



24 August 2022

Dear Councillor,

Your attendance is requested at an Extraordinary Council Meeting of the Blayney Shire Council to be held in the Chambers, Blayney Shire Community Centre on Monday, 29 August 2022 at 6.00pm for consideration of the following business -

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

Yours faithfully

Mark Dicker  
**General Manager**

## **Meeting Calendar 2022**

### **August**

<b><u>Time</u></b>	<b><u>Date</u></b>	<b><u>Meeting</u></b>	<b><u>Location</u></b>
8.30am	24 August 2022	Orange360 Board Meeting	Orange
10.30am	24 August 2022	Central Tablelands Water Meeting	Blayney
9.00am	25 August 2022	Central NSW Joint Organisation Conference	Orange
6.00pm	29 August 2022	Extraordinary Council Meeting	Community Centre
5.00pm	30 August 2022	Financial Assistance Committee Meeting	Community Centre

### **September**

<b><u>Time</u></b>	<b><u>Date</u></b>	<b><u>Meeting</u></b>	<b><u>Location</u></b>
9.00am	2 September 2022	Mining and Energy Related Councils	Sydney
6.00pm	19 September 2022	Council Meeting	Community Centre
6.30pm	22 September 2022	Central NSW Business HQ Board Meeting	TBC
8.30am	28 September 2022	Orange360 Board Meeting	Orange

### **October**

<b><u>Time</u></b>	<b><u>Date</u></b>	<b><u>Meeting</u></b>	<b><u>Location</u></b>
10.00am	7 October 2022	Traffic Committee Meeting	Community Centre
10.30am	12 October 2022	Central Tablelands Water Meeting	Grenfell
9.00am	13 October 2022	Central NSW JO Round Table Meeting with State Ministers	Sydney
6.00pm	17 October 2022	Council Meeting	Community Centre
12.00pm	20 October 2022	Central NSW Business HG Board Meeting	Orange
9.00am	23-25 October 2022	Local Government NSW Annual Conference	Hunter Valley
8.30am	26 October 2022	Orange360 Board Meeting	Orange

**INDEX OF REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING**  
**HELD ON MONDAY 29 AUGUST 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) DRAFT STATEMENT OF FINANCIAL REPORTS BY COUNCIL  
2021/22****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 statement in accordance with Section 413(2)(c) of the Local Government Act 1993, and Clause 215 of the Local Government (General) Regulation (2005) for the General Purpose Financial Statements for the year ending 30 June 2022 be made.
2. That the certification of the Responsible Accounting Officer be received.
3. That the statement in accordance with the requirements of the Code of Accounting Practice in relation to the Special Purpose Financial Statements for the year ending 30 June 2022 be made.
4. That the statements be signed by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer.
5. That the General Purpose Financial Statements and Special Purpose Financial Statements be referred to audit and Intentus Chartered Accountants, as the contracted agent for the NSW Audit Office, be invited to complete the audit as per the requirements of Section 413(1) of the Local Government Act (1993) and Local Government (General) Regulation (2005).
6. That Council approve the net transfers to Council's external cash restrictions of \$449k.
7. That Council approve the net transfers from Council's internal cash restrictions of \$356k, for the purposes as detailed in Schedule 1.
8. That Council approve supplementary votes of expenditure to the 2022/23 budget for carryover works from 2021/22 to 2022/23, totalling \$1.105m funded from Internal Cash Allocations of \$504k and External Cash Restrictions of \$601k as per the attached schedule.
9. That Council approve supplementary votes of expenditure for 2022/23 totalling \$3.512m for carryover works from 2021/22 to 2022/23 funded from future grants and contributions not yet received.
10. That Council approve supplementary votes of expenditure of \$1.006m for 2022/23 for projects approved after the adoption of the 2022/23 – 2025/26 Delivery Plan and 2022/23 Operational Plan funded from \$524k external restrictions and \$482k future grants and contributions.

**Reason for Report:**

To approve the referral to audit of Council's Draft General Purpose Financial Statements (GPFS) and Draft Special Purpose Financial Statements (SPFS), and to seek Council approval by resolution for both the GPFS and SPFS.

To seek endorsement of Council for Restricted Cash transfers in 2021/22 and expenditure votes for carryover works from 2021/22 to 2022/23.

**Report:**

Council is required to prepare Financial Reports per s.413(3) of the Local Government Act (1993) and to refer those reports for audit within 4 months after the end of the financial year (s416 (1)).

Council is also required to present a statement on its opinion on the reports under Local Government s413 (2)(c). Copies of the draft 2021/22 Financial Statements required are enclosed.

Whilst the Financial Statements are in the final phases of preparation, it is a requirement that these statements be signed prior to completion for the audit to occur. The timing for audit is proposed for 29 - 31 August 2022.

Once the auditor has completed the audit and has submitted their report, Council must fix a date for a meeting at which the auditor's report will be presented and give public notice of the date. This date must be at least 7 days after the date on which notice is given, but not more than 5 weeks after the auditor's reports are given to Council.

The statutory deadline for finalisation, audit certification and lodgement of financial reporting is 31 October 2022.

The NSW Audit Office appointed auditor, Intentus, is proposed to present their report to the Meeting of Council on 21 November 2022 (tbc).

The draft 2021/22 Financial Statements were presented to the Audit, Risk and Improvement Committee (ARIC) meeting held on 23 August 2022 and were recommended for referral to audit. The minutes of ARIC will be tabled at the September Council meeting.

Council has been presented with a draft net operating result of \$9.85m surplus, with a net operating result before the inclusion of grants and contributions for capital purposes of \$65k as detailed in Table 1 below.

**Table 1 – Income Statement**  
**Blayney Shire Council**

**Income Statement**  
for the year ended 30 June 2022

Original unaudited budget 2022	\$ '000	Notes	Actual 2022	Actual 2021
<b>Income from continuing operations</b>				
11,817	Rates and annual charges	B2-1	11,777	11,423
1,575	User charges and fees	B2-2	1,579	1,486
276	Other revenues	B2-3	480	244
4,601	Grants and contributions provided for operating purposes	B2-4	5,525	5,227
8,162	Grants and contributions provided for capital purposes	B2-4	9,788	4,677
175	Interest and investment income	B2-5	110	138
171	Other income	B2-6	196	361
–	Net gain from the disposal of assets	B4-1	54	–
<u>26,777</u>	<b>Total income from continuing operations</b>		<u>29,509</u>	<u>23,556</u>
<b>Expenses from continuing operations</b>				
6,723	Employee benefits and on-costs	B3-1	7,167	7,124
4,966	Materials and services	B3-2	5,135	4,388
255	Borrowing costs	B3-3	147	262
6,684	Depreciation, amortisation and impairment of non-financial assets	B3-4	6,522	6,740
887	Other expenses	B3-5	685	843
351	Net loss from the disposal of assets	B4-1	–	512
<u>19,866</u>	<b>Total expenses from continuing operations</b>		<u>19,656</u>	<u>19,869</u>
<u>6,911</u>	<b>Operating result from continuing operations</b>		<u>9,853</u>	<u>3,687</u>
<u>6,911</u>	<b>Net operating result for the year attributable to Council</b>		<u>9,853</u>	<u>3,687</u>
<u>(1,251)</u>	<b>Net operating result for the year before grants and contributions provided for capital purposes</b>		<u>65</u>	<u>(990)</u>

The above Income Statement should be read in conjunction with the accompanying notes.

Council's Operating Performance Ratio measures the ability of Council to contain operating expenditure within its operating revenue. In 2021/22 the consolidated draft ratio is (0.86%) which is below the Office of Local Government benchmark of 0%. By fund, the measures are (0.91%) for the General Fund and (0.30%) for the Sewer Fund.

Council's financial position however remains sound with the ability to pay current obligations above the industry benchmark. Council's consolidated unrestricted current ratio is 4.67x with the Office of Local Government benchmark at 1.5x.

