 5.10 of the BLEP has been completed and included in Section 8.3.1 of this report. In summary, it has been assessed that the proposal will not have a significant impact on an existing heritage item in BLEP or on the Blayney Heritage Conservation Area (C1). |
| H1.3  | Other parts of the DCP              | The development is assessed to be consistent with the DCP Controls.                        | The development has been assessed against the requirements of all other relevant parts of the Blayney DCP.  |
| H1.4  | Variation to Controls               | The proposal does not require a variation to the controls in Part H of the                 | The proposal does not require a variation to the controls in Part H of the DCP.   |

| <b>DCP Ref.</b>                                  | <b>Name of Control</b>                                  | <b>Statement of Consistency</b>                                     | <b>Planning assessment comment</b>   |
|--|---|---|--|
|  |   | DCP.  |  |
| <b>Part 2 – Development Consent Requirements</b> |   |   |  |
| H2.1   | Development requiring consent                           | The development is assessed to be consistent with the DCP Controls. | A DA has been lodged for the proposal.   |
| H2.2   | Development not requiring consent                       | The development is assessed to be consistent with the DCP Controls. | The landowner has already completed some works to the external elevations of the existing building and that these works have been completed as exempt development (DA not required) in accordance with an authorisation provided by Blayney Shire Council) under Clause 5.10(3) of BLEP. A more detailed description of these works and a copy of the authorisation from Blayney Shire Council is included in Appendix C to the Premise SEE. |
| H2.3   | Document to be submitted with a Development Application | The development is assessed to be consistent with the DCP Controls. | It is assessed that sufficient information has been provided in support of the DA to allow an assessment of the likely impacts of the proposal in terms of the Blayney Heritage Conservation Area. A heritage management document is not required.   |
| H2.4   | Archaeological Sites (Non-Indigenous)                   | The development is assessed to be consistent with the DCP Controls. | The land is not identified to be impacted by any known items of non-indigenous archaeological significance.  |
| H2.4   | Aboriginal Places of Heritage Significance              | The development is assessed to be consistent with the DCP Controls. | A detailed assessment of the potential impact in terms of non-indigenous heritage has been completed and included in Section 8.3.1 of this report. Given the highly disturbed nature of the site and known land-use history (associated with the former Blayney Bowling Club), it is assessed to be unlikely that any items of Aboriginal heritage   |

| <b>DCP Ref.</b>  | <b>Name of Control</b>       | <b>Statement of Consistency</b>                                     | <b>Planning assessment comment</b>   |
|--|------------------------------|---|--|
|  |                              |   | will be discovered during construction processes associated with the proposed development.   |
| H2.6   | State Heritage Items         | The development is assessed to be consistent with the DCP Controls. | The land will not impact on any State Heritage Items.  |
| H2.7   | Conservation Incentives      | The development is assessed to be consistent with the DCP Controls. | The proposal is not seeking development consent under the conservation incentives clause.  |
| <b>H3 Development of Heritage Items</b>  |                              |   |  |
| Not applicable for consideration. The proposal does not involve the demolition of a heritage item. |                              |   |  |
| <b>H4 Development in the vicinity of Heritage Items</b>  |                              |   |  |
| H4.1   | Siting, Scale and Proportion | The development is assessed to be consistent with the DCP Controls. | The proposed scope of works will not result in any change to the setbacks of the existing building, or the scale and proportion of the building. The works are to a building located centrally within the site and does not form part of a streetscape of buildings of consistent style, form and materials. |
| H4.2   | Materials and colours        | The development is assessed to be consistent with the DCP Controls. | The proposed works improve the visual appearance of the building through cleaning of visible retained brickwork (including breeze brick feature wall) at the ground floor and provision of light and dark cladding that is both contemporary in appearance and sympathetic to the heritage context.          |
| <b>H5 Development within the Heritage Conservation Area</b>  |                              |   |  |
| H5.1   | Scale and Form               | The development is assessed to be consistent with the DCP Controls. | The proposed scope of works will not result in any change to the scale and proportion of the building.   |
| H5.2   | Siting                       | The   | The works are to an existing   |

| DCP Ref. | Name of Control       | Statement of Consistency  | Planning assessment comment  |
|----------|-----------------------|---|--|
|          |                       | development is assessed to be consistent with the DCP Controls.     | building located centrally within the site. The proposal does not involve the construction of new buildings within established setback areas.  |
| H5.3     | Materials and Colours | The development is assessed to be consistent with the DCP Controls. | The existing building is not a heritage building. The landowner has already completed some works to the external elevations of the existing building and that these works have been completed as exempt development (DA not required) in accordance with an authorisation provided by Blayney Shire Council) under Clause 5.10(3) of BLEP. A more detailed description of these works and a copy of the authorisation from Blayney Shire Council is included in Appendix C to the Premise SEE. |
| H5.4     | Doors and Windows     | The development is assessed to be consistent with the DCP Controls. | As above.  |
| H5.5     | Outbuildings          | The development is assessed to be consistent with the DCP Controls. | There are no buildings to be constructed.  |
| H5.6     | Fencing               | The development is assessed to be consistent with the DCP Controls. | There are no new fencing works proposed.   |

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

There are no planning agreements or draft planning agreements relevant for consideration as part of the assessment and determination of this DA.

**5.1.5. Section 4.15(1)(a)(iv) The Regulations****Clause 61(1) - Demolition**

Clause 61(1) requires that in determining a DA for the demolition of a building, the consent authority must consider the Australian Standard AS 2601—2001: *The Demolition of Structures*.

The DA does not seek consent from Blayney Shire Council for the demolition of any buildings or structures.

**Clause 61(2) – Subdivision Orders**

Clause 61(2) requires that in determining a DA for the carrying out of development on land that is subject to a subdivision order made under Schedule 7 to the Act, the consent authority must consider the subdivision order, and any development plan prepared for the land by the relevant authority.

The DA does not involve the carrying out of development on land that is subject to a subdivision order under the Act.

**Clause 61(3) – Dark Sky Planning Guidelines**

Clause 61(3) requires that in determining a DA for development on specified land, the consent authority must consider the Dark Sky Planning Guideline.

The DA does not relate to land in a specified Local Government Area and is not within 200m of the Siding Spring Observatory.

**Clause 61(4) – Manor Houses or Multi-Dwelling housing**

Clause 61(4) requires that in determining a DA for the purposes of a manor house or multi dwelling housing, the consent authority must consider the Low-Rise Housing Diversity Design Guide for Development Applications.

The DA does not relate to manor houses or multi-dwelling housing.

**Clause 62 – Consideration of Fire Safety**

Clause 62 applies to the determination of a DA for a change of building use for an existing building is the applicant does not seek the rebuilding or alteration of the building.

The DA does not relate to a change of building use. The proposal is for a new structure and appropriate fire safety provisions will be consider as part of the assessment of the CC.

**Clause 63 – Temporary Structures**

Clause 63 requires consideration when a DA involves the erection of a temporary structure.

The DA does not relate to erection of any temporary structures.

**Clause 64 – Upgrade of buildings**

Clause 64 requires consideration when a DA involves the rebuilding or alteration of an existing building if:

- The proposed building work and previous building work together represent more than half of the total volume of the building, or
- The measures contained in the building are inadequate to protect persons using the building if there is a fire; to facilitate the safe egress of persons using the building from the building, if there is a fire; or to restrict the spread of fire from the building to other buildings nearby.

The scope of work proposed under DA99/2022 will require a fire safety upgrade for the total building as part of the internal fit out. Detailed plans will be required with the application showing the proposed fire safety measures to be installed in accordance with the requirements of the Building Code of Australia. Appropriate conditions of consent have been recommended by Council's Senior Building Surveyor.

Clause 65 – Sydney Opera House

Not relevant for consideration.

Clause 66 – Contributions plans for certain areas in Sydney

Not relevant for consideration.

Clause 67 – Modification or surrender of development or existing use right

Not relevant for consideration.

Clause 68 – Voluntary surrender of development consent

Not relevant for consideration.

**5.1.6. 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**  
**Context and Setting**

The property at 62 Osman Street is located centrally within the Blayney Township and is contained within a neighbourhood block defined by Church Street on the north, Adelaide Street on the east, Water Street on the south and Osman Street on the west. The particular part of 62 Osman Street that is the subject of DA99/2022 is the existing building located centrally within the site that was formerly used as the Blayney Bowling Club.

62 Osman Street is surrounded by a mix of residential, commercial and community uses. The land to the north and the south is generally used for residential purposes. The land to the east is generally used for commercial purposes (forming part of the Blayney CBD). Land to the west (on the opposite side of Osman Street) accommodates the Blayney High School.

Given the mix of land-uses in the immediately surrounding area, and the previous commercial use of the land, it is assessed that the new uses for the building will not result in a development scenario that is inconsistent with the with the context and setting of the land.

**Land-use Conflict**

The site is zoned B2 Local Centre in accordance with Blayney Local Environmental Plan 2012. The proposed development is a permissible use within the zone, subject to consent from Council.

The use of the building for the purposes of a restaurant, bar, lounge and guest recreation area is to be ancillary to the use of the land for motel purposes approved by Blayney Shire Council under DA4/2021 and DA6/2022. On the basis that the proposed use is ancillary and will be located upon the same allotment of land (once a consolidation of land titles occurs), there are no assessment concerns relating to potential land-use conflict between the restaurant and on-site motel accommodation. The management of potential impacts internal the development site (including noise associated with vehicle and pedestrian use of the site) is generally considered to be an issue for management by the operators of both facilities.

An assessment is also required to determine whether the operation of the proposed development is likely to result in unacceptable impacts on existing land-use activities on nearby properties. Based on a review of the DA documentation, and an inspection of the site, the primary issue relates to the likelihood that the proposal will generate increased noise from activities carried out within the building and from vehicle and pedestrian movements to and from the site via both Church Street and Osman Street. In assessing the likely impacts, the following prerequisites are noted:

- The building was previously used for purposes associated with the former Blayney Bowling Club, which is similar to the proposed use in terms nature and intensity of use.
- The hours of operation are described in the DA documentation as between 5am and 2am, seven days a week (allowing for staff set-up and clean-up) and based on the most conservative scenario (during the peak summer season with demonstrated demand for all meal services and evening events).
- There are no outdoor uses proposed. All activities are intended to occur within the internal spaces of the building. The plans submitted with the DA do not show any balconies, decks, terraces or outdoor dining spaces.
- The operation of the land at 62 Osman Street is subject to an approved plan of management prepared in accordance with the conditions of DA4/2021. The proponent advises that the plan of management would be extended to address the activities proposed under DA99/2022 (this DA).

The assessment of the proposal concludes as follows:

- The proposal relates to an existing building and is therefore unlikely to generate new impacts related to sunlight, views or loss of privacy. No issues have been raised by nearby landowners as part of the consultation process.
- The likely sources of noise generated by the proposed development are from uses within internal building spaces, on-site services and utilities



(such as air conditioning units), poor patron behaviour and inappropriate use of motor vehicles. Impacts are likely to be within acceptable limits on the basis that a similar use has historically operated at the site without known major impact, the land is zoned for commercial purposes, and a Plan of Management is to be prepared in order to address the day-to-day management of the facility to an acceptable standard.

- The proposal responds appropriately to Council's planning requirements. The planning assessment has not identified any poorly conceived aspects of the design which might unnecessarily exacerbate potential impacts on neighbouring properties.
- The site layout and building design does not create any inconsistencies with applicable planning controls under Blayney Local Environmental Plan 2012 and Blayney Development Control Plan 2018, except for on-site car parking provision.

On the basis of the above, the likelihood that the proposed uses will generate unacceptable land-use conflict is assessed to be low. The preparation of a plan of management is accepted by Council to be an appropriate impact mitigation strategy and a condition of consent has been recommended.

### **Access and Traffic**

#### Parking

In response to an additional information request from Blayney Shire Council, Premise has provided a written letter dated 6 December 2022 which provides:

- An assessment of the car parking requirements for the development under the DCP.
- An analysis of the likely car parking demand generated by the proposed development.
- Discussion of the proposed sharing of on-site car parking, having regard to the already approved arrangements under DA4/2021 and 6/2021 for the land at 62 Osman Street.
- Assessment of the likely impacts of not providing further on-site car parking as part of the proposed development.

A copy of the letter from Premise dated 6 December 2022 is included in Attachment C to this report.

In summary, Premise has identified that a total of 89 new parking spaces is required to be provided in connection with the proposed development, based on the provision of 575m<sup>2</sup> of new floor space and having regard to the requirements of the Blayney DCP. Premise has performed this calculation using the rates required for restaurants and has applied this rate to the total floorspace of the building, despite parts of the building being proposed for other purposes including a bar, lounge and guest recreation area. Given the DCP does not include guidance for the specific uses of a bar, lounge or guest recreation area, the approach taken by Premise can be supported in order to arrive a base calculation for on-site car parking demand associated with the proposed development.

The proposed development does not provide new off-street car parking over and beyond what has been approved by Council for the motel accommodation under DA4/2021 and DA6/2022. On the basis that no new off-street car parks will be provided to support the proposed use, a variation to the DCP is therefore assessed to be required.

In order to assess whether the variation is capable of being supported, it is necessary to first consider the fundamental relationship between primary and ancillary use. In the context of the land at 62 Osman Street, the primary use of the land is motel accommodation (approved under DA4/2021 and DA6/2022) and the ancillary uses relate to the proposed restaurant, bar, lounge and guest recreation area (notwithstanding that these spaces will be made available for use by members of the public which may not also be paying guests of the motel uses on the land). The concept of primary and ancillary use is supported on the basis that:

- The land at 62 Osman Street is to be consolidated into a single allotment of land, and
- The DA has adequately demonstrated a relationship between the motel accommodation and the proposed restaurant, bar, lounge and guest recreation area.

The Premise SEE conservatively estimates that 80% of guests attending the new facility would also be paying guests of the motel accommodation. For this reason, Premise are proposing that the approved off-street car parking areas associated with the motels (under DA4/2021 and DA6/2022) would also be capable of accommodating the bulk of on-site car parking demand generated by the proposed restaurant, bar, lounge and guest recreation area. Essentially, Premise are proposing the sharing of on-site car parking between the various uses of the site, which has the effect of significantly reducing the net number of off-street car parking spaces required to be provided in support of DA99/2022.

On the basis of the proposed sharing arrangement, Premise has calculated the likely car parking demand associated with the uses at 62 Osman Street and this is summarised in Tables 2 and 3 as follows. There is a need to present this work in two separate tables, as the off-street car parking provision changes for DA4/2021 between Stage 1 and Stage 2 works.

Table 2 – Accounting only for DA4/2021 Stage 1 Works

|     |             | Column   |          |           |       |             |
|-----|-------------|----------|----------|-----------|-------|-------------|
|     |             | A %      | B        | C         | D     |             |
| Row |             | DA4/2021 | DA6/2022 | DA99/2022 | Total | Calculation |
| 1   | Motel Rooms | 98       | 20       | 0         | 118   | A1+B1+C1    |
| 2   | Restaurant  | 0        | 0        | 575       | 575   | A2+B2+C2    |

|   |                                  |     |    |     |      |          |
|---|----------------------------------|-----|----|-----|------|----------|
| 3 | Parking Demand                   | 101 | 20 | 89  | 210  | A3+B3+C3 |
| 4 | Parking Provided                 | 80  | 26 | 0   | 106  | A4+B4+C4 |
| 5 | Surplus / Deficiency             | -21 | +6 | -89 | -104 | A5+B5+C5 |
| 6 | Assume 80% sharing for DA99/2022 |     |    | -18 |      | C5 x 20% |
| 7 | Net Surplus / Deficiency         | -21 | +6 | -18 | -33  | A7+B7+C7 |

% The calculations in the table are based on the development scenario resulting from completion of Stage 1 works associated with DA4/2021.

Table 3 – Accounting for DA4/2021 Stage 2 Works

|     |                                  | Column   |          |           |       |             |
|-----|----------------------------------|----------|----------|-----------|-------|-------------|
|     |                                  | A #      | B        | C         | D     |             |
| Row |                                  | DA4/2021 | DA6/2022 | DA99/2022 | Total | Calculation |
| 1   | Motel Rooms                      | 81       | 20       | 0         | 101   | A1+B1+C1    |
| 2   | Restaurant                       | 0        | 0        | 575       | 575   | A2+B2+C2    |
| 3   | Parking Demand                   | 86       | 20       | 89        | 195   | A3+B3+C3    |
| 4   | Parking Provided                 | 100      | 26       | 0         | 126   | A4+B4+C4    |
| 5   | Surplus / Deficiency             | +14      | +6       | -89       | -69   | A5+B5+C5    |
| 6   | Assume 80% sharing for DA99/2022 |          |          | -18       |       | C5 x 20%    |
| 7   | Net Surplus / Deficiency         | +14      | +6       | -18       | 2     | A7+B7+C7    |

# The calculations in the table are based on the development scenario resulting from completion of Stage 2 works associated with DA4/2021.

The following general conclusions can be drawn from the car parking analysis presented in Tables 2 and 3 above:

- The total number of spaces required to service the car parking demand related to DA4/2021 (Stage 2) and DA6/2022 is calculated to be 106 spaces. The total number of spaces approved to be provided on the land in connection with these DAs is 126 spaces, being 20 spaces in excess of what is required by the Blayney DCP.
- The total number of spaces required by the Blayney DCP to service the car parking demand related to DA99/2022 is calculated to be 89 spaces. On the basis that 80% of the users of the proposed restaurant, bar, lounge and guest recreation area will also be residents of the approved motels, the total number of spaces required to be provided in connection with DA99/2022 is reduced to 18 spaces.
- Having regard to the above, the number of off-street car parking spaces required to be provided on the land in connection with the proposed and approved uses is assessed to be 124 spaces. On the basis that 126 spaces are approved to be provided on the land, it is calculated that a net surplus of 2 spaces will result upon completion of DA4/2021 (Stage 2 works), DA6/2022 and DA99/2022.

In the interim period prior to the completion of Stage 2 works relating to DA4/2021, it is assessed that there will be a shortfall of 33 off-street car parking spaces provided on the land at 62 Osman Street. The Premise SEE has carried out an assessment of the availability of nearby public parking opportunities to accommodate this interim shortfall in off-street car parking. In summary, the SEE makes the following assessments:

- There is space for up to 25 vehicles to be angle parked in Osman Street between the two driveways approved for the new motel under DA6/2022. The remaining 8 spaces (to make up the identified deficit of 33 spaces) could be accommodate elsewhere in Osman Street or the local street network and would have minimal amenity impacts to neighbouring properties due to their limited number.
- The loss of up to 33 parking spaces in Osman Street is acceptable as demand for on-street parking since the closure of the Bowling Club is very low. The five dwellings and Blayney High School that have access from Osman Street all have on-site parking.
- The pedestrian pathway from Osman Street forming part of the approved motel under DA6/2022 will enable easy connection for guests of the facility from Osman Street.
- The parking demand is likely to be further reduced on the basis that guests to the site (which aren't also guests of the motel) are likely to be residents of Blayney and surrounding areas and will be encouraged (by nature of the use) to walk, carpool or utilise available public transport (i.e. taxis).
- The calculations assume 100% occupancy of the motel accommodations and that all motel users will travel in a single vehicle per motel room. Many motel operations would recognise assumed 100% occupancy at all times as an unreasonable expectation, with industry best practice targeting average occupancy of 70-80%.

- A significant proportion of users will be visiting construction workers who will not travel in their own vehicle, potentially flying into Orange and being transferred to and from work sites by bus.

An inspection of the site and surrounds has also identified that on-street parking opportunities would be available in the following locations:

- Church Street, between Osman Street and Adelaide Street, which allows generally for rear to kerb angled parking along the northern and southern sides of the street between existing driveway locations. There are existing concrete footpath installations on the northern and southern sides of this section of Church Street.
- Adelaide Street, which is within 120m walking distance (via established concrete footpath) of the entry location to 62 Osman Street on Church Street.

The assessment work presented above generally concludes that:

- The rate of car parking provision on the land at 62 Osman Street is likely to be capable of supporting the approved and proposed uses for the land without generating unacceptable amenity impacts associated with car parking overspill on the nearby local road network.
- The on-site car parking to be provided on the land at 62 Osman Street is capable of being shared between the approved motel and the proposed uses on the basis of primary and ancillary use characterisation.
- The final development scenarios for the land at 62 Osman Street, as approved under DA4/2021 and DA6/2022, will result in the provision of on-site car parking that is surplus to the requirements of the Blayney DCP. This surplus reduces the deficiency of on-site car parking related to DA99/2022 to an acceptable level once calculations are performed relating to the sharing of car parking demand across all uses on the site.

#### Access

Based on a review of the plans and documents lodged in the support of the DA, the proposed access arrangements to the development are described as follows:

- The existing building is accessible to vehicle traffic via an existing internal access drive that connects to Church Street. The same vehicle access provides primary access to the motel development also located on the land at 62 Osman Street and approved by Blayney Shire Council under DA4/2021. Vehicular access to the public road network is not possible from other locations.
- The existing building is accessible to pedestrian traffic from Osman Street via an entrance gate that connects to the existing public footpath network. As part of the design of the motel development under DA6/2022 this entrance gate is proposed to be retained, allowing for pedestrian traffic to enter the land on Osman Street, walk through the centre of the motel building and then onwards to the former bowling club building via a network of internal concrete paths.

- The building is also accessible to pedestrian traffic from Church Street via a series of internal concrete paths that are to be constructed in accordance with the approved plans relating to DA4/2021. Once constructed, these internal concrete paths will accessible connections from the existing footpath networks on Osman Street and Church Street to the proposed development.

Based on a review of the DA documentation, and an inspection of the site, the key issues related to traffic and access include:

- The suitability of Church Street to accommodate the expected increases in traffic likely to be generated by the proposed development.
- Potential traffic conflicts created by competing land-uses in the immediate vicinity of the development site.
- The suitability of the proposed off-street car parking arrangements proposed for the motel and likelihood of overspill car parking occurring on Osman Street.
- The safety and suitability of the existing access locations to the site having regard to likely vehicle and pedestrian movements on Church Street.

The following observations relating to access and traffic were made as a result of an inspection of the development site:

- Church Street is sealed road construction, having a width of approximately 10m, within a 30m wide reservation. Church Street is a low-speed environment with a limit of 50km/h.
- Church Street has a straight alignment and under existing conditions there are generally no sight distance issues influencing vehicle safety at the main entrance location to the land.
- The southern shoulder of Church Street provides adequate waiting area for vehicles turning left-in to the site when waiting for pedestrians crossing or entering the driveway, and for vehicles turning right-in to the site when giving way to oncoming vehicles or waiting for pedestrians crossing or entering the driveway.
- On-street car parking (60° rear to kerb) is currently permissible on both the northern and southern sides of Church Street. On-street car parking within Church Street generally occurs intermittently and is associated with existing residential properties, the Blayney Shire Council and commercial use within nearby Adelaide Street.
- Church Street is provided with existing street lighting.

An assessment of the likely traffic and access impacts has been completed and documented as follows:

- Church Street is constructed to an existing standard that is capable of accommodating the expected increases in traffic likely to be generated by the proposed development.

- Currently Church Street functions so as to provide for the movement of localised traffic between surrounding neighbourhoods and key land-use attractors in the vicinity, as well as regional traffic connecting to Blayney from nearby centres such as Orange. Having considered the nature of the proposed development, the historic use of the land for a similar purpose (Blayney Bowling Club) and the proposed vehicle and pedestrian access arrangements to the land, there is a low probability that the operation of the proposed development would adversely impact on existing traffic conditions in Church Street.
- Having considered the integral relationship between the proposed development and the motel accommodation already approved for the land under DA4/2021 and DA6/2022, there is unlikely to be a significant intensification of land-use at the site, such that any increases in vehicle or pedestrian activity are likely to be beyond the capacity of the existing public road and footpath network.
- The proposed on-site car parking arrangements have been assessed in a previous section of this report and it is generally concluded that the likely impacts are within acceptable limits.

Having regard to the above, the proposed development is assessed to have an acceptable impact in terms of traffic and access, with identified issues able to be addressed through conditioning of the consent.

### **Public Domain**

The proposed development will not compromise the availability and enjoyment of public recreational opportunities in the locality.

### **Utilities**

The services that are identified as being essential for the proposed development include the supply of water, the supply of electricity, the disposal and management of sewage and stormwater drainage.

The subject land is located within an existing urban area and as a result has all of the identified urban services either connected to the land, or a proximity that would allow for ready connection subject to application with the relevant service provider and compliance with any requirements for upgrades and / or payment of fees and charges.

The building has an existing connection to the Council's reticulated water supply main which is located within the road reservation to Osman Street and Church Street. Central Tablelands Water (CTW) is the relevant supply authority. The water demand generated by the proposed use of the existing building (restaurant, bar, lounge and guest recreation space) does not exceed the former use of the building for the purposes of the Blayney Bowling Club. It is assessed that adequate arrangements exist for the provision of a suitable water supply to the proposed development.

The building has an existing connection to the grid electricity supply network and has historically accommodated loads associated with the former use as a Bowling Club. If upgrades are required to the existing network to

accommodate the intended use of the building, it will be the developer's responsibility to make the appropriate application with Essential Energy. The Statement of Environmental Effects submitted with the Development Application confirms that electricity will be augmented as required to supply the proposed development and that there is adequate room on site to accommodate the necessary infrastructure. It is assessed that arrangements can be made for the provision of a suitable electricity supply to the proposed development.

The building has an existing connection to Council's reticulated sewer system. An assessment is required to determine whether there is capacity in the existing system to accommodate the proposed uses of the building (restaurant, bar, lounge and guest recreation space) in addition to the motels already approved on the land under DA4/2021 and DA6/2022.

Blayney Shire Council imposed a condition on Development Consent No. DA4/2021 requiring the preparation of a report analysing the predicted impact of the development on the capacity of the existing sewerage system. The report was also required to state the predicted number of Equivalent Tenements (ETs) generated by that development.

Baker Ryan Stewart (acting on behalf of the proponent) prepared a report titled 'Sewer Capacity Assessment Report – 62 Osman Street Blayney' dated 14 December 2021. The report concluded that there is capacity in the existing sewer system to accommodate for the anticipated increases in load generated by the motel accommodation approved on the site under DA4/2021. The same report was submitted in support of DA6/2022 and the accompanying SEE included an assessment of the capacity of the existing sewer system to accommodate the expected load generated by an additional 20 motel rooms.

On the basis of the assessment work completed under DA4/2021 and DA6/2022 related to sewer capacity, and on the basis that the proposal involves the reinstatement of uses within the existing building that are of similar intensity to the former use (Bowling Club), Council's engineers have advised the proposed uses of the existing building can also be accommodated by the existing sewerage system and connections.

An assessment of relevant issues associated with the proposed method of stormwater management for the proposal has been discussed in detail as part of the assessment of Clause 6.2 of the LEP. A repeat discussion of relevant issues is not proposed, but the assessment concluded that adequate arrangements for the disposal of stormwater from the existing building have been allowed for in the stormwater designs relating to DA4/2021 and DA6/2022 for the approved motels at 62 Osman Street.

Having regard to the above, it is assessed that adequate arrangements can be made for the connection of the proposed development to necessary utilities and infrastructure, with appropriate conditions of consent recommended as necessary.



## **Heritage**

### Non-Indigenous Heritage

Based on a review of the DA documentation, and an inspection of the site, the key issues related to non-indigenous heritage include:

- The proposal seeks to construct alterations and additions to an existing building that is located within the Blayney Heritage Conservation Area.
- The site located on a street block accommodating a number of heritage items including the Royal Hotel (I19), Club House Hotel (C22), National Australia Bank (former CBC Bank and stables) (I23), St James' Catholic Church (former Town Hall) (I24), St Paul's Presbyterian Church and house (I26), Surgery and residence (I28), Shop (Starlight Café) (I30), House (I51), House (I53), Two storey house and cottage (I55) and Residence (former Railway Institute of the Arts) (I109);
- The site is located adjoining Street Trees (I88) on Osman Street; and
- The site is located opposite Old Growth Elm Trees and Hoop Pine Trees – Blayney High School (I105)

Clause 5.10 of the BLEP provides the primary framework for assessing the likely impacts of the proposed development in terms of non-indigenous heritage. An assessment of Clause 5.10 of the LEP has been included and features in Section 8.3.1 of this report.

In assessing the likely impact on the Blayney Heritage Conservation Area, the following prerequisites are noted:

- There is no proposal to physically change, alter, remove or demolish any heritage items (or components therefore) that are listed in Schedule 5 of the LEP.
- Apart from the significant trees in Osman Street covered by listings I88 and I105 in Schedule 5 of the LEP, the land the subject of the proposed development is not immediately adjoined by any heritage item. These significant trees will be unimpacted by the proposal.
- The former bowling club building does not have identified heritage value.
- The former bowling club building is located centrally within the development site. Visibility of the building from nearby heritage-listed properties and the public domain is limited due to the screening provided by the motel buildings approved under DA4/2021 and DA6/2022.

Based on a review of the plans and documents submitted with the DA it is assessed the proposed development would not have a significant effect on any heritage item listed in BLEP and / or the Blayney Conservation Area (C1) for the following reasons:

- The proposed alterations and additions to the building will not increase the existing bulk, scale or height of the structure,
- The future construction of the motel approved under DA6/2022 will screen the visibility of the building from Osman Street.
- Advice given by Council's Heritage Advisor David Scobie Architects in relation to previous assessments of DA4/2021 and DA6/2022.

- The proposed treatments to the external elevations of the building including a mix of materials and colours that are supported by the Heritage Advisor.
- The proposed development relates to an existing building. The development proposes changes that are likely to positively enhance the existing condition and appearance of the building.

Having regard to the above, the proposed development is assessed to have an acceptable impact in terms of non-indigenous heritage, with identified issues able to be addressed through conditioning of the consent.

#### Indigenous Heritage

An assessment is required to determine whether the proposed development is likely to impact on Aboriginal place of heritage significance, and whether the proposed development is likely to affect the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at or near the development site.

A visual inspection of the site revealed a highly disturbed / modified environment. Given the highly disturbed nature of the site and known land-use history (associated with the former Blayney Bowling Club), it is assessed to be unlikely that any items of Aboriginal heritage will be discovered during construction processes associated with the proposed development, particularly as the proposal relates to an existing building. According to information submitted with the DA, a search of the Aboriginal Heritage Information System (AHIMS) has not identified any items of significance located within the subject property, or within a distance that would warrant further detailed investigations to determine potential impact.

Having regard to the above, the proposed development is assessed to have an acceptable impact in terms of indigenous heritage.

#### **Other Land Resources**

The proposed development is unlikely to generate significant or unacceptable impacts in terms of land resources including agricultural lands.

#### **Water Resources**

The land is not identified as being within an area affected by vulnerable groundwaters or within a drinking water catchment area. Having regard to the nature and scale of the proposed development, there is a low likelihood of significant impacts occurring on surface or groundwater resources in the area. A Soil and Water Management Plan is not determined to be necessary given the proposed scope of physical works relate to an existing building.

#### **Soils**

Site investigations have been completed and there is no indication that the site might be affected by geological, soil classification/types or salinity issues that could impact on the proposed development. A Soil and Water Management Plan is not determined to be necessary given the proposed scope of physical works relate to an existing building.

**Air and Micro-climate**

Air quality and / or micro-climate impacts are unlikely to be key issues associated with the proposed development. Temporary impacts related to dust emission may occur during construction phases associated with the development, however these are capable of being mitigated through appropriate on-site management of construction processes.

**Amenity**

Based on a review of the DA documentation, and an inspection of the site, the key issues related to amenity include

- The likelihood that the proposed development will generate noise and vibration impacts on nearby residential uses as part of the construction phases associated with the proposed development.
- The likelihood that the proposed development will generate noise impacts on nearby residential uses associated with the ongoing use and occupation of the proposed restaurant, bar, lounge and guest recreation area.

An assessment of the likely amenity impacts has been completed and documented as follows:

- Any noise and vibration impacts experienced by nearby residential uses as part of construction phases associated with the proposed development will be temporary. Potential impacts can be managed by limiting construction activities to appropriate daylight hours and not on Sundays or public holidays. Appropriate conditions of consent have been recommended.
- The potential sources of noise generated by the proposed development (on an ongoing basis) include on-site services and utilities (such as air conditioning units), poor patron behaviour and inappropriate use of motor vehicles. The likelihood of noise causing unacceptable impact on resident amenity will generally depend on the effective management of the property. The Premise SEE indicates a preparedness to extend (to the proposal development) the management plan prepared in support of the motel accommodation at 62 Osman Street as approved by DA4/2021 and DA6/2022. Appropriate conditions of consent have been recommended.