A summary of draft 2021/22 key performance indicators is provided in Table 2 below and included in the enclosed draft 2021/22 Financial Statements (refer Note G4-1 on page 85 of 90).

**Table 2 – Note G4-1 Statement of performance measures****G4-1 Statement of performance measures – consolidated results**

\$ '000	Amounts 2022	Indicator 2022	Indicators 2021	Indicators 2020	Benchmark
<b>1. Operating performance ratio</b>					
Total continuing operating revenue excluding capital grants and contributions less operating expenses <sup>1,2</sup>	(168)	(0.86)%	(3.74)%	(4.96)%	> 0.00%
Total continuing operating revenue excluding capital grants and contributions <sup>1</sup>	19,604				
<b>2. Own source operating revenue ratio</b>					
Total continuing operating revenue excluding all grants and contributions <sup>1</sup>	14,079	47.90%	57.54%	56.42%	> 60.00%
Total continuing operating revenue <sup>1</sup>	29,392				
<b>3. Unrestricted current ratio</b>					
Current assets less all external restrictions	11,293	4.67x	3.86x	4.71x	> 1.50x
Current liabilities less specific purpose liabilities	2,418				
<b>4. Debt service cover ratio</b>					
Operating result before capital excluding interest and depreciation/impairment/amortisation <sup>1</sup>	6,501	8.44x	7.26x	5.31x	> 2.00x
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)	770				
<b>5. Rates and annual charges outstanding percentage</b>					
Rates and annual charges outstanding	189	1.58%	1.46%	2.84%	< 10.00%
Rates and annual charges collectable	11,957				
<b>6. Cash expense cover ratio</b>					
Current year's cash and cash equivalents plus all term deposits	20,298	15.97	17.23	12.72	> 3.00
Monthly payments from cash flow of operating and financing activities	1,271	mths	mths	mths	mths

(1) Excludes fair value increments on investment properties, reversal of revaluation decrements, reversal of impairment losses on receivables, net gain on sale of assets and net share of interests in joint ventures and associates using the equity method and includes pensioner rate subsidies

(2) Excludes impairment/revaluation decrements of IPPE, fair value decrements on investment properties, net loss on disposal of assets and net loss on share of interests in joint ventures and associates using the equity method

Council completed over \$14.67m worth of capital works in 2021/22 as detailed in Note C1-7 Infrastructure, property, plant and equipment. Of that \$10.78m was on renewal of existing infrastructure. Significant capital works include:

- Completed works of \$6.59m on Council's road network.
  - \$597k on Carcoar St rehabilitation
  - \$1.8m on Panuara Rd heavy patching
  - \$950k on Carbine Rd
  - \$1.68m on Hobbys Yard Rd
  - \$1.34m on gravel resheeting, resealing and heavy patching program throughout the Shire.
- Footpath construction works totalled \$461k, including finalisation of the Millthorpe Railway underpass, Stillingfleet St from Adelaide St – Osman St and Queen St to Lee Hostel and commencement of stages 2&3 of the Belubula River Walk and pedestrian integration project at KGO.
- Plant replacements of \$237k including the replacement of an excavator and a rotavator.



- Building works of \$2.91m including replacement of the roof at CentrePoint, amenities upgrade at KGO and commencement of the Blayney RFS station
- \$782k on other recreational assets including finalisation of the Neville multipurpose court, Millthorpe skate park, and projects funded under the Village Enhancement Program.
- \$370k on works at the Sewerage Treatment Plant including continuation of works at the recycled water treatment plant and relining of the sewer mains.

Council's report on Infrastructure Related Assets (previously Special Schedule 7) is referenced in the Special Schedules on page 5 of 7 of the enclosed draft 2021/22 financial statements. The infrastructure asset performance indicators are shown below in Table 3. Whilst the indicators are trending favourably, the Infrastructure backlog ratio of 3.40% remains below the Benchmark of 2%. This ratio indicates that \$10.2m is required to be invested on asset renewals to bring these assets to a satisfactory standard.

**Table 3 – Report on infrastructure assets as at 30 June 2022**

Report on infrastructure assets as at 30 June 2022

Infrastructure asset performance indicators (consolidated) \*

\$ '000	Amounts	Indicator	Indicators		Benchmark
	2022	2022	2021	2020	
<b>Buildings and infrastructure renewals ratio</b>					
Asset renewals <sup>1</sup>	10,784	212.83%	113.41%	231.26%	>= 100.00%
Depreciation, amortisation and impairment	5,067				
<b>Infrastructure backlog ratio</b>					
Estimated cost to bring assets to a satisfactory standard	10,265	3.40%	4.02%	4.08%	< 2.00%
Net carrying amount of infrastructure assets	302,126				
<b>Asset maintenance ratio</b>					
Actual asset maintenance	4,104	116.96%	113.82%	100.19%	> 100.00%
Required asset maintenance	3,509				
<b>Cost to bring assets to agreed service level</b>					
Estimated cost to bring assets to an agreed service level set by Council	2,903	0.79%	0.84%	1.28%	
Gross replacement cost	369,122				

(\*) All asset performance indicators are calculated using classes identified in the previous table.

(1) Asset renewals represent the replacement and/or refurbishment of existing assets to an equivalent capacity/performance as opposed to the acquisition of new assets (or the refurbishment of old assets) that increases capacity/performance.

A number of adjustments have been made to Council's Restricted Cash since the schedule adopted with the third Quarterly Budget Review. A number of amendments to cash restrictions have been based on actual results for the financial year.

Table 4 (Note C1-3 of the draft 2021/22 Financial Statements) details a summary of external cash restrictions and internal allocation balances as at 30 June 2022. Whilst Council's cash position is only marginally less than this time last year, Council again is holding a significant amount of externally

restricted contract liabilities (unexpended grants) following payment of initial milestones for grant funded projects scheduled for completion in 2022/23. This is also compounded by a significant increase in contract assets (grant debtors) for grant funded projects where expenditure has been incurred but either the payment milestone was not achieved or physical payment was not received prior to 30 June 2022.

**Table 4 – Note C1-3 Restricted and allocated cash, cash equivalents and investments**

**C1-3 Restricted and allocated cash, cash equivalents and investments**

\$ '000	2022	2021
<b>(a) Externally restricted cash, cash equivalents and investments</b>		
Total cash, cash equivalents and Investments	20,298	20,665
Cash, cash equivalents and Investments not subject to external restrictions	<u>7,201</u>	<u>8,017</u>
<b>External restrictions</b>		
<b>External restrictions – Included in liabilities</b>		
External restrictions included in cash, cash equivalents and Investments above comprise:		
Specific purpose unexpended grants – general fund	3,188	3,369
<b>External restrictions – Included in liabilities</b>	<u>3,188</u>	<u>3,369</u>
<b>External restrictions – other</b>		
External restrictions included in cash, cash equivalents and Investments above comprise:		
Developer contributions – general	1,033	867
Developer contributions – sewer fund	1,188	996
Sewer fund	6,802	5,659
Voluntary planning agreements	284	195
Rates – special variation mining	763	570
Domestic waste management	831	992
<b>External restrictions – other</b>	<u>9,899</u>	<u>9,279</u>
<b>Total external restrictions</b>	<u>13,097</u>	<u>12,648</u>

Cash, cash equivalents and Investments subject to external restrictions are those which are only available for specific use by Council due to a restriction placed by legislation or third-party contractual agreement.

\$ '000	2022	2021
<b>(b) Internal allocations</b>		
Cash, cash equivalents and Investments not subject to external restrictions	7,201	8,017
Unrestricted and unallocated cash, cash equivalents and Investments	<u>81</u>	<u>541</u>
<b>Internal allocations</b>		
At 30 June, Council has internally allocated funds to the following:		
Plant and vehicle replacement	1,137	918
Employees leave entitlement	1,088	1,007
Asset reserve – transport	–	227
Centrepoint	–	163
Election reserve	61	95
Environmental projects – Belubula River	27	27
Financial assistance grant	1,384	1,452
LT reserve	324	254
King George Oval	–	218
Property account	1,482	1,517
Property account - borrowings	1,028	1,173
Quarry remediation	218	219
Village enhancement program	108	140
Carryover works	318	66

As a result, Council did not hold sufficient funds to account for all internal allocations and funds were required to be borrowed from other internal allocations including Financial Assistance Grant, CentrePoint and King George Oval in order to report a small unrestricted cash balance. These funds will be returned to the respective allocations upon receipt of payment of the contract assets.

The movements in cash restrictions are subject to change as a result of any audit adjustments and will require endorsement of Council in the event that there are audit amendments. A summary of restricted allocated cash is detailed in Table 4.

Included in the Financial Statements are the Statement by Councillors and Management per s413(2) for signature by the Mayor and Deputy Mayor, General Manager and Responsible Accounting Officer for referral of 2021/22 Draft Primary Financial Reports to Council's Auditor. These can be found at note titled General Purpose Financial Statements (page of 90) and note titled Special Purpose Financial Statements (page 3 of 10).

Also enclosed for endorsement by Council is a schedule of supplementary budget votes for carryover works from 2021/22 to 2022/23. This is required to ensure expenditure incurred for works in progress or proposed works is authorised by Council. Approval in the amount of \$1.105m is sought. These works are funded by external cash restrictions of \$601k and internal cash allocations of \$504k.

In addition to carryover works, approval of supplementary budget votes is sought for projects approved in the prior period and tied to grant funding approved yet not received in 2021/22. This approval is required to enable continuation of project works. Approval in the amount of \$3.512m is sought funded from future grants and contributions.

Council has also received funding for a number of projects post adoption of the 2022/23 – 2025/26 Delivery Plan and 2022/23 Operational Plan including the Community Events Program, transition to NSW planning portal, recreational improvements at Carcoar Dam and emergency storm damage repair on Gap Road. Council approval is sought to authorise these budgets to enable progression of works for associated projects. Approval in the amount of \$1.006m funded from external restrictions of \$524k and future grants and contributions of \$482k.

#### CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

I, Tiffaney Irlam, certify that to the best of my knowledge that:

- The draft General Purpose Financial Statements attached have been prepared in accordance with the requirements of the:
  - the *Local Government Act 1993 (NSW)* (as amended) and the regulations made thereunder
  - the Australian Accounting Standards and professional pronouncements, and

- Local Government Code of Accounting Practice and Financial Reporting.
- The draft Special Purpose Financial Statements attached have been prepared in accordance with the requirements of the:
  - NSW Office of Water Best-Practice Management of Water and Sewer Guidelines, and
  - Local Government Code of Accounting Practice and Financial Reporting.
- To the best of my knowledge and belief, these financial statements:
  - present fairly the Council's operating result and financial position for the year,
  - present fairly the operating result and financial position for each of Council's declared business activities for the year, and
  - accord with Council's accounting and other records.

**Risk/Policy/Legislation Considerations:**

Should Council's draft 2021/22 Financial Reports vary significantly to those now presented a further report will come back to Council for endorsement. Council's Operating performance ratio is a key performance indicator which measures Council's ability to contain operating expenditure within its operating income.

In addition, TCorp assesses annually Council's performance indicators in its assessment of Council's financial sustainability. This could impact on Council's ability to access low cost borrowings from TCorp in the future.

In 2021/22 Council staff undertook a revaluation of the sewerage infrastructure network. Whilst the revaluation calculations are still under final review from Council's auditor the results have been effected and are included in the financial reports.

At the 15 August 2022 Council meeting, following adoption of a Mayoral Minute regarding the accounting treatment of Rural Fire Service (Red Fleet) Assets, Council resolved not to include the RFS fleet in its schedule of infrastructure, property, plant & equipment schedule.

It is estimated that there are 27 vehicles located across the 11 Rural Fire Service Brigades in the Blayney LGA. The estimated replacement value of this fleet is \$6.86m however the majority are significantly aged with only 7 vehicles estimated to be <10 years old. The written down value estimated, based on the current replacement cost (as historical acquisition costs have not been maintained by the RFS) is \$674k with an estimated annual depreciation of \$181k per annum based on the current fleet.

In addition, the Canobolas Zone holds a number of shared assets with an estimated replacement value of \$4.77m, an estimated WDV of \$393k (Blayney portion 92k) and annual depreciation of \$120k (Blayney portion \$28k). Like the fleet held within the Blayney LGA brigades the average age is

>15 years and is reflective of a relatively low WDV. If and when these assets are replaced the annual depreciation is likely to significantly increase.

**Budget Implications:**

The Income Statement reports Council's original budget against actuals. As at 30 June 2022 the Income from Continuing Operations was \$29.51m compared to \$26.78m budgeted. Capital Grants and Contributions were up by \$1.6m, as a result of additional funding received during the year and a number of contributed infrastructure assets as a result of a major subdivision in Blayney. Operational Grants and contributions were also up \$924k largely as a result of advance payment of 75% of the 2022/23 Financial Assistance grant compared to 50% budgeted.

Expenses from continuing operations were \$19.66m compared to \$19.87m budgeted. Whilst this is less than budgeted, employee costs and materials and contracts were up, offset by a reduction in actual loss on disposal of assets and recovery of a significant debtor which was impaired in 2018.

**Enclosures (following report)**

- |   |                                     |        |
|---|-------------------------------------|--------|
| 1 | Schedule of 2022/23 Carryover Works | 1 Page |
|---|-------------------------------------|--------|

**Attachments (separate document)**

- |   |                                    |           |
|---|------------------------------------|-----------|
| 2 | Draft 2021-22 Financial Statements | 108 Pages |
|---|------------------------------------|-----------|