Having regard to the above, the proposed development is assessed to have an acceptable impact in terms of noise and vibration, with identified issues able to be addressed through conditioning of the consent.

**Flora and Fauna**

The proposal relates to an existing building and does not involve or require the removal of site vegetation.

The site is not mapped in BLEP as containing sensitive terrestrial biodiversity. Section 1.7 of the EP&A Act 1979 identifies that Part 7 of the *Biodiversity Conservation Act 2016* has effect in connection with terrestrial environments,

and that Part 7A of the *Fisheries Management Act 1994* has effect in connection with aquatic environments.

Due to the nature and scale of the proposed development, the urban setting of the land of the development site, and the site history associated with the former use of the land (Bowling Club greens), it is assessed that the proposed development is not likely to have a significant effect on any threatened species, populations or ecological communities or their habitats.

### **Waste**

Based on a review of the DA documentation, and an inspection of the site, the key issues related to waste include:

- The storage and management of waste produced through the construction phases of the project.
- The storage and management of waste produced from on-going use and occupation of the site for the purposes of a restaurant, bar, lounge and guest recreation area.

In relation to the management of construction waste, any likely impacts are capable of being suitably controlled through proper management of the construction site. Conditions of consent are recommended to ensure that:

- The temporary storage of building materials / wastes does not occur outside of the property boundaries.
- All waste streams are removed off-site by a licenced waste contractor to a lawful point of disposal.

In relation to the management of waste produced from on-going use and occupation of the site, it is noted that an approved arrangement exists under DA4/2021 and DA6/2022 for the storage and collection of waste from the land. The approved arrangement will cater for the motel accommodation facilities on the land as well as the proposed restaurant, and generally involves the construction of a screened garbage enclosure used for the storage of waste pending weekly/fortnightly collection by a private waste collection vehicle. The waste storage area is located generally south-east of the existing bowling club building in an area adjoining the on-site car parking area and is accessible to the proposed use and also to a waste collection vehicle.

The proposal will also require the applicant to enter into a Liquid Trade Waste Agreement with Blayney Shire Council. Any liquid trade waste generated from the food preparation areas will need to be pre-treated prior to being discharged to the Council's sewerage system. An appropriate condition of consent has been recommended.

Having regard to the above, the proposed development is assessed to have an acceptable impact in terms of waste, with identified issues able to be addressed through conditioning of the consent.

**Natural Hazards**

The subject land is not affected by natural hazards including flooding or bushfire.

**Technological Hazards**

The information submitted in support of the Development Application has not identified any technological hazards that are likely to impact the proposal.

There is a low likelihood of potential contamination at the site of the proposed development. The use of the land for purposes associated with the former Blayney Bowling Club is understood to have extended as far back as the 1930's. There are no uses of the site which are known to have occurred on the land since the closure of the Bowling Club which give rise to concerns about potential land contamination. On this basis, and considering the proposal relates to an existing building, further investigation in relation to land contamination is considered unnecessary in the circumstances.

**Safety Security and Crime Prevention**

Section 4.5.5 of the SEE submitted in support of the Development Application has addressed the guidelines prepared by the NSW Department of Urban Affairs and Planning (DUAP 2001) which identify four Crime Prevention Through Environmental Design (CPTED) principles to be considered in a Development Application to ensure that developments do not create or exacerbate crime risk.

The proposal has been assessed against the principles of CPTED relating to surveillance. The following aspects of the proposed site and building design will ensure satisfactory compliance:

- Increased pedestrian activity in the area generated by the proposed development.
- Staff presence throughout staffed hours and contracted security patrols with back-to-base alarm systems outside of staffed hours.
- Lack of blank walls, blind corners or concealed areas in the development.
- CCTV directed at high traffic areas, particularly driveways, car park and pedestrian entry, and
- Lighting of common areas in compliance with AS4282-1997, including sensor lighting.

The proposal has been assessed against the principles of CPTED relating to access control. The following aspects of the proposed site and building design will ensure satisfactory compliance:

- Existing fencing along the property boundaries, ensuring that access to the site is limited to designated and signed pedestrian and vehicular entry points which are overlooked by CCTV.
- Signage indicated designated entries; and
- Secure doors to the building.

The proposal has been assessed against the principles of CPTED relating to territorial reinforcement. The following aspects of the proposed site and building design will ensure satisfactory compliance:

- Fencing denoting the boundary between public and private land.
- Landscape buffers to property boundaries approved under DA4/2021 under DA6/2022; and
- Signage indicating the use of the site as approved under DA4/2021 under DA6/2022.

The proposal has been assessed against the principles of CPTED relating to space management. The following aspects of the proposed site and building design will ensure satisfactory compliance:

- Staff presence throughout staffed hours and contracted security patrols with back-to-base alarm systems outside of staffed hours; and
- Ongoing cleaning and maintenance of the site including buildings, spaces between buildings and landscaping.

Having regard to the above, the proposed development is assessed to have an acceptable impact in terms of safety, security and crime prevention.

#### **Social and Economic Impact in the Locality**

An assessment of potential social and economic impacts is considered necessary in order to ensure that potential impacts can be mitigated or managed.

An assessment of potential impacts of the proposed development has been undertaken with regards to the scoping methodology outlined in the Social Impact Assessment Guideline 2017 (SIA Guideline), published by the Department of Planning and Environment. Table 4 provides an assessment of the proposed development in the SIA Guideline.

Considering the proposal in the context of the existing neighbourhood as well as the previously addressed issues relating to amenity, traffic, heritage, safety, security and crime prevention, the proposal would be unlikely to have an unacceptable impact on land-uses, residents or the environment within or surrounding the site.

As a result, adverse socio-economic impacts are assessed to be within acceptable limits and the proposal would result in positive impacts for the wider Blayney community.

Table 4 – Social Impact Assessment

| Matters                        | Key Links to Social Impacts                        | Risk of Impact without mitigation | Nature of impact | Explanation   |
|--------------------------------|--|-----------------------------------|------------------|---|
| <b>Amenity</b>                 |  |                                   |                  |   |
| Acoustic                       | Way of life;                                       | Unlikely                          | Negative         | Noise emissions are unlikely to impact on nearby sensitive receptors.   |
| Visual                         | Surroundings                                       | Unlikely                          | Negative         | The proposal has been designed to address Council’s planning requirements relating to the preservation of streetscape character and heritage values within the Blayney Conservation Area. |
| Odour                          | Surroundings                                       | Unlikely                          | Negative         | The proposal is not expected to produce odour.  |
| Microclimate                   | Surroundings                                       | Unlikely                          | Nil              | The proposal will not significantly impact microclimate.  |
| <b>Access</b>                  |  |                                   |                  |   |
| Access to property             | Way of life;                                       | Unlikely                          | Nil              | The proposal will not impact on access to neighbouring properties.  |
| Utilities and public transport | Access to infrastructure, services and facilities; | Unlikely                          | Negative         | The proposal will be connected to appropriate utilities and services. Existing public transport options in Blayney will be available to the proposed development.                         |
| Road and rail                  | Personal and property rights.                      | Unlikely                          | Negative         | The proposal gains access to the public road network, which has been assessed to be capable of accommodating the likely increases in traffic associated with the development.             |

| Matters                  | Key Links to Social Impacts                        | Risk of Impact without mitigation | Nature of impact | Explanation   |
|--------------------------|--|-----------------------------------|------------------|---|
| <b>Built Environment</b> |  |                                   |                  |   |
| Public domain            | Community;   | Unlikely                          | Nil              | The proposal will not impact the public domain as it will be located on private land.   |
| Public infrastructure    | Access to infrastructure, services and facilities; | Unlikely                          | Nil              | The proposal will not preclude public access to public infrastructure.  |
| Other built assets       | Surroundings; Personal and property rights         | Unlikely                          | Nil              | The proposal will not preclude public access to built assets.   |
| <b>Heritage</b>          |  |                                   |                  |   |
| Natural                  | Way of life;                                       | Unlikely                          | Nil              | The proposal does not impact on natural heritage values.  |
| Cultural                 | Community;   | Unlikely                          | Nil.             | The proposal will not impact on cultural values in the public domain.   |
| Aboriginal culture       | Culture;   | Likely                            | Negative         | The proposal will implement the unexpected finds procedure at construction phase.   |
| Built                    | Surroundings.                                      | Likely                            | Negative         | The proposal has been designed to address Council’s planning requirements relating to the preservation of streetscape character and heritage values within the Blayney Conservation Area. |
| <b>Community</b>         |  |                                   |                  |   |
| Health                   | Health and wellbeing;                              | Unlikely                          | Nil.             | The proposal will not impact on public health and well-being.   |
| Safety                   | Surroundings                                       | Likely                            | Negative         | The proposal has satisfied as assessment against for the four key   |



| Matters  | Key Links to Social Impacts                                     | Risk of Impact without mitigation | Nature of impact | Explanation   |
|--|---|-----------------------------------|------------------|---|
|  |   |                                   |                  | principles under the CPTED guidelines.  |
| Services and facilities                          | Way of life, Access to infrastructure, services and facilities; | Unlikely                          | Nil              | The proposal does not impact access to public services or facilities.                                   |
| Cohesion, capital and resilience                 | Way of life; Community; Culture                                 | Unlikely                          | Nil.             | The proposal will not impact community cohesion or resilience.  |
| Housing  | Way of life, Personal and property rights.                      | Likely                            | Positive         | The proposal will provide increased opportunities for visitor and tourist accommodate in Blayney Shire. |
| <b>Economic</b>                                  |   |                                   |                  |   |
| Natural resource area                            | Way of life;  | Unlikely                          | Negative.        | The proposal will not significantly impact the natural resource base.                                   |
| Livelihood                                       | Surroundings;   | Likely                            | Positive         | The proposal will provide employment opportunities for the Blayney community.                           |
| Opportunity cost                                 | Personal and property rights                                    | N/A                               | Nil              | The net benefit to the community and region outweighs the utilisation of building costs and resources.  |
| <b>Air</b>                                       |   |                                   |                  |   |
| Air emissions.                                   | Surroundings  | Unlikely                          | Negative         | The proposal is unlikely to generate unacceptable impacts on air quality.                               |
| <b>Biodiversity</b>                              |   |                                   |                  |   |
| Native vegetation and fauna                      | Surroundings  | Unlikely                          | Negative         | Vegetation clearing is not proposed on site.  |
| <b>Land</b>                                      |   |                                   |                  |   |
| Stability/structure, land capability, topography | Surroundings  | Unlikely.                         | Negative         | While the proposal will result in minimal land disturbance.   |

| Matters                                   | Key Links to Social Impacts | Risk of Impact without mitigation | Nature of impact | Explanation   |
|---|-----------------------------|-----------------------------------|------------------|---|
| Water                                     |                             |                                   |                  |   |
| Quality, availability, hydrological flows | Surroundings                | Unlikely                          | Negative         | Soil and water impacts have been assessed to be within acceptable limits. |

### Site Design and Internal Design

The SEE and plans prepared by Premise and submitted with the DA show a site layout and building design that is consistent with the prevailing planning controls contained in the Blayney Local Environmental Plan 2012 and the Blayney Shire Council Development Control Plan 2018, except that the proposal does not comply with standards relating to on-site car parking provision. This issue has been assessed in detail, taking into consideration the approved arrangements for the land under DA4/2021 and DA6/2022 which concludes that the proposal is capable of being supported by Council.

Conditions of consent are recommended to ensure that adequate plans are provided at CC stage dealing with the following site layout and building design issues:

- An Access Consultant's Report to address compliance with the Commonwealth Disability (Access to Premises - Buildings) Standards 2010 (the Premises Standards) which requires that disabled access complying with the current standards be provided from the principal pedestrian entrance to, and within the building. Council's Senior Building Surveyor has assessed that it will be likely that a Performance Solution addressing Clauses DP1, DP2 and FP2.1 of the Building Code of Australia (Volume 1) will be required. Also, as the ceiling heights of the lower ground floor are less than 2.4 metres, the Report must also address Clause FP3.1.
- A structural engineer's report/certificate on the adequacy of the existing roof structure in regard to compliance with Australian Standard AS1170.3: Snow and Ice Actions.
- Hydraulic engineer's design and certification for the proposed fire hydrant/s and fire rose reels to show compliance with Australian Standards AS2419.1 & AS2441 respectively, and
- A Section J energy efficiency report from a suitable qualified and experienced consultant.
- Detailed architectural plans, specifications and structural plans that demonstrate compliance with the Building Code of Australia and other relevant Australian Standards relating to the construction of a Class 6 and 9b Building.
- Design of food preparation, storage and service areas in accordance with Australian Standard AS 4674:2004 – Design, construction and Fit-out of food premises, Food Standards Code (Australia) and Food Safety

Standard 3.2.3 – Food Premises and Equipment, Food Act 2003 and Food Regulation 2015.

With appropriate conditioning of the consent, it is expected that the proposed development is capable of operating at 62 Osman Street without generating significant, detrimental or unreasonable impact on the adjoining residential properties.

**Cumulative Impacts**

Cumulative impact assessment is generally a measure of the following matters:

- The alignment of the project with the strategic planning framework for the area, having regard to any relevant legislation, plans, policies or guidelines.
- The project and other potentially relevant future projects that may be developed over the same time period as the project.
- The key matters that could be materially affected by the cumulative impacts of these projects including important natural resources, culturally significance resources, key infrastructure and industries, sensitive land-use zones, local communities and threatened species.

An assessment of the likely cumulative impacts has been completed and documented as follows:

- The proposed development is located within the B2 Local Centre Zone. The use of the land for the purposes of a restaurant, bar, lounge and guest recreation area is permissible in the B2 zone with consent.
- The proposed development is assessed to be consistent with the relevant matters for consideration under Blayney Local Environmental Plan 2012 and the Blayney Development Control Plan 2018, except that the proposal does not comply with standards relating to on-site car parking provision. This issue has been assessed in detail, taking into consideration the approved arrangements for the land under DA4/2021 and DA6/2022, which concludes that the rate of proposed off-street car parking is capable of supporting the proposed and approved uses of the land.
- Council’s strategic planning for the Blayney Township has not identified future uses for this area of Blayney that are likely to be incompatible with the proposed development.
- Beyond the proposed use and the development approved under DA 4/221 and DA6/2022, the further intensification of use at the site is unlikely to be practically achievable due to limitations with undeveloped site area.
- Environmental impact assessment has been completed for the proposed development (and detailed in previous sections of this report) and no significant impacts have been identified.

Overall, it is assessed that the proposal is likely to make a neutral / positive contribution to the environment. The proposal is considered compatible with

the site and its surrounds and does not contribute to having a significant cumulative impact.

Having regard to the above, the proposed development is assessed to have an acceptable cumulative impact.

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

The assessment work presented in the previous sections of this report confirm that the site has the capacity to support the proposed development without creating adverse impact on the site or on adjoining and nearby land-uses.

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

The DA has been notified and exhibition in accordance with the requirements of Part B of the Blayney DCP 2018 and the Blayney Community Participation Plan. An overview of the consultation process is described as follows:

- DA99/2022 was exhibited from 22 September – 7 October 2022. A notice of the public exhibition was placed in the local newspaper on 22 September 2022.
- DA99/2022 was notified to adjoining landowners during the public exhibition period from 22 September – 7 October 2022, with one submission being received by Council during this period.

A copy of the submission received during the public consultation process is included as in Attachment B to this report.

Table 5 includes a summary of the main issues raised in the submission and an assessment comment / evaluation of each particular issue.