Carryover works from 2021-22 to 2022-23					Internal Restriction				External Restriction				
	2022/2023 Original Budget	2022/2023 Supplementary Vote Required	2022/2023 Carryover Budget Required	2022/2023 Revised Budget	2021/2022 Budget Remaining	Property Account	Plant Reserve	Other / Carryover	VEP	Contract Liabilities (Unexpended Grants)	Special Variation - Mining	Domestic Waste	Sewerage Services
<b>OPERATIONAL</b>													
Tourism Development Fund*	10,000	239,651	1,375	251,026	1,375			1,375		191,721			
WHS Incentive	-	21,584		21,584	21,584								
Active Movement Strategy			25,000	25,000	25,000			25,000					
Residential Land Concept			32,000	32,000	32,000	32,000	32,000						
LED Street Lighting Upgrade			37,826	37,826	37,826	37,826	37,826						
<b>TOTAL OPERATIONAL</b>	<b>10,000</b>	<b>261,235</b>	<b>96,201</b>	<b>367,436</b>	<b>117,785</b>	<b>69,826</b>	<b>-</b>	<b>26,375</b>	<b>-</b>	<b>191,721</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>PLANT &amp; EQUIPMENT</b>													
Light Vehicle Replacements			93,328	93,328	93,328		93,328						
Department of Planning Portal*		80,000		80,000						80,000			
TipSite Software			12,450	12,450	12,450							12,450	
<b>TOTAL PLANT &amp; EQUIPMENT</b>	<b>-</b>	<b>80,000</b>	<b>105,778</b>	<b>185,778</b>	<b>105,778</b>	<b>-</b>	<b>93,328</b>	<b>-</b>	<b>-</b>	<b>80,000</b>	<b>-</b>	<b>12,450</b>	<b>-</b>
<b>BUILDINGS</b>													
R4R7 - CentrePoint Roof Replacement		75,150		75,150									
B8R4 - King George Oval Amenities		111,467	47,649	159,116	159,116								
R4R8 - Amenities Refurbishment - Heritage Park	360,000		40,000	400,000	40,000					200,000			
R4R8 - Amenities Refurbishment - Carrington Park	90,000		9,098	99,098	9,098					49,098			
Works Depot - Security Gate & Carpark Configuration			104,115	104,115	104,115			104,115					
Works Depot - Refurbishments			5,580	5,580	5,580								
RFS Shed Blayney		666,917		666,917	666,917								
<b>TOTAL BUILDINGS</b>	<b>450,000</b>	<b>853,534</b>	<b>206,442</b>	<b>1,509,976</b>	<b>984,826</b>	<b>-</b>	<b>-</b>	<b>109,695</b>	<b>-</b>	<b>249,098</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>OTHER STRUCTURES</b>													
SCCF4 - Redmond Oval Cricket Nets			23,200	23,200	36,500					23,200			
SCCF4 - Light it up Blayney	244,929		49,655	294,584	49,655					111,434			
RFCG017 - Carcoar Dam Boating Safety and Fishing Facilities Upgrades*		253,000		253,000						253,000			
Village Enhancement Program			93,451	93,451	93,451				93,451				
Pipe Renewal & Water Meters - Industrial Land (Gerty Street)			7,000	7,000	7,000			7,000					
Blayney Showground - Safety Fencing & Water Improvements			11,200	11,200	11,200					11,200			
<b>TOTAL OTHER STRUCTURES</b>	<b>244,929</b>	<b>253,000</b>	<b>184,506</b>	<b>682,435</b>	<b>197,806</b>	<b>-</b>	<b>-</b>	<b>7,000</b>	<b>93,451</b>	<b>398,834</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>INFRASTRUCTURE</b>													
<b>Local Roads</b>													
FLR2 - Panuara Road Heavy Patching		82,525		82,525	82,525								
FLR3 - Gravel Resheeting Program		455,879		455,879	455,879					305,221			
R4R7 - Carbine Road		175,036		175,036	175,036								
R4R7 - Forest Reefs Road	1,298,040		69,877	1,367,917	69,877					260,356			
R4R8 - Forest Reefs Road/Tallwood Road Intersection	561,956		35,824	597,780	35,824								
R4R8 - Hobbys Yards Road Stage 2	470,000		278,366	748,366	278,366								
R4R8 Initial Sealing - North & South Prescott Street Lyndhurst	150,000		(5,740)	144,260	(5,740)								
Gap Rd Storm Damage*		433,623	59,019	492,642	59,019						59,019		
<b>TOTAL LOCAL ROADS</b>	<b>2,479,996</b>	<b>1,455,513</b>	<b>128,896</b>	<b>4,064,405</b>	<b>1,150,786</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>565,577</b>	<b>59,019</b>	<b>-</b>	<b>-</b>
<b>Bridges</b>													
R2R - Naylor Street Abutment Repairs					8,288			8,288					
FCB1 Gally Swamp Bridge		21,969		21,969	21,969								
FCB 1 Grubbenbun Creek		508,033	105,216	613,249	613,249				77,235	58,997			
FCB 1 Limestone Creek Bridge		439,100	68,821	507,921	507,921					68,821			
Boondaroo Creek (2020 Storm Event)		496,188		496,188	496,188								
<b>TOTAL BRIDGES</b>	<b>-</b>	<b>1,465,290</b>	<b>174,037</b>	<b>1,639,327</b>	<b>1,647,615</b>	<b>-</b>	<b>-</b>	<b>85,523</b>	<b>-</b>	<b>127,818</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>FOOTPATHS</b>													
B8RFS - Belubula River Walk Stage 3	336,000	161,831	89,000	586,831	250,831			89,000					
SCCF4 - Belubula River Walk Stage 4	471,200	(1,155)		470,045	(1,155)					181,721			
R4R8 - King George Oval Parking & Pedestrian Integration	1,045,000		19,654	1,064,654	19,654					517,154			
R4R8 - Trunkey St - SP - Showground - Newbridge Hotel / Toomey St (AMP 1)	167,643			167,643						78,043			
R4R8 - Carcoar (Amp 2) - Coombing St Fp - Showground Entrance - Icely St	118,839	(3,162)		115,677	(3,162)					53,851			
R4R8 Coombing St - FP Eulamore St - Showground Entrance (Carcoar AMP 8)	16,638			16,638						7,746			
R4R8 Elliot St - FP - Victoria St - Pym St (AMP AD1)	116,529			116,529						54,248			
RFR8 - Millthorpe (Amp 10A) Glenorie Rd Sp Stage 1 - Blake St To Rail Overbridge	118,816	(3,232)		115,584	(3,232)					53,808			
RFR8 - Millthorpe (AMP 10B) Glenorie Rd SP Stage 2 - Rail Overbridge to Dog Run	221,790	(4,505)		217,285	(4,505)					101,153			
LRC12 - Footpath Renewals													
<b>TOTAL FOOTPATHS</b>	<b>2,612,455</b>	<b>149,777</b>	<b>108,654</b>	<b>2,870,886</b>	<b>258,431</b>	<b>-</b>	<b>-</b>	<b>89,000</b>	<b>-</b>	<b>1,047,724</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>STORMWATER</b>													
Stabback & Unwin Street - Preliminary Works	100,000			100,000						537,301			
<b>TOTAL STORMWATER</b>	<b>100,000</b>	<b>-</b>	<b>-</b>	<b>100,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>537,301</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>SEWERAGE SERVICES</b>													
Lining/Replacement of Sewer Mains			85,492	85,492	85,492								85,492
Recycled Water Treatment Plant			14,886	14,886	14,886								14,886
<b>TOTAL SEWERAGE SERVICES</b>	<b>-</b>	<b>-</b>	<b>100,378</b>	<b>100,378</b>	<b>100,378</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>100,378</b>
<b>Total Carryover Works to 2022-23</b>	<b>5,897,380</b>	<b>4,518,349</b>	<b>1,104,892</b>	<b>11,520,621</b>	<b>4,563,405</b>	<b>-</b>	<b>93,328</b>	<b>317,593</b>	<b>93,451</b>	<b>3,198,073</b>	<b>59,019</b>	<b>-</b>	<b>100,378</b>
<i>*Amendments since adoption of the 2022/23 Operational Plan</i>													
		1,006,274											
		3,512,075											
								<b>Total Internal Restriction</b>	<b>504,372</b>		<b>Transfer from External Restriction</b>		<b>3,357,470</b>

**02) DA58/2022 - CHANGE OF USE - RESOURCE RECOVERY FACILITY - 2 TOLLBAR STREET BLAYNEY**

**Department:** Planning and Environmental Services

**Author:** Director Planning and Environmental Services

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

**File No:** DB.AB.1807

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**Recommendation:**

That Council consent to the change of use to a Resource Recovery Facility (including Vermiculture) at 2 Tollbar Street Blayney subject to conditions.

**Reason for Report:**

For Council to consider and determine Development Application 58/2022 for the Change of Use – Resource Recovery Facility at Lot 1 DP747426 – 2 Tollbar Street, Blayney. The key issue for consideration includes 1 submission received during the notification period, as required by the Blayney Community Participation Plan 2020. The Submission is addressed in the Section 4.15(1)(d) of this report.

**Report:****Executive Summary**

Development consent is sought for the change of use at the subject site to a Resource Recovery Facility. The proposal also seeks to conduct Vermiculture.

**Proposed Development**

Council's consent is sought for a change of use at the subject premises to a Resource Recovery facility. The proposed resource recovery facility will involve:

- The processing and handling of non-putrescible waste collected from a variety of sources (including local building sites) where it will be sorted, processed, and resources recovered for reuse in the economy.
- The facility will also involve vermiculture (a form of composting) to produce vermicast and worm casting leachate which will be collected and transported off-site where it will be exported to an external fertiliser supplier.





**Figure 1 – Subject Site**

The waste streams proposed to be managed by the facility (and the process) are:

- Non-putrescible waste from a variety of sources including building and demolition collected by the proponent (off-site and delivered to the premises) for handling and processing. The non-putrescible building waste will be transported in skip bins to the premises.
- The non-putrescible waste will be screened for unsuitable materials and sorted into waste streams e.g., wood, metal, glass, brick, plastics, concrete, etc.
- Once sorted, the recovered resources will be processed (including by crushing, grinding and/or screening) and stored on-site within the confines of the shed.
- The final destinations for resources recovered will depend on the material recovered and current market conditions. For example:
  - Metals (ferrous and non-ferrous) may be on-sold to metal recyclers who will collect the product from the premises.
  - Organics may be transported to an off-site composting facility also operated by the proponent.
  - Plastics and glass may be exported and returned as raw materials to be used in other products to processed at an off-site facility.
  - Timber will be crushed and shredded to a medium to fine grain. The timber chips will be recycled back to the proponents existing off-site operations as a bulking material for compost. - Concrete and masonry materials may be provided as engineered fill, drainage media or recycled aggregate to the concrete industry.
- Any residual wastes generated by the sorting and processing will be disposed of at an approved landfill facility.
- No material from the site will be sold to the public. All materials produced from the facility will be exported directly from the site to other users or alternatively, recycled back into the proponents' other facilities.



The vermiculture component of the proposal will incorporate a process that uses worms and microorganisms to convert the fresh compost materials into vermicast, a soil like material that is high in nutrients and used as a soil conditioner. Processing of compostable organic material via vermiculture is an aerobic process performed by worms and microorganisms which involves:

- The transport of feed material (incorporating pre-composted and screened organic material) from the proponents' other facilities. The use of this material will accelerate processing and produce a quality, value added material for various agricultural and horticultural markets.
- The organic material will be separated into windrows for the worms to begin the composting process.
- The organic material is decomposed by microorganisms and the worms to produce a humus compost.
- No more than 2,000 tonnes will be stored on-site.
- The final product is intended for use as a soil amendment or organic fertiliser. There will be no public access or sales.
- The worm casting leachate (a by-product of the worms) will be collected via the existing floor drainage system and stored in two existing 3,000 litre septic tanks (that are not connected to Council's sewage network).
- The leachate is then pumped and stored in two 22,000 litre settling and holding tanks located adjacent to the shed and then recycled over the vermiculture windrows via an irrigation system.

In terms of permissibility the development application submits that:

- *The subject land is zoned IN1 General Industrial pursuant to the Blayney Local Environmental Plan 2012. The proposed resource recovery facility is permitted with consent.*
- *The proposal does not represent Designated Development within the meaning of Schedule 3 Clauses 21 and 45 of the Environmental Planning and Assessment Regulation 2021 as it will not crush, grind, or separate or process more than 30,000 tonnes of building and demolition materials per year.*
- *The proposal does not represent Designated Development within the meaning of Schedule 3 Clause 16 of the Environmental Planning and Assessment Regulations 2021 as it will not process more than 5,000 tonnes per year of organic material.*

Blayney Local Environmental Plan provides the following relevant definitions:

**waste or resource management facility** means any of the following—

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

**resource recovery facility** means a building or place used for the recovery of resources from waste, including works or activities such as separating and

sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

**Note** - Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

The *strict* Resource Recovery component of the proposed development and Vermiculture (through reference to “processing or treating the waste” and “composting”) are permissible in the zone subject to development consent.

A review of the applications position that the proposal does not constitute Designated Development pursuant to Schedule 3 of the Environmental Planning and Assessment Regulation has been carried out. Schedule 3 provides the following definitions and criteria on whether certain types of development are Designated Development:

**composting facility or works** means a facility or works involving the controlled aerobic or anaerobic biological conversion of organics into humus-like products by—

- (a) methods such as bioconversion, biodigestion or vermiculture, or
- (b) reducing the size of organics by shredding, chipping, mulching or grinding.

**organics** has the same meaning as in the [Protection of the Environment Operations Act 1997](#), Schedule 1.

## **16 Composting facilities or works**

(1) Development for the purposes of a composting facility or works is designated development if the facility or works process more than 5,000 tonnes per year of organics.

(2) Development for the purposes of a composting facility or works is designated development if the facility or works are located—

(a) in or within 100 metres of—

(i) a natural waterbody, or

(ii) a wetland, or

(iii) a coastal dune field, or

(iv) an environmentally sensitive area of State significance, or

(b) in an area of high watertable, highly permeable soils, acid sulfate, sodic or saline soils, or

(c) in a drinking water catchment, or

(d) in a catchment of an estuary where the entrance to the sea is intermittently open, or

(e) on a floodplain, or

(f) within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development and, in the consent authority’s opinion, considering topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood because of noise, visual impacts, vermin, traffic or air pollution, including odour, smoke, fumes or dust.

### Comment

The proposed development will not process more than 5,000 tonnes per year of organics and will not be located in or within 100 metres of a natural waterbody, natural waterbody, wetland, coastal dune field or environmentally sensitive area of State Significance. Nor will the development be located in an area of high water table, highly permeable soils, acid sulfate, sodic or saline soils, in a drinking water catchment, in a catchment of an estuary where the entrance to the sea is intermittently open, on a floodplain, or within 500 metres of a residential zone or 250 metres of a dwelling not associated with the development (see measured mapping below – Figure 2).

***crushing, grinding or separating works*** means works that process the following materials by crushing, grinding or separating into different sizes—

- (a) materials such as sand, gravel, rock or minerals,
- (b) materials for recycling or reuse, such as slag, road base, concrete, bricks, tiles, bituminous material, metal or timber.

### **21 Crushing, grinding or separating works**

(1) Development for the purposes of crushing, grinding or separating works is designated development if the works have the capacity to process more than—

- (a) 150 tonnes per day, or
- (b) 30,000 tonnes per year.

(2) Development for the purposes of crushing, grinding or separating works is designated development if the works are located within—

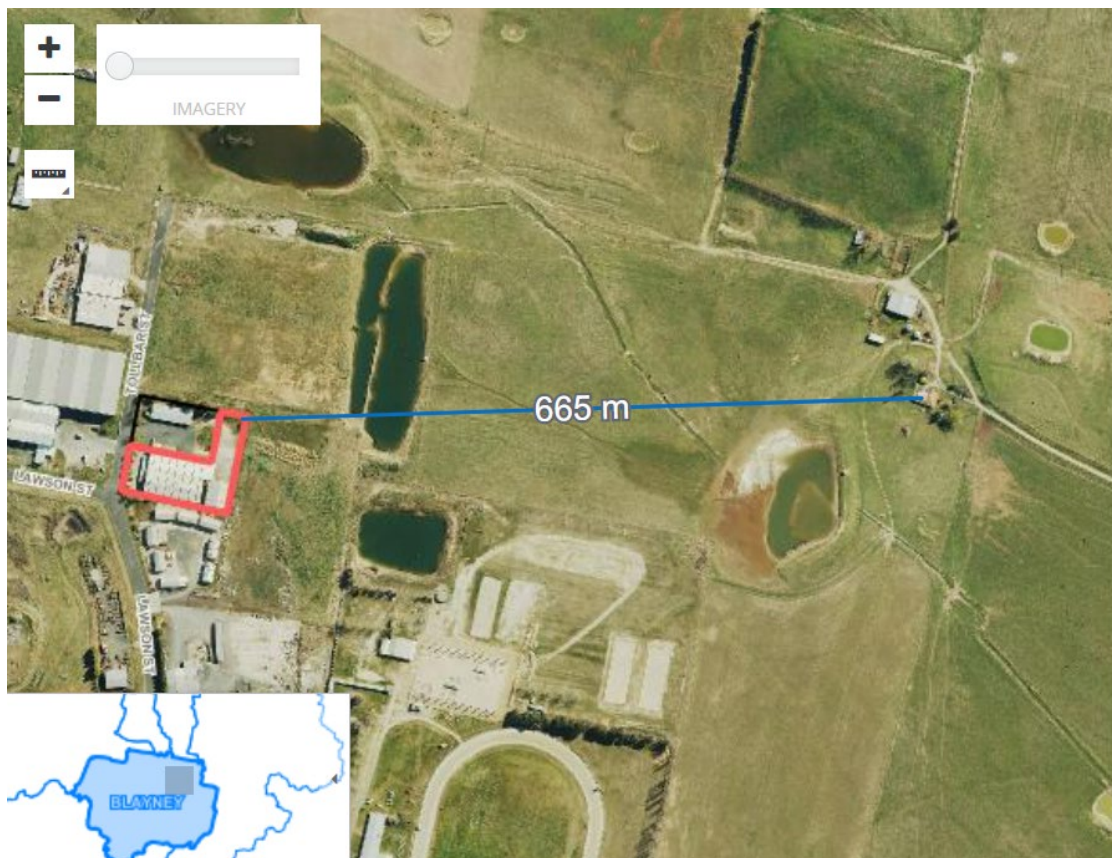
- (a) 40 metres of a natural waterbody, or
- (b) 100 metres of a wetland, or
- (c) 250 metres of a residential zone, or
- (d) 250 metres of a dwelling not associated with the development.