Table 5 – Public Consultation - Submissions Evaluation

| <b>Summary of issue raised</b>  | <b>Assessment comment / evaluation</b>  |
|---|---|
| Private Submission – 6 October 2022 (via email) – Council Ref. ICOM/73815   |   |
| The applicant for DA99/2022 seems to be different to the applicant for original DA's relating to the motel accommodation. Is the Rovest the developer of the motel site or is a new company involved. Rovest originally had permission to development the bowling club into a restaurant, now a company called March Pine Super Fund is seeking the approval. | A review of the documentation submitted in support of DA99/2022 confirms that the applicant is Rovest Holdings Pty Ltd. (operating under the The Trustee for March Pines Super Fund). |

| <b>Summary of issue raised</b>  | <b>Assessment comment / evaluation</b>  |
|---|---|
| <p>Work on the building started in March 2021, again no security fencing was erected on site.</p>   | <p>This issue is for Blayney Shire Council to manage in relation to DA4/2021 and is generally not a matter for planning assessment in relation to DA99/2022.</p>  |
| <p>Residents are waiting for a contact number for Council if the site causes any problems. The legislation clearly states residents must be given contact numbers to police and council if problems arise. Residents need council's number being able to contact it 24 hours a day and the person must live close to the site, so the problems don't get out of hand.</p> | <p>The submitter has not provided any detail as to the apparent legislation or whether the submission relates to construction or operations. In relation to construction, a sign will be required to be erected on site showing the name, address and telephone number of the principal certifier for the work; the name of the principal contractor and a telephone number on which the principal contractor may be contacted outside working hours.</p>   |
| <p>Where is the smoking area. We have asked but have not been told. Will the residents have to leave the site to Osman Street or Church Street to smoke, leaving cigarette butts in gutters.</p>  | <p>The plans and documents lodged in support of the DA do not provide specific details about the intended locations for accommodating smoking guests, other than to state that there are no balconies, decks, terraces or outdoor areas proposed. A condition of consent has been recommended dealing with the requirement for a Plan of Management to be prepared for the land at 62 Osman Street (similar conditions have been approved by Council for DA4/2021 and DA6/2022), and smoking has been added as an additional item to be addressed.</p>  |
| <p>At the moment, noise such as radios can be clearly heard in homes. Hopefully noise will not carry from site at its completion.</p>   | <p>Noise impacts from construction activities are likely to be temporary in nature. An assessment has been completed to determine the likely amenity impacts associated with the proposal, both in terms of construction and as part of ongoing operation and use of the restaurant, bar, lounge and guest recreation area. The assessment concluded as follows:</p> <ul style="list-style-type: none"> <li>- The likely sources of noise generated by the proposed development are from uses within internal building spaces, on-site services and utilities (such as air conditioning units), poor patron behaviour and inappropriate use of</li> </ul> |

| Summary of issue raised | Assessment comment / evaluation   |
|-------------------------|---|
|                         | <p>motor vehicles. Impacts are likely to be within acceptable limits on the basis that a similar use has historically operated at the site without major impact, the land is zoned for commercial purposes, and a plan of management is to be prepared in order to address the day-to-day management of the facility to an acceptable standard.</p> <ul style="list-style-type: none"> <li>– The proposal responds appropriately to Council’s planning requirements. The planning assessment has not identified any poorly conceived aspects of the design which might unnecessarily exacerbate potential impacts on neighbouring properties.</li> <li>– The site layout and building design does not create any inconsistencies with applicable planning controls under Blayney Local Environmental Plan 2012 and Blayney Development Control Plan 2018 (except for on-site car parking provision).</li> </ul> <p>On the basis of the above, the likelihood that the proposed uses will generate unacceptable land-use conflict is assessed to be low. The preparation of a plan of management is accepted by Council to be an appropriate impact mitigation strategy and a condition of consent has been recommended.</p> |

A summary of the findings of public consultation is detailed as follows:

- DA99/2022 has been notified and exhibited in accordance with Council policy requirements.
- One submission was received by Council in relation to the proposed development.
- The issues raised in the submission have been evaluated individually. The concerns do not require amendment to the proposed designs and can be addressed through appropriate conditioning of the approval.
- There is likely to be insufficient grounds for refusal of the DA based on a merit assessment / evaluation of the issues raised as part of the public consultation.

#### **5.1.9. Section 4.15(1)(e) The public interest**

The proposed development is permitted in the B2 Local Centre zone under BLEP. The proposed alterations and additions are considered to be of minor interest to the wider public due to the localised nature of potential impacts. The proposal is generally consistent with relevant policy statements, planning studies, or guidelines that have not been directly considered in this assessment.

### **6. CONTRIBUTIONS ASSESSMENT**

An assessment has been completed to determine whether the proposed development triggers the requirement for payment of developer contributions under the relevant plans of Blayney Shire Council and / or Central Tablelands Water, including:

- Blayney Local Infrastructure Contributions Plan 2013.
- Draft Blayney Local Infrastructure Contributions Plan 2022.
- Blayney Shire Council Development Servicing Plan for Sewerage Services:

The Draft Blayney Local Infrastructure Contributions Plan 2022 is intended to be reported to Blayney Shire Council in December 2022 for adoption. However, as the application was lodged prior to the adoption of the 2022 Plan, the 2013 Contributions Plan applies.

#### **6.1. Blayney Local Infrastructure Contributions Plan 2013**

The Blayney Local Infrastructure Contributions Plan 2022 identifies that Section 7.12 levies apply to development that is not Type A (residential) or Type B (Heavy Haulage) development and which also has a proposed cost of development in excess of \$100,000.

Having regard to Table 1.1 in the Plan, the proposed development is liable for the payment of a Section 7.12 levy totalling \$19,500 calculated at 1% of the total cost of development (which is given to be \$1,950,000). An appropriate condition of consent has been included in the recommendation to this report requiring payment of this levy prior to the issue of the Construction Certificate.

## 6.2. Blayney Shire Council Development Servicing Plan for Sewerage Services

The Blayney Shire Council DSP for Sewerage Services (the DSP) has been prepared in accordance with 20106 Developer Charges Guidelines for Water Supply, Sewerage and Stormwater issued by the Minister for Lands and Water, pursuant to section 306 (3) of the Water Management Act 2000.

The DSP allows Council to levy a monetary contribution for the provision of sewerage services, proportional to the demands generated by new development. With respect to the proposed development, an assessment is required to determine whether there would be an increased load on the reticulated sewer supply as a result of the proposed development, and whether DSP charges are required to be levied.

It is noted that a Sewer Assessment Capacity Report was prepared and submitted to Blayney Shire Council in support of the previous approvals for motel accommodation at 62 Osman Street (DA4/2021 and DA6/2022). The Sewer Assessment Capacity Report performed a calculation of the likely increase in equivalent tenements (ET's) associated with the two motel facilities having regard to any credits attached to the former use of the site for purposes associated with the Blayney Bowling Club. With reference to the Sewerage Code of Australia (WSA02), the Report calculated that:

- The former Bowling Club had 381m<sup>2</sup> of pub/bar area including upstairs and downstairs floorspace, providing 19 ETs as existing condition loading.
- The former Bowling Club had 300m<sup>2</sup> of restaurant / eating area providing 3 ET's as existing condition loading.
- Accounting for the above, a total existing condition load of 22 ETs.

As part of DA6/2022, Council's Design and Development Engineer performed a recalculation of the net ET liability for that particular development and in doing so as considered total existing condition loading (as identified above), the Sewer Capacity Assessment Report, the Council's DSP and the Section 64 Determinations of ETs Guidelines 2017. The calculations showed that the total additional ETs generated by DA4/2021 and DA6/2022 was assessed to be 49.81 ET's, accounting for any credits attached to the former use of the building as the Blayney Bowling Club.

Having regard to the above, the scope of works proposed under DA99/2022 will only trigger a contribution liability under the DCP if the proposed uses (restaurant, bar, lounge and guest recreation area) result in a more intensive use of the existing floor space. The relevant calculations are included in Table 7 as follows:

Table 7 – Floor Space Calculations

| Use                  | Former            | Proposed          | Difference        |
|----------------------|-------------------|-------------------|-------------------|
| Restaurant           | 300m <sup>2</sup> | 221m <sup>2</sup> | -79m <sup>2</sup> |
| Pub / Bar / Lounge / | 381m <sup>2</sup> | 455m <sup>2</sup> | +74m <sup>2</sup> |



|            |                   |                   |                  |
|------------|-------------------|-------------------|------------------|
| Guest Area |                   |                   |                  |
| Total      | 681m <sup>2</sup> | 676m <sup>2</sup> | -5m <sup>2</sup> |

The calculations show that the proposed uses of the existing building will not result in a greater floorspace being used for a restaurant, pub, bar, lounge or guest area purpose. It is therefore assessed that the proposed use of the existing building does not trigger a contribution liability that exceeds the credits attached to the condition loading associated with the former use of the site for purposes associated with the Blayney Bowling Club.

### 6.3. Central Tableland Water Headworks Contribution Plan

Based on the calculations performed in Section 9.2 relating to DSP charges for sewerage services, it is unlikely that the proposed development will require payment of DSP charges for water. However, the relevant water supply authority is Central Tablelands Water. An appropriate condition of consent has been recommended requiring the payment of any necessary charges to Central Tablelands Water prior to the issue of the Occupation Certification for the proposed development.

## 7. Internal Referral

Development Application No. 99/2022 was referred to Council's Design and Development Engineer for review, and the following comments were received:

- As the development does not significantly impact council infrastructure, infrastructure related conditions are minimal.
- Infrastructure Services accepts justification of variation to parking requirements of Blayney DCP 2018, as detailed in this assessment report.
- Requirements for sewer headworks to be determined as part of Condition 89 of DA4/2021 once effluent discharge volumes are established.
- Applicant is to obtain a Liquid Trade Waste Agreement prior to issue of Occupation Certificate.
- All other conditions have been applied as part of previous approvals for the site under DA4/2021 and DA6/2022.

Development Application No. 99/2022 was also referred to Council's Environmental Health Officer for review. No specific comments have been provided and special conditions have been recommended related to the need for the food service areas in the proposed development to comply with the following:

- Australian Standard AS 4674:2004 – Design, construction and fit-out of food premises.
- Food Standards Code (Australia) and Food Safety Standard 3.2.3 – Food Premises and Equipment.
- Food Act 2003 and Food Regulation 2015.

Development Application No. 99/2022 was also referred to Council's Senior Building Survey for review, and the following comments were received:

- An accessible path of travel to the proposed alterations will be required from the principal pedestrian entrance in accordance with the requirements of the Premise Standards.
- Due to the age of the building, it will be difficult to fully comply with ‘AS1428.1 – Design for access and mobility’, so a Performance Solution will be required to be submitted prior to the issue of the Construction Certificate.
- Apart from the comments above, no objections are raised in relation to the proposal, subject to the imposition of recommended conditions.

The comments received as a result of the internal referral of the Development Application have been noted and considered as part of the preparation of this assessment report. Recommended conditions have also been incorporated into the draft notice of determination.

## **8. Summary / Conclusion / Recommendation**

Blayney Shire Council has received a Development Application (DA) from Rovest Holdings Pty seeking consent for a proposed development which is described on the application form (PAN-241761) as:

*‘Proposed change of use of the former bowling club building to form an ancillary restaurant associated with the approval on site motel.’*

The DA includes a Statement of Environmental Effects (SEE) prepared by Premise dated 14 September 2022 and Architectural Drawings A001 to A006 dated 17 June 2022. A more detailed description of the proposed development is provided in the SEE as follows:

*‘Proposed alterations and additions to the building formerly used as a registered club and fit out as a restaurant, bar, lounge and guest recreation space’.*

The land the subject of the development is described in the DA Form as Lots 11, 12, 13 and 14 Section 13 DP 758121, Lot 1 DP 162646, Lot 8 DP 505215, Lot 20 DP 569741, and Lot 10 DP 1114679 with the property addressed to 62 Osman Street, Blayney. Council’s unique identification number is DA99/2022.

The proposal is permissible with consent of Council. The proposed development complies with the relevant aims, objectives and provisions of BLEP 2012. The proposed development is consistent with the requirements of relevant State Environmental Planning Policies.

The proposed alterations and additions to the former Bowling Club building, including fit out as a restaurant, bar, lounge and guest recreation space is assessed to be consistent with all relevant development standards, except for Section D4 of the Blayney Shire Development Control Plan 2018. A variation is assessed to apply as the proposal technically involves a shortfall of 89 off-street car parking spaces based on DA99/2022 not providing any additional off-street car parking over and beyond what has already been approved for the land at 62 Osman Street under DA4/2021 and DA6/2022 for the motels.

Assessment of all development activities on the site proposed under DA4/2021, DA6/2022 and DA99/2022 confirms a net surplus of 2 spaces on the site. This calculation is made on the basis that an estimated 80% of the users of the proposed restaurant, bar, lounge and guest recreation area will be residents of the approved motels, and also that all of the land relating to DA4/2021, DA6/2022 and DA99/2022 (including onsite parking areas) will be consolidated into a single land holding.

The proposed development has been referred to Council's Senior Building Surveyor for review and comment and it was assessed that the proposal is capable of complying with the Building Code of Australia subject to the provision of detailed plans and specifications as part of the Construction Certificate Application, and submission of a Performance Solution dealing with compliance of the building design with 'AS1428.1 – Design for access and mobility'

The proposed development has been referred to Council's Development Engineer for review and comment and it was assessed that the proposal is satisfactory in terms of traffic, access, and essential service provisions including stormwater drainage on the basis of the arrangements approved for the land under DA4/2021 and DA6/2022.

The proposed development has been referred to Council's Environmental Health Officer for review and comment. No specific comments have been provided and special conditions have been recommended related to the need for the food service areas in the proposed development to comply with the relevant food safety legislation, codes and standards.

The proposal has been advertised and notified in accordance with Part B of the Blayney Development Control Plan 2018 and the Blayney Community Participation Plan 2020. The issues raised in public submissions have been considered and documented in this assessment report.

A Section 4.15 assessment of the development indicates that the development is capable of being supported by Council.

To address relevant issues from the assessment of the DA, a number of conditions are recommended to be included in any determination of the proposal way of approval. The conditions are described in Section 13 of this assessment report.

**Risk/Policy/Legislation Considerations:**

An applicant for development consent who is dissatisfied with the determination of the application may appeal to the Land and Environment Court against the determination. Whilst an objector to a development application (other than 'designated development') does not have a merit based appeal right, as with any development application, Council could be challenged regarding its decision in the NSW Land and Environment Court.

**Budget Implications:**

Currajong Planning have been engaged to provide assessment services with this application. The final cost for this work is expected to be approximately \$5,000.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

|          |                                    |          |
|----------|------------------------------------|----------|
| <b>1</b> | Architecturals                     | 6 Pages  |
| <b>2</b> | Statement of Environmental Effects | 63 Pages |
| <b>3</b> | Letter from Applicant              | 4 Pages  |
| <b>4</b> | Proposed Conditions                | 10 Pages |
| <b>5</b> | Submission                         | 1 Page   |

*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.*

21) **REPORT OF THE CENTRAL NSW JOINT ORGANISATION BOARD  
MEETING HELD 12 OCTOBER 2022**

**Department:** Executive Services

**Author:** Councillor Ferguson

**CSP Link:** 2. Build the Capacity and Capability of Local Governance and Finance

**File No:** GR.LR.3

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**Recommendation:**

That Council note the report on the Central NSW Joint Organisation Board Meeting held 12 October 2022, the Roundtable with Ministers on 13 October 2022 and provide feedback to CNSWJO on its draft Statement of Strategic Regional Priority.

**Reason for Report:**

To provide Council with the Mayor's delegate report on the Central NSW Joint Organisation (CNSWJO) meeting.

**Report:**

Please find following advice from the Chair of the Central NSW Joint Organisation Board meeting 12 and 13 October in Sydney.

**Board Meeting and Advocacy with Shadow Ministers – 12 October 2022**

The CNSWJO Board met in Sydney in the LGNSW Boardroom and with the following Shadow Ministers joined via zoom:

- Mr Greg Warren, MP, Member for Campbelltown, Shadow Minister for Local Government, Shadow Minister for Veterans, and Shadow Minister for Western Sydney
- Ms Jenny Aitchison, MP, Member for Maitland, Shadow Minister for Regional Transport and Roads
- The Hon. Mick Veitch, MLC, Shadow Minister for Regional NSW, Shadow Minister for Agriculture, and Shadow Minister for Western NSW
- The Hon Rose Jackson, MLC, Shadow Minister for Water, Housing and Homelessness

The day included an address from Mr Scott Phillips Chief Executive of Local Government NSW.

Follow up with the various portfolios is underway with a suggested round table be undertaken in region in preparedness before the State election.

Importantly, given the feedback from the Conference in region 25 August, a familiarisation for Rose Jackson, Shadow Minister for Water is planned for the near future.