(3) This section does not apply to development specifically referred to elsewhere in this Schedule.

### Comment

The proposed development will not have the capacity to produce more than 30,000 tonnes per year and is not situated within 40 metres of a natural waterbody, 100 metres of a wetland, 250 metres of a residential zone, or 250 metres of a dwelling not associated with the development. (See measured mapping below – Figure 2. NB – the nearest residential zone is situated approximately 1,500 metres from the subject site)

Consequently, the proposal does not constitute designated development.



**Figure 2 – Measured distance to nearest dwellings**

The Development Application has further submitted that:

- *The proposal does not represent a Scheduled Activity within the meaning of Schedule 1 Clause 12 of the Protection of the Environment Operations Act 1997 as the development will not involve the storage of any more than 2,000 tonnes of organics received from off site or receive more than 5,000 tonnes per year of non-putrescible organics or more than 200 tonnes per year of putrescible organics.*
- *The proposal does not represent a Scheduled Activity within the meaning of Schedule 1 Clause 41 of the Protection of the Environment Operations Act 1997 as the development will not involve non-thermal waste processing of more than 12,000 tonnes per year or the storage of 2,500 tonnes at any one time.*

Schedule 1 of the Protection of the Environment Operations Act provides:

## **12 Composting**

(1) This clause applies to **composting**, meaning the aerobic or anaerobic biological conversion of organics into humus-like products—

- (a) by methods such as bioconversion, biodigestion or vermiculture, or
- (b) by size reduction of organics by shredding, chipping, mulching or grinding.

(2) The activity to which this clause applies is declared to be a scheduled activity if—

(a) where it takes place inside the regulated area, or takes place outside the regulated area but receives organics from inside the regulated area (whether or not it also receives organics from outside the regulated area)—

(i) it has on site at any time more than 200 tonnes of organics received from off site, or

(ii) it receives from off site more than 5,000 tonnes per year of non-putrescible organics or more than 200 tonnes per year of putrescible organics, or

(b) where it takes place outside the regulated area and does not receive organics from inside the regulated area—

(i) it has on site at any time more than 2,000 tonnes of organics received from off site, or

(ii) it receives from off site more than 5,000 tonnes per year of non-putrescible organics or more than 200 tonnes per year of putrescible organics.

(3) For the purposes of this clause, 1 cubic metre of organics is taken to weigh 0.5 tonnes.

## **41 Waste processing (non-thermal treatment)**

(1) This clause applies to the following activities—

**non-thermal treatment of general waste**, meaning the receiving of waste (other than hazardous waste, restricted solid waste, liquid waste or special waste) from off site and its processing otherwise than by thermal treatment.



(3) Each other activity referred to in Column 1 of the Table to this clause is declared to be a scheduled activity if—

- (a) it meets the criteria set out in Column 2 of that Table, and
- (b) 50% or more by weight of the total amount of waste received per year requires disposal after processing.

**Table**

<b>Column 1</b>	<b>Column 2</b>
<b>Activity</b>	<b>Criteria</b>
non-thermal treatment of general waste	<p>if the premises are in the regulated area—</p> <ul style="list-style-type: none"> <li>(a) involves having on site at any time more than 1,000 tonnes or 1,000 cubic metres of waste, or</li> <li>(b) involves processing more than 6,000 tonnes of waste per year</li> </ul> <p>if the premises are outside the regulated area—</p> <ul style="list-style-type: none"> <li>(a) involves having on site at any time more than 2,500 tonnes or 2,500 cubic metres of waste, or</li> <li>(b) involves processing more than 12,000 tonnes of waste per year.</li> </ul>

Comment

The conclusions drawn in the Development Application are correct. The development is not situated in the regulated area and providing the operation continues to operate below the volumetric requirements outlined in the Schedule. The second part of the criteria requiring *50% or more by weight of the total amount of waste received per year requires disposal after processing* would also have to apply. Given that the activity falls below the volumetric requirements it will not be deemed as Scheduled activity and does not require an Environment Protection Licence nor is it Integrated Development.

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

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

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

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

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

**Clause 1.7 Maps**

Land zoning:	IN1 General Industrial
Lot size:	6550m <sup>2</sup>
Heritage:	Not a heritage item or within a heritage conservation area.
Terrestrial biodiversity:	No
Groundwater vulnerability:	No
Drinking water catchment:	No
Riparian Land and Waterways:	No
Flood Planning:	Not situated within a flood planning area
STP/Waste Depot Buffer	No

**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**

#### **Objectives of zone**

- To provide a wide range of industrial and warehouse land uses.
- To encourage employment opportunities.
- To minimise any adverse effect of industry on other land uses.
- To support and protect industrial land for industrial uses.

The development is considered to be consistent with the zone objectives.

## **State Environmental Planning Policies**

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

#### **Chapter 3 Hazardous and Offensive Development**

The DA outlines the requirement under the SEPP that the consent authority must consider whether the proposed development constitutes a potentially hazardous or potentially offensive development. Department of Planning guidelines provide guidance as to when a project should be considered to be a “potentially hazardous industry” or a “potentially offensive industry”. The risk screening process is based upon the type and quantity of hazardous materials being present and stored onsite. Hazardous materials are those that are classified as a Dangerous Good by the Australian Code for Transportation of Dangerous Goods by Road and Rail (the ADG Code). No hazardous materials are proposed to be stored onsite.

The Guidelines also make it clear that “potentially hazardous industries” are to be limited to industries which pose a physical risk, such as explosives or fire; and those premises which require a “licence under any pollution control legislation” should be considered potentially offensive within the meaning of the Resilience and Hazards SEPP. In this regard there are no Dangerous Goods proposed to be stored at the proposed resource recovery facility. As such, the proposal is not considered to be potentially hazardous, and a Preliminary Hazard Analysis is not required in support of the proposal. This assessment concurs that the Proposal is not considered to be a hazardous or offensive industry.



#### Chapter 4 Remediation of Land

A consent authority must not consent to the carrying out of development of land unless:

- a) It has considered whether the land is contaminated, and
- b) If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- c) If the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

The application submits that the subject land is not known to have been used for a purpose listed in Table 1 of Managing Land Contamination Planning Guidelines SEPP 55 – Remediation of Land and the site is a well established as an industrial premises. The most recent use of the premises was for a skin packing store. And the applicant has advised the previous use did not involve tanning or other similar activities. The majority of the site is covered by the existing buildings, hardstand, and car parking areas. This current proposal seeks a change of use of existing approved premises. Inspection of the site does not indicate any areas or sources of potential contamination. There are no buildings or structures within the site that indicate potentially contaminating activities associated with previous land use. In any event a more sensitive land use is not proposed, for example a residential use would be considered to be more sensitive should any contamination issues be suspected. Based on the above, the information provided in the application and an inspection of the site leads to the conclusion that no further investigation is required.

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

Not applicable.

**Section 4.15(1)(a)(iii) Any Development Control Plan  
Blayney Shire Development Control Plan 2018**

Blayney Shire Development Control 2018 – Part D: Commercial, Community & Industrial Development is applicable to development in the IN1 General Industrial Zone.

Objective/Performance Criteria	Assessment Comments
<p><b>D3.1 Site Selection and Land Use Conflicts</b>            O1. Encourage industrial developments in areas where they have the greater potential for expansion and widest range of uses/ activities for economic development and employment.            O2. Ensure that industrial developments do not have an adverse impact on surrounding land use(s) or the environment.            O3. Encourage a development layout, design and function, and construction that minimises impacts on adjoining and nearby properties,</p>	<p>The proposed development is located in an industrial area. The development is to incorporate various measures to avoid, minimise and mitigate any potential impacts. The layout, design, and function of the development along with separation distance will minimise impacts. There are no nearby sensitive uses.</p>

<p>particularly sensitive uses such as residential uses.</p>	
<p><b>D4.1 General Controls</b>                  O1. To ensure that developments are supported by good vehicle access, circulation, loading and unloading areas, and vehicle parking areas that:                  1. Promote safety and efficiency for users, the general public, and surrounding road systems;                  2. Are well-integrated with the site and building design and appropriately screened and/or landscaped to protect street character;                  3. Provide adequate provision of off-street parking consistent with the parking demand generated by the development and NSW Government policy;                  4. Minimise impacts on neighbouring sites (e.g. noise, dust, vehicle lights, vibrations etc.).</p>	<p>On average, the applicant expects the development to generate 4 to 6 trucks per week for building material wastes and 4 to 6 trucks per week associated with the vermiculture operation. The company operates 1 small rigid truck, 1 medium rigid truck and 2 heavy rigid trucks to conduct the above movements. Other vehicles and movements associated with the business include passenger cars and light commercials associated with staff movements to and from the site (morning arrival and evening departure for staff members). The site is not open to the general public.</p> <p>Access, circulation, unloading and parking areas are adequate having regard to safety and efficiency.</p>
<p><b>D4.2 Vehicle Access</b>                  O1. To ensure all lots have appropriate and safe provision for access to and egress from a site.                  O2. To ensure that development is provided with appropriate access, circulation, loading and unloading areas and vehicle parking areas that are safe and efficient and integrated with the site and building design.                  O3. The applicant must demonstrate that any proposed site vehicle access location and design has considered public safety including, but not limited to:                  a) The type of road the access will front onto and its design;                  b) Sight distances and vehicle speeds;                  Proximity to intersections or pedestrian crossings;                  c) Existing and proposed landscaping design;</p>	<p>Access, circulation, unloading and parking areas are adequate having regard to safety and efficiency.</p>

<p>d) Potential conflicts with other vehicles and pedestrians/ bicycles on and off-site.</p>	
<p><b>D4.3 Circulation &amp; Loading/Unloading</b>                  O1. To ensure that all traffic generating developments are designed in accordance with Council’s Guidelines for Engineering Works.                  O2. To provide parking areas which promote ease of access as well as safe and effective internal circulation patterns.</p>	<p>The application was referred to Council’s Design and development Engineer for review and comment, as necessary. No requirements were sought or proposed. Access, circulation, unloading and parking areas are adequate having regard to safety and efficiency.</p>
<p><b>D4.4 Parking</b>                  O1. To provide adequate off-street parking consistent with the parking demand generated by the development so that there is not an unreasonable reliance on on-street parking or impacts on other users.</p>	<p>The DCP does not provide a specified rate of car parking for a resource recovery facility. The DCP provides that other land uses are to be determined on merit having regard to the nature of the development and traffic generation. A Traffic Report may be required by Council but as this is not a high traffic generating proposal, this is not necessary in this instance.</p> <p>In the absence of any specific numerical requirements for the proposed use within the DCP, the DA has referenced the Roads and Maritime Service Guide to Traffic Generating Development for guidance. The Guide nominates a car parking rate of 1.3 space per 300m<sup>2</sup> of Gross Floor Area for a factory. Given the large expanse of shed this would calculate to 28 spaces which is unreasonable for the development and the minimal traffic generation. Due to the applicability of D4.8 Exemptions to Off Street Car Parking Requirements (see below) the existing 11 spaces are considered adequate for the development.</p>
<p><b>D4.5 Pedestrian Access and Mobility</b>                  O1. To improve equity of access for the entire community.                  O2. New buildings, substantial alterations and additions, parking and access must comply with</p>	<p>The Disability (Access to Premises – Building) Standards 2010 (Premises Standards) is a standard created under the Disability Discrimination Act. The</p>

<p>the Disability (Access to Premises — Buildings) Standards 2010 (as amended or replaced) under the Disability Discrimination Act 1992 and the National Construction Code and Australian Standards.</p>	<p>Premises Standards only apply to new buildings and new building work. The Access to Premises code is only triggered if new works to a building require a Construction Certificate. This proposal does not involve any building works and therefore will not require a Construction Certificate. As such, the proposed development does not trigger the Access to Premises Code.</p>
<p><b>D4.6 Parking and Safety</b>                  1) Parking Navigation: Signage should take into consideration the following:                  a) Parking areas should be well sign-posted to indicate the location of off-street parking and exit and entry points, visible from both the street and the circulation spaces on the site, with directional signposting from the building entrance/exit (where necessary);                  b) Pavement arrows should clearly indicate the direction of traffic circulation (if one-way);                  c) Parking areas shall be clearly delineated as well as parking spaces for specific users (e.g. disabled spaces/staff/visitors).                  2) Pedestrian Connections: The parking design should take into account the following for pedestrians:                  a) Footpaths should be designed to enhance access to and within the development;                  b) Footpath gradients should be minimised and cater for shopping trolleys, prams, mobility scooters etc. (where applicable).                  3) Safety Principles: Development proposals involving large car parking areas or night-time parking areas should be assessed against general principles of Crime Prevention through Environmental Design (CPTED) / Safety by Design.                  4) Lighting: The use of lighting should be considered where night use of parking areas is involved and where existing street lighting is inadequate subject to avoiding impacts on adjacent residential uses and classified roads (see Part D5.6 External Lighting).</p>	<p>The existing arrangements are satisfactory.</p>

<p><b>D4.7 Off Street Car Parking</b> O1. To ensure there is adequate off-street parking to meet the needs and size of the development.</p>	See 4.4 and 4.8.
<p><b>D4.8 Exemptions to Off Street Car Parking Requirements</b> Off-street parking will generally be required for most new developments and some adaptive reuse of existing buildings in accordance with the clause below. However, it may not be required for: 1) Change of Use: The proposed development is for a 'change of use' where there is no additional space for on-site car parking and the impacts on on-street parking would be minimal</p>	Technically, as a change of use, the proposal is exempted from car parking requirements providing no additional space is available.
<p><b>D6.1 Site Planning</b> 1) To ensure that the design of any significant new development is based on a site analysis of any relevant opportunities and constraints of the site and (taking into account any other relevant controls in BLEP2012 and this DCP): a) Considers and responds to the topography, climate and natural environment; b) Avoids, or if it cannot avoid, minimises or mitigates against natural hazards and land use conflicts; c) Protects and enhances any heritage items or heritage conservation areas; d) Integrates with the surrounding built form and landscape/streetscape character; and e) Maintains reasonable residential amenity (for the site and adjacent dwellings). 2) Site (Analysis) Plan: A Site (Analysis) Plan must be lodged in accordance with Council's Development and Building Guide and any issues addressed adequately in the Statement of Environmental Effects (Planning Report). Note: In particular, consider any potential environmental opportunities and constraints under Part G – Environmental Management &amp; Hazards.</p>	The development will occupy existing buildings.
<p><b>D6.2 Earthworks</b> All development should seek to address the following: 1) Site Planning: To minimise cut and/or fill and potential erosion and sediment entering stormwater systems or watercourses by appropriate site planning, building orientation and design, taking into account the slope of the site, proximity to watercourses, and access and</p>	No earthworks are proposed.