**Round Table with Ministers – 13 October 2022**

The JO Board met at Parliament for its eighth round table discussion with State Ministers, hosted by local Member for Bathurst, the Hon Paul Toole Deputy Premier. Ministers included:

- The Hon Bronnie Taylor MLC, Minister for Women, Regional Health and Mental Health
- The Hon Kevin Anderson, Minister for Lands and Water, Hospitality and Racing and Member for Tamworth
- The Hon Paul Toole, Deputy Premier Minister for Regional New South Wales and Police and Member for Bathurst
- The Hon Sam Faraway MLC, Minister for Regional Transport and Roads
- The Hon James Griffin, Minister for Environment and Heritage, Member for Manly
- The Hon Steph Cooke MP, Minister for Emergency Services and Resilience, Flood Recovery and Member for Cootamundra
- The Hon Wendy Tuckerman MP, Minister for Local Government and Member for Goulburn
- The Hon Dugald Saunders, MP, Minister for Agriculture, Western New South Wales and Member for Dubbo

Advocacy over both days was for the Board's policy position leading into the upcoming State election including:

- on the ground help with roads given the consistent and ongoing rain damage;
- flood mitigation, air space and future water security at Wyangala,
- biosecurity offsets and the flow on affect for development in region- General Managers will have a workshop with Departmental representatives
- NSW Treasury Common Plan Assumptions and their negative impacts on building NSW Government hospitals, schools and associated services as the population data is much smaller than actual population in region;
- Essential Energy;
- Red Fleet and other legislation that makes little or no sense but has significant impacts on Local Government;
- Flexibility from government given delays on grant delivery due to skills shortages, escalating costs and supply chains; and
- a safe swift and secure link between Central NSW and Sydney.

**Review of the CNSWJO Strategy**

Under the Local Government Act, CNSWJO must review its strategy each term. The mandated Statement of Strategic Regional Priority is due in December 2022. The Draft Statement of Strategic Regional Priority was provided for member feedback via email 14 October seeking a response by 17 November. Please find the Draft SSRP on the following two pages. Adoption of the SSRP will be at the meeting of 24 November in Forbes.

**The Regional PlaceMat**

Members will recall the CSP project with the Regional Leadership Executive seeking better engagement with State agencies including better data to inform Council strategic work. Please request previous reports in this regard. Where an ongoing program making improvements to the successful last round of work has been reported to the Board and recommendations going forward adopted, a component of this project has been “Our PlaceMat.”

Our PlaceMats have been designed with and for every member Council with the purpose of having informed, benchmarked conversations with community as Councils progress various strategies, particularly CSPs. Repeating the process every Council term will show trends.

The Regional PlaceMat is benchmarked against NSW data and will be used as advocacy collateral and a data source for key stakeholders. Please find enclosed the Regional PlaceMat the Board approved.

Now that the data sets have been finalised, it is intended that a check-in meeting be held as part of GMAC for a 20 minute session.

**Water**

Please request the full report that provides updates on advocacy by the region across multiple fronts in the strategic water planning and management space, including;

The Town Water Risk Reduction Program (TWRRP) has sought to work in partnership with the Local Water Utility (LWU) sector to reform the regulatory framework and, in response to a report by the NSW Auditor General, its management of this framework in support of LWUs.

As previously reported, the CNSWJO and some member Councils have been actively engaged throughout the course of this 2-year program to try and shape a fit-for-purpose framework that will deliver on the requirements of Councils and their communities as well as the state government and its regulatory agencies in the delivery of local water utility services. There has been a huge amount of work leading up to the release in July of the new Regulatory and Assurance Framework. With this completed, DPE Water are now focusing their efforts on the development of guidance to support the implementation of the new framework and on finalising reports from pilot projects including the CNSWJO pilot to codesign a potential regional approach to local water utility strategic planning.

The CNSWJO, together with Mayor Bill West representing LGNSW, have continued to participate in the TWRRP Stakeholder Advisory Panel and through this, discussions on various aspects of the program including the development of guidance notes, strategies on training and skills and an alternate funding model.

Concurrently, the state government continues to work on its suite of strategic water management plans including the development of the Regional Water

Strategies for the Lachlan and Macquarie -Castlereagh catchments and on the rollout of actions from its 20-year State Water Strategy. This includes the release of a public consultation draft NSW Groundwater Strategy and work with the CNSWJO on a regional water loss management program under its Water Efficiency Program and Framework.

The Water report provides advice on submissions made through the Executive on draft guidance notes including for the Quality Assurance Framework and on Incident and Emergency Management for LWUs and seeks their endorsement.

It also sought the Board's endorsement of the submission made through the Executive on the Draft NSW Groundwater Strategy and for the final report on the CNSWJO Town Water Risk Reduction Program pilot to codesign a potential regional approach to local water utility strategic planning approved under the hand of the Chair.

A status update was provided on the CNSWJO Regional Water Loss Management Centres Project to codesign with DPE a JO level Regional Water Loss Management Centres approach to reduce non-revenue water and achieve greater water efficiencies for communities.

A separate Briefing Note No. 13 distributed by email and provided as an attachment to the Board details other consultative processes underway notably with regard to the Lachlan and Macquarie -Castlereagh Regional Water Strategies and the review of the Water Sharing Plan for the Macquarie-Bogan catchment.

Please request any supporting background.

### **Regional Submissions**

Members have forwarded requests for the JO to lodge submissions, where all advice provided is within existing policy. All are available on the CNSWJO website at <https://www.centraljo.nsw.gov.au/submissions/>

The Board has approved and/or endorses submissions for the

- a. Town Water Risk Reduction Program (TWRRP) proposed incident and emergency management framework for local water utilities, the TWRRP Quality Assurance framework for the department's regulation and assurance of local water and the DPE Water Draft NSW Groundwater Strategy;
- b. Town Water Risk Reduction Program pilot to codesign a potential regional approach to local water utility strategic planning
- c. AEMO on the region's discontent regarding unaccounted for energy where the current trajectory sees an increase in member councils' electricity bills of a total close to \$300k per year.



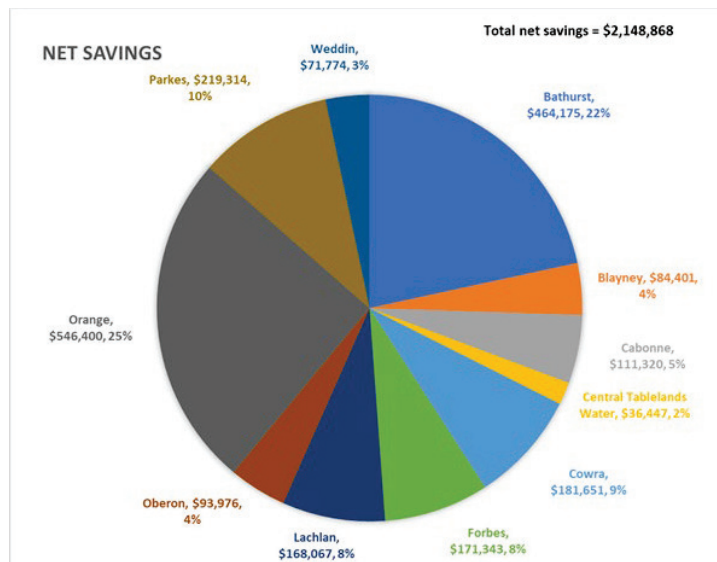
**Value to members**

A snapshot of the value to members of the various activities undertaken by the JO for their members in the context of the CNSWJO Strategic Plan follows.

| VALUE FOR MEMBERS 2020/2021               | FY 19/20 | FY 20/21 | FY 21/22 | FY 22/23 |
|---|----------|----------|----------|----------|
| SUBMISSIONS                               | 20       | 23       | 16       | 4        |
| PLANS, STRATEGIES AND COLLATERAL          | 26       | 12       | 3        | 4        |
| GRANTS SEEKING                            | 3        | 3        | 0        |          |
| GRANT FUNDING RECEIVED                    | \$215k   | \$736k   | 0        | \$1.7m   |
| COMPLIANCE                                | 13       | 9        | 11       | 1        |
| DATA                                      | 6        | 3        | 1        | 11       |
| MEDIA INCLUDING SOCIAL MEDIA              | 13       | 18       | 25       | 2        |
| COST SAVINGS                              | \$1.87m  | \$2.2m   | \$2.1m   |          |
| REPRESENTATION                            | 147      | 159      | 210      | 33       |
| OPPORTUNITIES COUNCILS HAVE BEEN AFFORDED | 35       | 102      | 101      | 30       |

**Savings**

The following chart shows the savings achieved by member councils through aggregated procurement and programming net of JO costs. An explanation of the meaning of each column has been reported previously and is available on request. The chart reflects the total savings for the 21/22 financial year.



**Risk/Policy/Legislation Considerations:**

Nil

**Budget Implications:**

Nil

**Enclosures (following report)**

- |   |   |         |
|---|---|---------|
| 1 | Central NSW Joint Organisation Board Meeting Minutes - 12/10/2022 | 5 Pages |
| 2 | Statement of Strategic Regional Priorities                        | 6 Pages |

**Attachments (separate document)**

Nil

**Minutes of the CNSWJO Board Meeting 12 October 2022 held in Sydney at LGNSW Board meeting**

**In Attendance**

|                      |                           |                         |                       |
|----------------------|---------------------------|-------------------------|-----------------------|
| <b>Cr R Taylor</b>   | Bathurst Regional Council | <b>Cr J Medcalf OAM</b> | Lachlan Shire Council |
| <b>Cr K Beatty</b>   | Cabonne Council           | <b>Cr A McKibbin</b>    | Oberon Council/UMCC   |
| <b>Cr B West</b>     | Cowra Shire Council       | <b>Cr J Hamling</b>     | Orange City Council   |
| <b>Cr C Roylance</b> | Forbes Shire Council      | <b>Cr K Keith OAM</b>   | Parkes Shire Council  |

|                        |                           |                        |                      |
|------------------------|---------------------------|------------------------|----------------------|
| <b>Mr A Cattermole</b> | Bathurst Regional Council | <b>Mr K Boyd</b>       | Parkes Shire Council |
| <b>Mr M Dicker</b>     | Blayney Shire Council     | <b>Ms N Vu</b>         | Weddin Shire Council |
| <b>Mr B Byrnes</b>     | Cabonne Council           | <b>Ms R Fagan</b>      | RDACW                |
| <b>Mr P Devery</b>     | Cowra Shire Council       | <b>Ms O West</b>       | Regional NSW         |
| <b>Mr S Loane OAM</b>  | Forbes Shire Council      | <b>Ms J Bennett</b>    | CNSWJO               |
| <b>Mr G Tory</b>       | Lachlan Shire Council     | <b>Ms M Macpherson</b> | CNSWJO               |
| <b>Mr G Wallace</b>    | Oberon Council            | <b>Ms A Thomas</b>     | CNSWJO               |
| <b>Mr D Waddell</b>    | Orange City Council       | <b>Ms V Page</b>       | CNSWJO               |

Meeting opened at 12.35pm by Chair Cr Kevin Beatty

**1. Welcome from the Chair**

**2. Acknowledgement of Country**

**3. Apologies applications for a leave of absence by Joint Voting representatives**

Cr S Ferguson, Cr M Kellam, Cr P Miller, Cr C Bembrick, Cr D Somerville, Mr D Sherley, Mr B Byrnes, Mr G Rhodes, Mr W Sunderland

|   |                               |
|---|-------------------------------|
| <b>Resolved</b>   | <b>Cr J Hamling/Cr B West</b> |
| That the apologies for the Central NSW Joint Organisation Board meeting 12 October 2022 listed above be accepted. |                               |

**4. Conflicts of Interest - Nil declared**

**5. Minutes**

**Confirmation of the Minutes of the CNSWJO Board Meeting 26 May 2022 held in Sydney at Club York.**

|  |                             |
|--|-----------------------------|
| <b>Resolved</b>  | <b>Cr K Keith/Cr B West</b> |
| That the Central NSW Joint Organisation Board confirm the Minutes of the CNSWJO Board Meeting 26 May 2022 held in Sydney at Club York. |                             |

**6. Business Arising from the Minutes – Matters in Progress**

|  |                                  |
|--|----------------------------------|
| <b>Resolved</b>  | <b>Cr J Medcalf/Mr J Hamling</b> |
| That the Central NSW Joint Organisation Board note the Matters in Progress, making deletions as suggested. |                                  |

**7. Reports on Statement of Regional Strategic Priority**

**Priority One: Inter-Council Co-operation**

**a. Financial Report**

|   |                               |
|---|-------------------------------|
| <b>Resolved</b>                           | <b>Cr K Keith/Cr R Taylor</b> |
| That the Board note the Financial Report. |                               |

**b. Remuneration for the Chair and or other Mayors in their capacity as Board members for the Central NSW JO**

|  |                                  |
|--|----------------------------------|
| <b>Resolved</b>  | <b>Cr J Medcalf/Cr J Hamling</b> |
| That the report on the remuneration for the Chair and or other Mayors in their capacity as Board members for the Central NSW JO be resubbed to next meeting. |                                  |

**c. Adoption of the draft Review Statement of Strategic Regional Priority for member comment**

|  |                               |
|--|-------------------------------|
| <b>Resolved</b>  | <b>Cr R Taylor/Cr K Keith</b> |
| That the Board note the report on progress on developing the Statement of Strategic Regional Priority (SSRP) for this term of the JO; and  |                               |
| <ol style="list-style-type: none"> <li>1. Adopt the Draft SSRP and provide to members for comment giving 30 days with an amendment adding                         <ol style="list-style-type: none"> <li>7.4 Understanding our energy (including fuel and electricity) security, capacity and scalability;</li> </ol> </li> <li>2. Adopt the suite of associated strategies that inform the SSRP those being:                         <ol style="list-style-type: none"> <li>I. The CNSWJO Strategy to 2025</li> <li>II. The CNSWJO Strategy Risk Management Plan</li> <li>III. Community Strategic Plans Environmental Scan</li> <li>IV. Local Strategic Planning Statement Environmental Scan</li> <li>V. Report from the CNSWJO Conference</li> </ol> </li> <li>3. Note that a report regarding the JO Structure, EO Performance Review, JO Communications’ Plan and all policies including mandatory policy will come to the Board meeting in November;</li> <li>4. Adopt the “Regional PlaceMat” and commend members they provide representation to quality check-in meeting as part of GMAC for individual LGA PlaceMats;</li> <li>5. Receive advice on an enduring subcommittee to provide advocacy and strategic support to the Chair between meetings;</li> <li>6. Receive scoping advice a “Policy Lab” approach in collaboration with Charles Sturt University to growing engagement with key stakeholders including industry, peak bodies and Councillors; and</li> <li>7. Confirm the small-scale solar installations figure in the regional data.</li> </ol> |                               |

**1.00pm suspension of meeting**

|   |                               |
|---|-------------------------------|
| <b>Resolved</b>                                 | <b>Cr J Hamling/Cr B West</b> |
| That the meeting be suspended to hear speakers. |                               |

**8. Speakers**

Mr Scott Phillips Chief Executive Local Government NSW

**Actions:**

- Scott to circulate to the Board the LGNSW submission to IPART on rate peg methodology.
- JO Board to write to follow up regarding Cr Keith’s suggestion the Old Shires Association model be used with the JO Boundaries.
- JO Board to follow up with LGNSW regarding the advocacy for more cadetships with the State.

Ms Jenny Aitchison, MP Member for Maitland Shadow Minister for Regional Transport and Roads

Mr Greg Warren, MP Member for Campbelltown Shadow Minister for Local Government, Shadow Minister for Veterans, and Shadow Minister for Western Sydney

The Hon. Mick Veitch, MLC Shadow Minister for Regional NSW, Shadow Minister for Agriculture, and Shadow Minister for Western NSW

The Hon Rose Jackson, MLC Shadow Minister for Water, Housing and Homelessness

**Actions:**

- Follow up with Micks Offer to arrange a roundtable in region in November. Include Paul Scully re common planning assumptions.
- JO to coordinate a tour in the region

**3.10pm resumption of meeting**

|                          |                              |
|--------------------------|------------------------------|
| <b>Resolved</b>          | <b>Cr B West/Cr R Taylor</b> |
| That the meeting resume. |                              |

**d. Health and Building Surveyors Skills Shortages Working Group**

|   |                                 |
|---|---------------------------------|
| <b>Resolved</b>   | <b>Cr J Hamling/Cr R Taylor</b> |
| That the Board note the Health and Building Surveyors Skills Shortages report and   |                                 |
| <ol style="list-style-type: none"> <li>a. adopt the Terms of Reference for the Health and Building Surveyors Skills Shortages Working Group;</li> <li>b. send a joint delegation to meet with Minister Roberts; and</li> <li>c. seek advice on insurance to enable cross Council activity.</li> </ol> |                                 |

**e. Audit Risk and Improvement in Councils Report**

|  |                                 |
|--|---------------------------------|
| <b>Resolved</b>  | <b>Cr K Keith/Cr A McKibbin</b> |
| That the Board note the report from the Audit Risk and Improvement in Councils Working Group on assurance mapping and  |                                 |
| <ol style="list-style-type: none"> <li>1. write to Statewide both thanking them for their advice and support to date and seeking advice and support for an affordable response to the draft OLG Guidelines on assurance mapping;</li> <li>2. advocate to the OLG that potential costs for assurance mapping are too high and to ensure that this is not mandatory; and</li> <li>3. write to all ARICs in the region providing advice on the Audit Risk and Improvement in Councils Working Group' TOR and current program welcoming any feedback.</li> </ol> |                                 |

**f. Energy Program**

|   |                                |
|---|--------------------------------|
| <b>Resolved</b>   | <b>Cr J Medcalf/Cr K Keith</b> |
| That the Board notes the report on the Energy Program and   |                                |
| <ol style="list-style-type: none"> <li>1. note the current RACE for 2030 application has been stopped due to Essential Energy's withdrawal from the project at the last moment prior to project approval, and that other options are being explored to complete the work without Essential Energy;</li> <li>2. endorse the correspondence and submission to AEMO on the region's discontent regarding unaccounted for energy where the current trajectory sees an increase in member councils' electricity bills of a total close to \$300k per year;</li> <li>3. note the AER Regulatory Proposal Process is underway, with Southern Lights Group providing significant involvement in the public lighting aspects;</li> <li>4. adopt the CNSWJO Emissions Reduction Plan: Regional Opportunities and receive advice on implementing its recommendations;</li> <li>5. follow up on the LED lights roll out for Parkes; and</li> <li>6. invite David Wilson, Manager Distribution Connections, Essential Energy to the next Board meeting.</li> </ol> |                                |

**Priority Two: Regional Prosperity**

**g. Report of Regional Australia Institute event Regions Rising Canberra**

|   |                               |
|---|-------------------------------|
| <b>Resolved</b>   | <b>Cr B West/Cr J Medcalf</b> |
| That the Board note the report on the Regions Rising event and continue to advocate in collaboration with RDA Central West for shared priorities including:   |                               |
| <ol style="list-style-type: none"> <li>1. co-hosting events and familiarisations in region for Federal representatives and bureaucrats;</li> <li>2. progressing the alignment between this region and precincts commitments by the Federal Government including ongoing engagement with the National Farmers' Federation;</li> <li>3. engaging with the Regional Australia Institute in progressing these ambitions;</li> <li>4. receive a report on opportunities afforded to the region from the Rebalance the Nation Framework; and</li> <li>5. seek a time to meet with Minister Kings Office and provide advice on the Dutch Model.</li> </ol> |                               |

**Priority Four: Regional Water Security**

**h. Water Update**

|  |                                |
|--|--------------------------------|
| <b>Resolved</b>  | <b>Cr B West/Cr A McKibbin</b> |
| That the Board note the Regional Water report and:   |                                |
| <ol style="list-style-type: none"> <li>1. endorse the submissions made through the Executive to the Town Water Risk Reduction Program (TWRRP) proposed incident and emergency management framework for local water utilities, the TWRRP Quality Assurance framework for the department's regulation and assurance of local water and the DPE Water Draft NSW Groundwater Strategy;</li> <li>2. endorse the final report on the CNSWJO Town Water Risk Reduction Program pilot to codesign a potential regional approach to local water utility strategic planning approved under the hand of the Chair; and</li> <li>3. seek to bring forward the work on Wyangala Business case.</li> </ol> |                                |

**i. Upper Macquarie County Council (UMCC) Biosecurity Prosecution Fund Report**

|   |                                  |
|---|----------------------------------|
| <b>Resolved</b>   | <b>Cr A McKibbin/Cr R Taylor</b> |
| That the Board note the report on the Biosecurity Prosecution Fund Report and   |                                  |
| <ol style="list-style-type: none"> <li>1. support UMCC seeking NSW Government support for the establishment of a Biosecurity Prosecution Fund where this decision not impact any existing State funding; and</li> <li>2. include this advice to LGNSW.</li> </ol> |                                  |

**j. Report to the Central NSW JO Strategic Plan and Statement of Regional Strategic Priority 2019/2021**

|   |                                |
|---|--------------------------------|
| <b>Resolved</b>   | <b>Cr K Keith/Cr J Medcalf</b> |
| That the Board note the report to the Central NSW JO Strategic Plan and Statement of Regional Strategic Priority. |                                |

**9. Support for the Housing Plus Proposal for more affordable housing in the region.**  
Jenny to send through the Confidential report to Olivia West.

**10. Regional NSW Update by Oliva West.**

- Will be developing a quarterly update of Liveability in Region and seeking support from Councils on data.
- RLE will hold a workshop on regional development/liveability meet biannually
- 27 October Chris Hanger Deputy Secretary to attend GMAC
- There will be regional NSW tours with senior bureaucrats
- REDS – make sure your comments are captured
- Stay on top of funding deeds in the lead up to the election

**11. Late Reports – Nil**

**12. Matters raised by Members**

Cr Keith is on the NSW Advisory Health Committee- if anyone has any thoughts please contact him.

**13. Speakers to next meeting**

- Essential Energy - Mr David Wilson
- IPART Workshop
- With support of MLC Mick Veitch - Shadows Round Table end of November/early December

**14. Next meeting**

**GMAC – 27 October 2022 – Orange**

**Board – 24 November 2022 – Forbes**

**Board – 1 December 2022 – Tentative (Administration online)**

**Meeting closed 4.40pm**

**Page 5 is the last page of the Central NSW Joint Organisation meeting 12 October 2022**



Photo credit: Bathurst Regional Council

**CENTRAL NSW  
JOINT ORGANISATION**

## Statement of Strategic Regional Priorities

Our Vision for the Central NSW region

Prosperous communities, dynamic local government, a collaborative and strong region – when one Council succeeds, we all succeed.

Principal functions - how we will deliver our priorities

Strategic planning and priority setting  
Intergovernmental collaboration  
Leadership and advocacy

Who we are

Member councils: Bathurst Regional Council, Blayney Shire Council, Cabonne Council, Cowra Shire Council, Forbes Shire Council, Lachlan Shire Council, Oberon Council, Orange City Council, Parkes Shire Council, and Weddin Shire Council.

Associate members: Central Tablelands Water, Upper Macquarie County Council, Regional Development Australia – Central West, Regional NSW

Strategic alignment

Our priorities align with the following:

- [Community Strategic Plans](#) and [Local Strategic Planning Statements](#) of member councils
- NSW Government 20 Year Regional Economic Vision and Regional Economic Development Strategies
- Regional Plan: NSW Government Central West and Orana Regional Plan
- Central West and Orana Regional Transport Plan
- The Regional Water Strategies for the Lachlan and Macquarie
- The Central West Destination Management Plan
- The Central West Food and Fibre Strategy

For more detail on strategic alignment please go to [www.centralio.nsw.gov.au/reports-policies/](https://www.centralio.nsw.gov.au/reports-policies/)

Please go to <https://www.centralio.nsw.gov.au/reports-policies/> for more detail on the region's priorities and programs we will be putting in place to implement them.



### Our key strategic initiatives

|   |
|---|
| <b>Priority One: Leveraging our successful collaboration</b>  |
| 1.1 Driving efficiencies and effectiveness saving Councils money  |
| 1.2 Building capacity across our Councils   |
| 1.3 Working well with other peak agencies   |
| <b>Priority Two: Regional prosperity through better infrastructure and services</b>                                 |
| 2.1 Initiatives to grow population and increase the visitor economy in the context of locational preference factors |
| 2.2 Regional industry and population growth planning  |
| 2.3 Advocacy and initiatives on skills and housing shortages  |
| 2.4 Leveraging the region’s endowments and opportunities:   |
| a. Critical minerals and mining   |
| b. Circular economy and net zero  |
| c. Activation precincts including Parkes SAP  |
| d. Inland Rail  |
| e. Pattern of settlement; liveability, proximity to capital cities and ports  |
| f. Agriculture  |
| <b>Priority Three: Advocate for better infrastructure and services in health and ageing</b>                         |
| <b>Priority Four: Telecommunications</b>  |
| <b>Priority Five: Regional Transport Planning and Infrastructure Prioritisation</b>                                 |
| 5.1 Transport connectivity planning   |
| 5.2 Infrastructure prioritisation including the CNSWJO Matrix   |
| <b>Priority Six: Regional Water Security and Productive Water</b>   |
| 6.1 Regional Water network planning and best practice skills development  |
| 6.2 Productive Water  |
| <b>Priority Seven: Transition to a sustainable, secure, and affordable energy future</b>                            |
| 7.1 Energy Efficiency and Emissions Reduction   |
| 7.2 Circular Economy  |
| 7.3 Environment   |
| 7.4 Understanding our energy (fuel and electricity) security, capacity and scalability.                             |

#### Key Stakeholders

**Key regional partners:**  
NSW and National Farmers, Business NSW, Arts OutWest, Destination Network Central West, and Charles Sturt University

**Key stakeholders in the other tiers of government we seek to collaborate with in our delivery:**  
Agencies and regulators within the NSW and Federal governments that manage local government, planning, heritage, energy, health, education, regional economic development and tourism, water, infrastructure, and transport. Local members of parliament across the region.

**Key Local Government industry stakeholders:**  
Our member councils, Local Government NSW, Country Mayors, Australian Local Government Association, and other JOs.

Photo credit: Gaagle Productions - Weddin Mountains Region





## CENTRAL NSW REGION OUR STATISTICAL SNAPSHOT 2022

### ABOUT THIS SNAPSHOT OF CENTRAL NSW

This Snapshot provides a non-exhaustive summary of information about the Central NSW Region (CNSW) at a point in time. It helps our local community, government and other decision-makers to understand where some of the opportunities and challenges exist in the region.

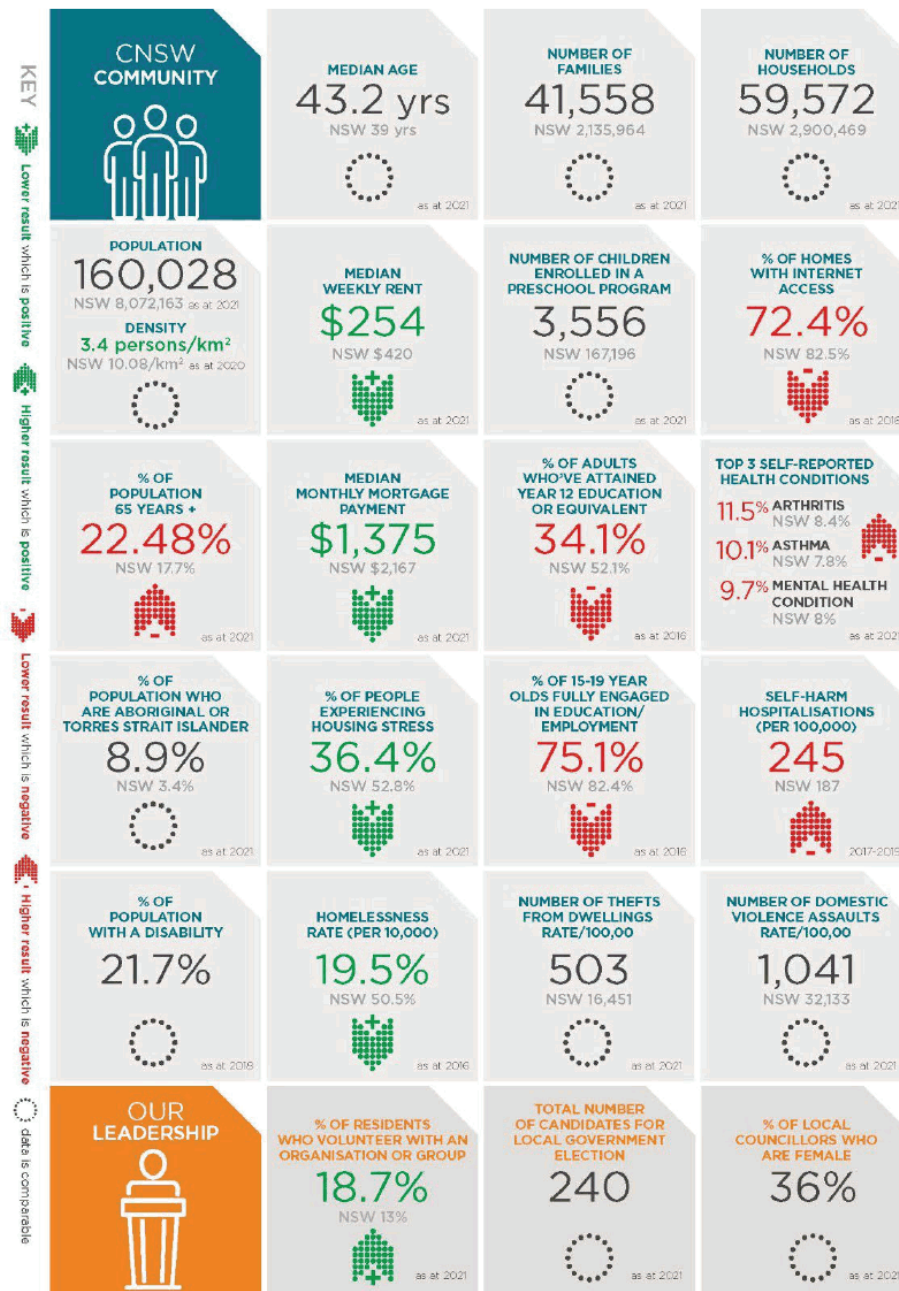
It is intended that this Snapshot will be updated with contemporary data ahead of each local government election (usually every four years) to provide a state comparison and will be available to the region to inform the review of the Statement of Strategic Regional Priority. Information on how to read this document is provided on the back page.

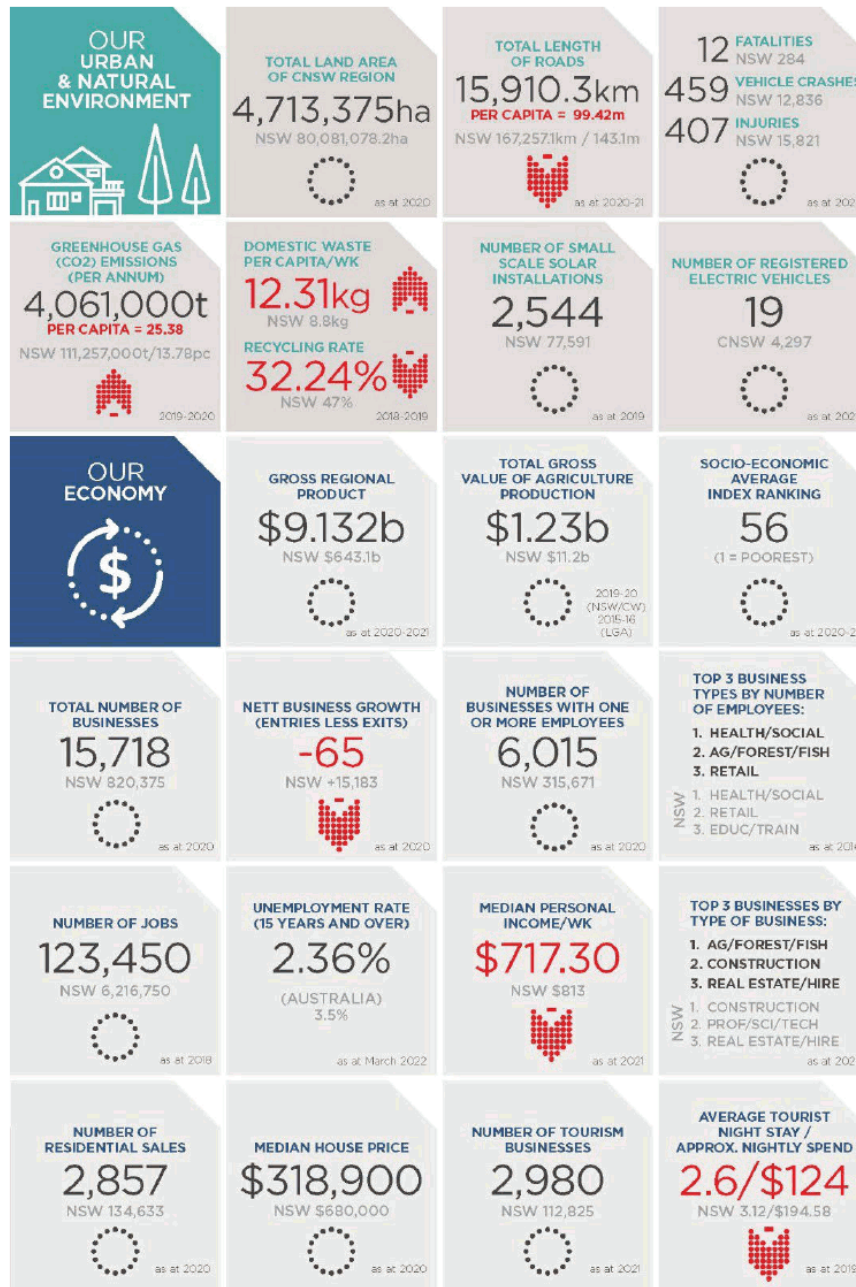
An aerial photograph of a green landscape with several hot air balloons floating in the sky. A semi-transparent map of the Central NSW region is overlaid on the left side of the image, showing the regional boundaries and internal council areas.

**CENTRAL NSW  
JOINT ORGANISATION**

Central NSW Joint Organisation (CNSWJO) provides strong cohesive leadership that aligns all tiers of government to deliver our region's community derived strategic priorities. CNSWJO has co-ordinated this project.

Our member councils Bathurst Regional Council, Blayney Shire Council, Cabonne Council, Cowra Shire Council, Forbes Shire Council, Lachlan Shire Council, Oberon Council, Orange City Council, Parkes Shire Council, and Weddin Shire Council all have unique strengths and weaknesses which shape their individual opportunities and challenges, as does the region.





### HOW TO READ THIS DOCUMENT

The data included has been collated under four themes which reflect the quadruple bottom line: community, economy, urban and natural environment, and community leadership.

For the purposes of this analysis the Central NSW region includes the ten local government areas of Bathurst, Blayney, Cabonne, Cowra, Forbes, Lachlan, Oberon, Orange, Parkes and Weddin has been compared to the same data for NSW.

The data included for CNSW is reflected as follows:



Indicates CNSW data is comparable with the state as a whole (or a comparison is not useful).



CNSW data shows a **higher result** which is **positive** compared to the state average.



CNSW data shows a **lower result** which is **positive** compared to the state average.



CNSW data shows a **higher result** which is **negative** compared to the state average.



CNSW data shows a **lower result** which is **negative** compared to the state average.

### SOURCING THE DATA

This Snapshot relies on data from a number of sources. These data sets are updated with varying frequency. The most recent and up-to-date data is included in the summary (and the date of its publication is provided in each data cell). This means that some data is older than others. The primary sources of data used in this Snapshot include:

- Australian Bureau of Statistics
- NSW Bureau of Crime Statistics and Research
- Transport for NSW road safety statistics
- SnapshotClimate.com.au
- NSW Health
- NSW Electoral Commission
- Destination NSW
- NSW Office of Local Government Comparative Report.



FOR EXAMPLE: This data tile demonstrates there is a much lower rate of homelessness in CNSW which is a **positive** result compared to the rate of homelessness per 100,000 people in NSW.



**22) REPORT OF THE CENTRAL NSW JOINT ORGANISATION BOARD MEETING HELD 24 NOVEMBER 2022**

**Department:** Executive Services

**Author:** Councillor Ferguson

**CSP Link:** 2. Build the Capacity and Capability of Local Governance and Finance

**File No:** GR.LR.3

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**Recommendation:**

That Council note the report of the Central NSW Joint Organisation Board Meeting held 24 November 2022 and provide feedback on advocacy regarding flooding in region.

**Reason for Report:**

To provide Council with the Mayor's delegate report on the Central NSW Joint Organisation (CNSWJO) meeting.

**Report:**

Please find following advice from the Central NSW Joint Organisation Board meeting 24 November held online. The CNSWJO Board met online due to the regions flooding impacts. The Deputy Chair Cr Mark Kellam led the meeting and the Chair Cr Kevin Beatty, Mayor of Cabonne attended the meeting for a short time to thank the Mayors and Councils of the region for their great support during the recent tragic flooding disaster.

Essential Energy provided an update from various departments and to give an opportunity to raise ongoing issues Councils are facing. Members gave frank and fearless advice that their service levels need to improve. It was resolved that correspondence be sent to the Premier, Deputy Premier, Treasurer, Minister for Local Government and Opposition Leader Chris Minns, sending copies to the JO Chairs Forum, CMA and Regional Cities.

Ms Olivia West, Director, the Central West Regional Development from Department of Regional NSW gave an update on what has been happening on the ground for the Flood response and recovery and took the below advice from members back to her team.

- Cr Ken Keith - raised the issue of fast tracking approvals for gravel for roads
- Cr Chris Roylance – raised the issue of the need for promotion for business recovery in the Lachlan Valley
- Cr Ken Keith – suggested the need for a mental health focus given it has been major flood, drought, mouse plague, Covid and unprecedented flood in the past 5 years along the Lachlan
- Cr P Miller will share her lifeline contact

- Cr Bill West will share the free psychology service offered with Ms O West
- Cr D Somerville - Advocacy water utilities disaster relief as well as General Purpose Councils where this is not currently the case. Cr D Somerville to provide advice to Ms O West

Key messages for advocacy from flooding as per the briefing note listed below is underway:

1. There should be automatic, well-known processes switched on when natural disaster declarations are made. These should include;
  - a. one source of truth;
  - b. effective and known communication pathways, governance arrangements and messaging;
  - c. a known support package including rates relief and business support tailored to the impacted engine industries of the community; and
  - d. recognition that some natural disasters are much bigger than the local response through Council and the SES and there ought to be pre-planned responses to rapidly escalate.
2. There ought to be known escalation points to support the local effort including use of the military.
3. CNSWJO, through its Disaster Risk Reduction Program, prepare a tool that systematises mutual support between Councils for natural disasters.
4. CNSWJO ensure coordination of a debrief with affected Councils and key agency representatives to inform the above tool where this includes elected representatives.
5. There should be policy and financial recognition of the ongoing and unprecedented road impacts on the safety and economy of this region as a result of the continued La Nina event. This recognition should include;
  - a. Supporting Country Mayors and LGNSW in their advocacy on their State-wide Roads Emergency declaration
  - b. Extension of funding deadlines allowing Councils reprioritisation of resource from other infrastructure funding programs to the roads' effort; and
  - c. An ongoing plan for roads recovery that recognises that this effort will take years.

### **Review of the CNSWJO Strategy**

Under the Local Government Act, CNSWJO must review its strategy each term. The mandated Statement of Strategic Regional Priority is due in December 2022.

The Draft Statement of Strategic Regional Priority Plan (SSRP) was adopted at the October Meeting.

At the November meeting the Draft SSRP two page summary was adopted with the amendment adding a 5.3 for natural disaster road funding as a priority with a report to come back to the February Board on what that will look like at an operational level.

**Lithgow Membership with the CNSWJO**

The Board have welcomed Lithgow City Council as a full member of the CNSWJO. Mayors from across the region spoke warmly about the importance of Lithgow in this region. Governance steps to advise the Minister for Local Government are underway.

**Remuneration for the Chair and or other Mayors in their capacity as Board members for the Central NSW JO**

The Board resolved to commence the process to amend the CNSWJO Charter to include a fee for remuneration of the Chair for \$10,000 per annum. Given the growing status of this JO and workload for the Chair, this was well supported. Further

**Regional Procurement and Contracts**

The Board welcomed a new staff member Ms Grace Quinton to the CNSWJO team in the capacity of Project Officer for the procurement and contract management function.

**Water**

Please refer to the full report that provides updates on advocacy by the region across multiple fronts in the strategic water planning and management space, including;

- Continued advocacy for the raising of the Wyangala Dam in the context of the remarkable efforts by Water NSW and proactive communication from BOM with recent flooding.
- The Board endorsed the CNSWJO Regional Water Loss Management Centres' Project Plan and the Water Utilities Alliance Strategic Plan 2022-2032.
- Information on a proposed project to Integrate Local Water Utility Strategic Planning with Integrated Planning and Reporting.

Updates on the status of strategic work by the State Government in water planning and management including consultations on the final stages of the Regional Water Strategy development and the Town Water Risk Reduction Program. Please request a power point presentation provided to the Water Utilities Alliance and General Managers.

**Regional Asset Management**

The Board's approved a proposed Regional Asset Management Improvement Program through members comprising a joint procurement of asset management audits across the JO membership once every Council term (4 yearly) with procurement to be undertaken in early 2023 for audits to be completed by July 2023. Also the development of Asset Management Improvement Plans for each Council informed by the Asset Management Audits; and lastly annual reports by Council's asset management staff to ARICs on progress towards achieving improvements detailed in their Asset Management Improvement Plans to formalise the integration of asset management into the ARIC process.



### Regional Submissions

Members have forwarded requests for the JO to lodge submissions, where all advice provided is within existing policy. All are available on the CNSWJO website at <https://www.centraljo.nsw.gov.au/submissions/>

The Board has endorsed submissions for the;

- Review of the IPART methodology for rate peg increases;
- EPA Policy and Action on Climate Change.

### Working with the Joint Organisation Network

8 JOs make an application under the Disaster Risk Reduction fund have been successful where a funding deed for \$647,989 is being executed.

An approval was sought for an application be made under the hand of the Chair for the Joint Organisations Net Zero Acceleration (JONZA) of up to \$155,000.

The JONZA grant is designed to support JOs and non-metropolitan Regional Organisations of Councils (ROCs) by funding an internal staff member who is dedicated to progressing net zero outcomes for member Councils.

### Value to members

A snapshot of the value to members of the various activities undertaken by the JO for their members in the context of the CNSWJO Strategic Plan follows.

| VALUE FOR MEMBERS 2020/2021               | FY 19/20 | FY 20/21 | FY 21/22 | FY 22/23 |
|---|----------|----------|----------|----------|
| SUBMISSIONS                               | 20       | 23       | 16       | 7        |
| PLANS, STRATEGIES AND COLLATERAL          | 26       | 12       | 3        | 8        |
| GRANTS SEEKING                            | 3        | 3        | 0        | 2.29m    |
| GRANT FUNDING RECEIVED                    | \$215k   | \$736k   | \$735k   | \$45k    |
| COMPLIANCE                                | 13       | 9        | 11       | 11       |
| DATA                                      | 6        | 3        | 1        | 14       |
| MEDIA INCLUDING SOCIAL MEDIA              | 13       | 18       | 25       | 7        |
| COST SAVINGS                              | \$1.87m  | \$2.2m   | \$2.1m   | TBC      |
| REPRESENTATION                            | 147      | 159      | 210      | 38       |
| OPPORTUNITIES COUNCILS HAVE BEEN AFFORDED | 35       | 102      | 101      | 37       |

### Savings

The following table shows the savings achieved by member Councils through aggregated procurement and programming. An explanation of the meaning of each column has been reported previously and is available on request. The table reflects savings in the 21/22 financial year.

The cost to members is calculated on a percentage of each CNSWJO staff member and their corresponding workload on procurement and contract management. This figure is updated quarterly in line with the cost savings. The table is currently being updated with current FY data and will be reported to the February 2023 Board meeting.

| SAVINGS                  | Water Utilities<br>Alliance Contracts | HR Contracts | WHS contracts | IT contracts | Supply contracts | Roads/<br>Transport contracts | Energy contracts | ROOCS contracts | Other contracts | Training | Legal advice re<br>Procurement | Participation in<br>regional procurement | Total       |
|--------------------------|---------------------------------------|--------------|---------------|--------------|------------------|-------------------------------|------------------|-----------------|-----------------|----------|--------------------------------|--|-------------|
| Bathurst                 | \$3,297                               | \$29,408     | \$1,707       | \$0          | \$21,012         | \$0                           | \$439,221        | \$6,036         | \$0             | \$1,287  | \$433                          | \$18,000                                 | \$520,401   |
| Blayney                  | \$3,297                               | \$1,728      | \$0           | \$0          | \$17,268         | \$0                           | \$49,369         | \$770           | \$0             | \$6,420  | \$433                          | \$17,000                                 | \$96,284    |
| Cabonne                  | \$3,297                               | \$10,642     | \$372         | \$0          | \$25,898         | \$0                           | \$57,737         | \$698           | \$0             | \$3,429  | \$433                          | \$22,000                                 | \$124,504   |
| Central Tablelands Water | \$3,297                               | \$103        | \$0           | \$0          | \$0              | \$0                           | \$19,805         | \$94            | \$0             | \$2,033  | \$433                          | \$15,000                                 | \$40,764    |
| Cowra                    | \$3,297                               | \$21,962     | \$486         | \$0          | \$44,858         | \$0                           | \$113,332        | \$717           | \$0             | \$4,425  | \$433                          | \$17,000                                 | \$206,510   |
| Forbes                   | \$3,297                               | \$17,458     | \$0           | \$0          | \$47,880         | \$0                           | \$98,200         | \$1,539         | \$0             | \$9,885  | \$433                          | \$25,000                                 | \$203,691   |
| Lachlan                  | \$3,297                               | \$28,296     | \$0           | \$0          | \$47,535         | \$0                           | \$84,090         | \$525           | \$0             | \$6,797  | \$433                          | \$17,000                                 | \$187,972   |
| Oberon                   | \$0                                   | \$16,829     | \$0           | \$0          | \$23,682         | \$0                           | \$34,514         | \$1,439         | \$0             | \$4,734  | \$433                          | \$25,000                                 | \$106,631   |
| Orange                   | \$3,297                               | \$71,217     | \$5,735       | \$0          | \$18,722         | \$0                           | \$489,820        | \$6,272         | \$0             | \$5,888  | \$433                          | \$9,000                                  | \$610,383   |
| Parkes                   | \$3,297                               | \$4,634      | \$0           | \$0          | \$47,037         | \$0                           | \$170,178        | \$2,983         | \$0             | \$9,602  | \$433                          | \$13,000                                 | \$251,163   |
| Weddin                   | \$0                                   | \$205        | \$0           | \$0          | \$18,719         | \$0                           | \$36,430         | \$768           | \$0             | \$2,044  | \$2,153                        | \$22,000                                 | \$82,318    |
| Sub Total                | \$29,669                              | \$202,483    | \$8,289       | \$0          | \$312,612        | \$0                           | \$1,292,695      | \$21,841        | \$0             | \$56,544 | \$6,478                        | \$200,000                                | \$2,450,620 |
|                          |                                       |              |               |              |                  |                               |                  |                 |                 |          |                                | Cost to members                          | \$254,500   |
|                          |                                       |              |               |              |                  |                               |                  |                 |                 |          |                                | Total                                    | \$2,176,120 |

**Risk/Policy/Legislation Considerations:**

Nil

**Budget Implications:**

Nil

**Enclosures (following report)**

- 1 Central NSW Joint Organisation Board Meeting  
Minutes - 24/11/2022 6 Pages

**Attachments (separate document)**

Nil

**Minutes of the CNSWJO Board Meeting 24 November 2022 held online via zoom**

**In Attendance\***

|                        |                           |                       |                       |
|------------------------|---------------------------|-----------------------|-----------------------|
| <b>Cr R Taylor</b>     | Bathurst Regional Council | <b>Cr P Phillips</b>  | Lachlan Shire Council |
| <b>Cr S Ferguson</b>   | Blayney Shire Council     | <b>Cr M Kellam</b>    | Oberon Council        |
| <b>Cr B West</b>       | Cowra Shire Council       | <b>Cr J Hamling</b>   | Orange City Council   |
| <b>Cr P Miller OAM</b> | Forbes Shire Council      | <b>Cr K Keith OAM</b> | Parkes Shire Council  |
| <b>Cr C Roylance</b>   | Forbes Shire Council      | <b>Cr C Bembrick</b>  | Weddin Shire Council  |

|                 |                           |                 |              |
|-----------------|---------------------------|-----------------|--------------|
| Mr D Sherley    | Bathurst Regional Council | Mr B Reynolds   | UMCC         |
| Mr M Dicker     | Blayney Shire Council     | Ms R Fagan      | RDACW        |
| Mr S Loane OAM  | Forbes Shire Council      | Ms L Smart      | RDACW        |
| Mr G Tory       | Lachlan Shire Council     | Ms O West       | Regional NSW |
| Mr G Wallace    | Oberon Council            | Ms J Bennett    | CNSWJO       |
| Mr D Waddell    | Orange City Council       | Ms M Macpherson | CNSWJO       |
| Mr K Boyd       | Parkes Shire Council      | Ms A Thomas     | CNSWJO       |
| Ms N Vu         | Weddin Shire Council      | Ms K Barker     | CNSWJO       |
| Cr D Somerville | CTW                       | Ms C Griffin    | CNSWJO       |
| Mr G Rhodes     | CTW                       | Ms G Quinton    | CNSWJO       |
|                 |                           | Ms V Page       | CNSWJO       |

\*Voting members in bold

Meeting opened at 10.02am by Deputy Chair Cr Mark Kellam

**1. Welcome from the Chair**

**2. Acknowledgement of Country**

"I acknowledge the traditional owners of the land on which we meet today, the Wiradjuri people, and pay my respects to their elders past, present and emerging."

**3. Apologies applications for a leave of absence by Joint Voting representatives**

Cr K Beatty, Cr J Medcalf, Brad Byrnes, Paul Devery and Andrew McKibbon

|  |                                   |
|--|-----------------------------------|
| <b>Resolved</b>  | <b>Cr S Ferguson/Cr J Hamling</b> |
| That the apologies for the Central NSW Joint Organisation Board meeting 24 November 2022 listed above be accepted. |                                   |

**4. Conflicts of Interest - Nil declared**

**5. Speakers Essential Energy – Mr Geoff Burgess and Mr David Wilson, Mr Brendan McEntee, Mr Andrew Wykes, Mr Andrew McIntyre and Mr Hamish Wheatley  
Ms J Bennett to provide feedback to Mr G Burgess on the Race to 2030 project.**

**6. Motion to move forward item 10**

|   |                                |
|---|--------------------------------|
| <b>Resolved</b>   | <b>Cr C Bembrick/Cr B West</b> |
| The Item 10. Matters raised by Members – Lachlan has raised the need for advocacy regarding this flooding event be moved forward. |                                |

**7. Item 10. Members – Lachlan has raised the need for advocacy regarding this flooding event**

| <b>Resolved</b>  | <b>Cr Paul Phillips/Cr K Keith</b> |
|--|------------------------------------|
| That the Central NSW Joint endorse the following key messages in the briefing note on the recent flooding event and seek feedback from members on specific advocacy they are seeking support for:  |                                    |
| <ol style="list-style-type: none"> <li>1. There should be automatic, well-known processes switched on when natural disaster declarations are made. These should include;                             <ol style="list-style-type: none"> <li>a. one source of truth;</li> <li>b. effective and known communication pathways, governance arrangements and messaging;</li> <li>c. a known support package including rates relief and business support tailored to the impacted engine industries of the community; and</li> <li>d. recognition that some natural disasters are much bigger than the local response through Council and the SES and there ought to be pre-planned responses to rapidly escalate.</li> </ol> </li> <li>2. There ought to be known escalation points to support the local effort including use of the military.</li> <li>3. CNSWJO, through its Disaster Risk Reduction Program, prepare a tool that systematises mutual support between Councils for natural disasters.</li> <li>4. CNSWJO ensure coordination of a debrief with affected Councils and key agency representatives to inform the above tool where this includes elected representatives.</li> <li>5. There should be policy and financial recognition of the ongoing and unprecedented road impacts on the safety and economy of this region as a result of the continued La Nina event. This recognition should include;                             <ol style="list-style-type: none"> <li>a. Supporting Country Mayors and LGNSW in their advocacy on their State-wide Roads Emergency declaration</li> <li>b. Extension of funding deadlines allowing Councils reprioritisation of resource from other infrastructure funding programs to the roads’ effort; and</li> <li>c. An ongoing plan for roads recovery that recognises that this effort will take years.</li> </ol> </li> </ol> |                                    |

**10.54am** Mr G Tory and Cr P Phillips of Lachlan Shire Council left the meeting

**10.57am Chair Cr Kevin Beatty joined the meeting and acknowledged the support from the region.**

**10.58am Cr Beatty left meeting.**

**Olivia West of Regional NSW gave an update on the Flood response and recovery.**

- Cr Ken Keith - raised the issue of fast tracking approvals for gravel for roads
- Cr Chris Roylance – raised the issue of the need for promotion for business recovery in the Lachlan Valley
- Cr Ken Keith – suggested the need for a mental health focus given it has been major flood, drought, mouse plague, Covid and unprecedented flood in the past 5 years along the Lachlan
- Cr P Miller will share her lifeline contact
- Cr Bill West will share the free psychology service offered with Ms O West
- Cr D Somerville - Advocacy water utilities disaster relief as well as General Purpose Councils where this is not currently the case. Cr D Somerville to provide advice to Ms O West

**8. Minutes**

**Confirmation of the Minutes of the CNSWJO Board Meeting 12 October 2022 held in Sydney at LGNSW Boardroom**

| <b>Resolved</b>  | <b>Cr B West/ Cr K Keith</b> |
|--|------------------------------|
| That the Central NSW Joint Organisation Board confirm the Minutes of the CNSWJO Board Meeting 12 October 2022 held in Sydney at LGNSW Boardroom. |                              |

**9. Business Arising from the Minutes – Matters in Progress**

|  |                             |
|--|-----------------------------|
| <b>Resolved</b>  | <b>Cr B West/Cr K Keith</b> |
| That the Central NSW Joint Organisation Board note the Matters in Progress, making deletions as suggested. |                             |

**10. Reports on Statement of Regional Strategic Priority**

**Priority One: Inter-Council Co-operation**

**a. Financial Report**

|   |                                |
|---|--------------------------------|
| <b>Resolved</b>                           | <b>Cr J Hamling/Cr K Keith</b> |
| That the Board note the Financial Report. |                                |

**b. Adoption of the Audited Financial Statements for the year ended 30 June 2022**

|  |                                 |
|--|---------------------------------|
| <b>Resolved</b>  | <b>Cr B West/ Cr S Ferguson</b> |
| That the Board adopt the CNSWJO Joint Organisation General Purpose Financial Statements for the year ended 30 June 2022. |                                 |

**c. Lithgow City Council Joining the CNSWJO Report**

|  |                                 |
|--|---------------------------------|
| <b>Resolved</b>  | <b>Cr S Ferguson/Cr K Keith</b> |
| That the Board note the report on Lithgow City Council’s request to join the CNSWJO and  |                                 |
| <ol style="list-style-type: none"> <li>1. Lithgow City Council be welcomed as a full member of the CNSWJO;</li> <li>2. in the interim Lithgow City Council be offered an associate membership at 75% of full membership fees;</li> <li>3. upon CNSWJO and Lithgow City Council finalising negotiations on membership, the Minister for Local Government be advised of the above seeking a proclamation to effect Lithgow City Council’s full membership; and</li> <li>4. given the timing in the electoral cycle, CNSWJO also seek support from the Shadow Minister for Local Government for progression of the proclamation.</li> </ol> |                                 |

**d. Remuneration for the Chair and or other Mayors in their capacity as Board members for the Central NSW JO**

|   |                                    |
|---|------------------------------------|
| <b>Resolved</b>   | <b>Cr S Ferguson/Cr C Bembrick</b> |
| That the report on the remuneration for the Chair and or other Mayors in their capacity as Board members for the Central NSW JO be noted and  |                                    |
| <ol style="list-style-type: none"> <li>a. the Board commence the process to amend the CNSWJO Charter to include a fee for remuneration of the Chair of the CNSWJO; and</li> <li>b. the fee be \$10,000pa be paid to the Chair of CNSWJO.</li> </ol> |                                    |

**e. Annual Compliance and CNSWJO Meeting dates for 2023**

|   |                                 |                  |                    |             |
|---|---------------------------------|------------------|--------------------|-------------|
| <b>Resolved</b>   | <b>Cr S Ferguson/ Cr B West</b> |                  |                    |             |
| That the Board note the Compliance report and;  |                                 |                  |                    |             |
| <ol style="list-style-type: none"> <li>1. note the Calendar of Compliance and Reporting-Requirements update;</li> <li>2. endorse the 2022 Annual Performance Statement and place it on the website;</li> <li>3. note the advice from the Portfolio Mayors and that this is summarised in the Annual Performance Statement;</li> <li>4. note the report on code of conduct complaint statistics;</li> <li>5. note the Pecuniary Interest Returns under s450a of the Local Government Act 1993;</li> <li>6. determine the dates for GMAC and Board meetings for 2023 be:</li> </ol> |                                 |                  |                    |             |
| Board   | 23 February                     | 25 May           | 24 August          | 23 November |
| Location  | Forbes                          | State Parliament | Federal Parliament | Lachlan     |
| GMAC  | 2 February                      | 27 April         | 27 July            | 26 October  |
| Location  | Orange                          | Cowra            | Forbes             | Orange      |

**f. Policy and Procedure Annual Review**

|   |                               |
|---|-------------------------------|
| <b>Resolved</b>   | <b>Cr K Keith/Cr R Taylor</b> |
| That the Board note the CNSWJO Policy Procedure Annual Review report and adopt the updated Policy and Procedure Manual noting it includes:  |                               |
| <ol style="list-style-type: none"> <li>1. the payment of expenses and provision of facilities to the chairperson to be adopted within 12 months of an election [LGA s252];</li> <li>2. code of meeting practice to be adopted within 12 months of an election [LGA s360]; and</li> <li>3. code of conduct to be adopted within 12 months of an election [LGA s440(7)].</li> </ol> |                               |

**g. The CNSWJO Organisational Structure report**

|   |                                 |
|---|---------------------------------|
| <b>Resolved</b>   | <b>Cr J Hamling /Cr K Keith</b> |
| That the Board note the CNSWJO Organisational Structure report and  |                                 |
| <ol style="list-style-type: none"> <li>1. note that, in line with the Local Government Act, the Executive Officer is employed under a Senior Staff Contract;</li> <li>2. note that there are no other senior staff positions in the organisational structure;</li> <li>3. note that total costs of employing staff for the Joint Organisation identified in the budget for this year including vehicle, travel, accommodation and employment oncosts is \$878,250; and</li> <li>4. staff employee costs vary based on grant acquisition.</li> </ol> |                                 |

**h. Adoption of the draft Review Statement of Strategic Regional Priority and Determination of Portfolio Mayors**

|  |                              |
|--|------------------------------|
| <b>Resolved</b>  | <b>Cr B West/ Cr K Keith</b> |
| That the Board note the report on progress on developing the Statement of Strategic Regional Priority (SSRP) for this term of the JO; and  |                              |
| <ol style="list-style-type: none"> <li>1. adopt the Statement of Strategic Regional Priority with the amendment adding a 5.3 the SSRP to adding disaster road funding as a priority with a report to come back to the next Board on operationalising;</li> <li>2. adopt the CNSWJO Communication and Engagement Strategy;</li> <li>3. adopt the Evaluation Plan for the SSRP process;</li> <li>4. provide direction with regard to Portfolio Mayors for the 7 priorities for the region to the February Board meeting; and</li> <li>5. note that an evaluation of the process will be undertaken and the auspices of the SSRP Subcommittee.</li> </ol> |                              |

**i. Regional Procurement and Contracts**

|   |                             |
|---|-----------------------------|
| <b>Resolved</b>   | <b>Cr B West/Cr K Keith</b> |
| That the Board notes the Regional Procurement and Contracts report and  |                             |
| <ol style="list-style-type: none"> <li>1. approve a 12-month extension of the regional road signs contract with Artcraft, Barrier Signs, Central Signs, DeNeefe, and His-Vis;</li> <li>2. note that an Expression of Interest process will be conducted for a Learning Management System and other associated modules for interested Councils and that surrounding Councils will be invited to participate in the EO; and</li> <li>3. welcome Ms Grace Quinton to the CNSWJO team in the capacity of Project Officer for the procurement and contract management function.</li> </ol> |                             |

**j. Terms of Reference for the Central NSW Joint Organisation/Charles Sturt University Local Government Policy Lab Working Group**

|   |                                  |
|---|----------------------------------|
| <b>Resolved</b>   | <b>Cr R Taylor/Cr S Ferguson</b> |
| That the Board note the Terms of Reference for the Central NSW Joint Organisation/Charles Sturt University Local Government Policy Lab Working Group Report and |                                  |
| <ol style="list-style-type: none"> <li>1. adopt the Terms of Reference; and</li> <li>2. nominate the following to represent the Joint Organisation:</li> </ol>  |                                  |

- Cr Jason Hamling, Mayor Orange, as Co-Chair
  - Mr David Sherley, General Manager Bathurst Regional Council
  - Ms J Bennett, Executive Officer CNSWJO; and
3. Provide advice on the pace at which this working group is to progress.

**k. Our PlaceMat Cover Report**

|   |                              |
|---|------------------------------|
| <b>Resolved</b>   | <b>Cr K Keith/ Cr B West</b> |
| That the Board notes the report on Our PlaceMat Cover Report and circulate it to members with Council PlaceMats |                              |

**l. Energy Program**

|  |                                   |
|--|-----------------------------------|
| <b>Resolved</b>  | <b>Cr J Hamling/Cr S Ferguson</b> |
| That the Board notes the report on the Energy Program and  |                                   |
| <ol style="list-style-type: none"> <li>1. thank the members of the Southern Lights Group for the work they are doing to support Councils in responding to Essential Energy's consultation for the AER Determination for 2024-2029 and</li> <li>2. advocate including to the Premier, Deputy Premier, Treasurer, Minister for Local Government and Opposition Leader Chris Minns, sending copies to the JO Chairs Forum, CMA and Regional Cities raising issues around level of service from Essential Energy.</li> </ol> |                                   |

**Priority Four: Regional Water Security**

**m. Water Update**

|   |                              |
|---|------------------------------|
| <b>Resolved</b>   | <b>Cr B West/Cr P Miller</b> |
| That the Board note the Regional Water report and:  |                              |
| <ol style="list-style-type: none"> <li>1. endorse the CNSWJO Regional Water Loss Management Centres' Project Plan;</li> <li>2. endorse the Water Utilities Alliance Strategic Plan 2022-2032; and</li> <li>3. continue to advocate for the raising of the Wyangala Dam in the context of the remarkable efforts by Water NSW and proactive communication from BOM.</li> </ol> |                              |

**n. Regional Asset Management**

|  |                                 |
|--|---------------------------------|
| <b>Resolved</b>  | <b>Cr P Miller/Cr J Hamling</b> |
| That the Board note the report proposing a Regional Asset Management Improvement Program and commend to members a Regional Asset Management Improvement Program coordinated by CNSWJO comprising:  |                                 |
| <ol style="list-style-type: none"> <li>1. joint procurement of asset management audits across the JO membership once every Council term (4 yearly) with procurement to be undertaken in early 2023 for audits to be completed by July 2023.</li> <li>2. the development of Asset Management Improvement Plans for each Council informed by the Asset Management Audits; and</li> <li>3. annual reports by Council's asset management staff to ARICs on progress towards achieving improvements detailed in their Asset Management Improvement Plans to formalise the integration of asset management into the ARIC process.</li> </ol> |                                 |

**11. Report to the Central NSW JO Strategic Plan and Statement of Regional Strategic Priority 2019/2021**

|  |                                |
|--|--------------------------------|
| <b>Resolved</b>  | <b>Cr K Keith/ Cr P Miller</b> |
| That the Board note the report to the Central NSW JO Strategic Plan and Statement of Regional Strategic Priority and   |                                |
| <ol style="list-style-type: none"> <li>1. endorse the following submissions:-             <ol style="list-style-type: none"> <li>a. Review of the IPART methodology for rate peg increases;</li> <li>b. EPA Policy and Action on Climate Change; and</li> </ol> </li> <li>2. note that the 8 JOs making application under the Disaster Risk Reduction fund have been successful where a funding deed for \$647,989 is being executed; and</li> </ol> |                                |

- |  |
|--|
| <p>3. approve an application be made under the hand of the Chair for the Joint Organisations Net Zero Acceleration (JONZA) of up to \$155,000.</p> |
|--|

**12. Late reports – Nil**

**13. Speakers to the next meeting**

**Health Advisory Committee– Invite Richard Colbran to present on the progress**

**14. Next meetings:**

**Board – 30 November – Round table with Rose Jackson, Shadow Minister for Water in NSW**

**GMAC – 2 February 2023 Orange**

**Board – 23 February 2023 Forbes**

**Meeting closed 12.39pm**

**Page 6 is the last page of the Central NSW Joint Organisation meeting 24 November 2022 online.**



**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.

**23) LAND ACQUISITION - FOREST REEFS ROAD**

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

**24) GENERAL MANAGERS PERFORMANCE AGREEMENT**

*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.*