<p>drainage requirements;                  2) Impacts: To ensure that earthworks (for which development consent is required) will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items, or features of the surrounding land.                  3) Contamination: To ensure that fill that is brought onto or leaves any site is uncontaminated and will not increase the risk or spread of contamination. Council may require a Soil Analysis Report and/or Contamination Review / Site History to ensure that only clean fill or virgin excavated natural material (VENM) is utilised on site or taken to another site.                  Note: If the site is within a flood prone area then there may be additional earthworks controls in Part G – Environmental Management &amp; Hazards.</p>	
<p><b>D6.3 Building near Utilities</b>                  O1. All buildings and structures must be located and designed so they do not obstruct access to, or impact on the safe operation of, existing or proposed utilities such as sewer, stormwater, water, electricity, gas, and telecommunications (whether they are above ground or underground).</p>	<p>An examination of the Deposited Plans indicates that the proposed development will not be affected by easements and a site inspection confirms the DA's assertion that the development will be clear of existing utility service mains.</p>
<p><b>D6.4 Connection to Utilities</b>                  1) Address the requirements of Clause 6.8 - Essential Services in BLEP2012.                  2) All utilities must be installed and/or connected in accordance with Council's Guidelines for Engineering Works or the requirements of the relevant utility provider.                  3) Where reticulated services are available, any new buildings must connect to those reticulated services unless the applicant can demonstrate why that connection would not be appropriate and/or propose an alternative system that is acceptable to Council.</p>	<p>Electricity and telecommunications utilities are all available.</p>
<p><b>D6.5 Siting &amp; Visibility of Utilities</b>                  O1. The applicant must try to minimise the visual impact of any new utilities, connections, or associated structures if visible from public areas.</p>	<p>The proposal will not require new utilities, connections or associated structures that would be visible from public areas.</p>
<p><b>D6.6 Liquid Trade Waste</b>                  Development activities that generate and discharge liquid trade waste (excluding domestic waste from a hand basin, shower, bath, toilet or laundry) to a reticulated sewerage</p>	<p>The proposal does not involve the discharge of Liquid Trade Waste to Council's sewerage reticulation. Leachate that is generated by the vermiculture</p>

<p>system (Blayney &amp; Millthorpe) must obtain the relevant Liquid Trade Waste approval from Council. The industrial and commercial activity must comply at all times with the requirements of the Liquid Trade Waste Regulation Guidelines and any conditions of the Liquid Trade Waste Approval. Where there is no reticulated sewerage system there must be suitable methods for disposal.</p>	<p>operation will be directed to a collection tank and recirculated through the vermiculture process.</p>
<p><b>D6.8 Water &amp; Energy Efficiency</b> O1. To minimise water and energy use and maintain thermal efficiency through site planning, building design and integration with utilities and services.</p>	<p>Not applicable to this proposal.</p>
<p><b>G2.3. Noise &amp; Vibration</b> 1) Where any proposed development is likely to: a) Generate significant noise and/or vibration that may impact on existing sensitive land uses in reasonable proximity to the development site; or b) Be significantly impacted by potential noise and/or vibration from an existing (or future expanded) development or infrastructure (including a state/regional road or railway line), then the applicant may be required to lodge a Noise (and/or Vibration) Assessment (prepared by a suitably qualified acoustic consultant) that demonstrates how the proposed development has been located, designed, and/or managed to avoid or mitigate those impacts to/from the proposed development in accordance with the relevant guidelines. 2) The design or construction of building(s) or areas that may emit significant noise should consider: a) Location, proximity, and buffers to protect sensitive land uses; b) Terrain and amplification/direction of noise; c) Background noise levels; d) Enclosure of noisy area(s) and suitable acoustic insulation; e) Avoidance of opening(s) of enclosed noisy area(s) towards sensitive land uses that may direct noise to a sensitive land use; f) Suitable hours of operation and transport movement, loading/unloading etc.; g) Any other factor that would exacerbate likely noise. 3) Any Noise (and/or Vibration) Assessment</p>	<p>The DA was accompanied by Noise Impact Assessment. The assessment was conducted in accordance with the requirements of the Noise Policy for Industry, 2017. The nearest and most potentially affected residential receivers are located approximately 320 metres to the north west and 650 metres to the north east. The assessment concluded that noise levels at sensitive receivers are predicted to comply with the project noise trigger levels.</p>

<p>relating to development near an existing state or regional road or railway line should address the requirements of State Environmental Planning Policy (Infrastructure) 2007 and the NSW Department of Planning (2008) Development near Rail Corridors and Busy Roads – Interim Guideline.</p> <p>4) Any Noise Assessment involving a noise source set out in the Protection of the Environment Operations Act 1997 must address the requirements (where relevant) of the NSW Industrial Noise Policy (2000 – as amended) (see <a href="http://www.epa.nsw.gov.au/noise/industrial.htm">http://www.epa.nsw.gov.au/noise/industrial.htm</a>)</p> <p>5) Any Noise (and/or Vibration) Assessment relating to an industrial land use (particularly an existing industrial use) within Zone IN1 General Industrial or Zone IN2 Light Industrial or a business use in Zone B2 Local Centre, B5 Business Development or B6 Enterprise Corridor should consider the economic importance of facilitating industrial and business development in those zones. Note: The Protection of the Environment Operations Act 1997 and Regulations provide limitations to emissions from development and the applicant may need to seek a separate approval under this legislation.</p>	
<p><b>G2.4 Odour &amp; Dust</b></p> <p>1. Where any proposed development is likely to:</p> <p>a) Generate significant odour that may impact on existing sensitive land uses in reasonable proximity to the development site; or</p> <p>b) Be significantly impacted by potential odour from an existing (or future expanded) development or infrastructure (including state/regional road or railway line); or</p> <p>c) Where any proposed development occurs on land identified as Sewage Treatment Plant and Waste Depot Buffer on the Sewage Treatment Plant and Waste Depot Buffer Map (i.e., within 400m of the boundary of these facilities) Then the council may require the application to lodge an odour or dust assessment that demonstrates how the proposed development. has been located, designed, and/or managed to avoid or mitigate those impacts to/from the proposed development in accordance with the relevant guidelines.</p>	<p>Due to the nature of the development, there is the potential for odour impacts to occur. The DA has submitted that the potential for the proposal to generate adverse impacts on the surrounding area by dust or other airborne particulates is limited due to the operation being confined entirely within an existing building; vehicle areas being within the site are sealed; and the vermiculture rows being kept moist.</p> <p>In terms of odour control the DA asserts that the vermiculture operation will be conducted entirely within the building and that the facility is well separated from sensitive receivers (i.e., residential and commercial</p>



<p>2. The odour and/or dust assessment should demonstrate how odour and/or dust will be managed on the proposed development site to avoid any adverse impact on the development and/or surrounding land uses (whichever is relevant). This should be prepared by a suitably qualified consultant in accordance with the relevant guidelines.</p> <p>3. Vehicle entry, exits, loading, unloading and internal manoeuvring areas should be sealed or have a surface agreed with Council’s engineers to minimise the emission of dust from trafficable surfaces for uses that have higher traffic generation or close proximity to sensitive land uses.</p>	<p>development). Furthermore, it is submitted that the vermiculture operation will only process pre-composted material from the proponent’s composting facility in Orange. As such, it will not involve rapid biodegrading of food, plant, or animal organics which typically cause odour. The facility will be designed to ensure that the compost associated with the vermicast does not cause offensive odours outside the boundaries of the facility. Regular turning of the windrows to ensure adequate aeration and regular monitoring of moisture content in the windrows will also ensure odour production is reduced.</p> <p>Comment – the conclusion drawn in the application in relation to dust are sound. The conclusion drawn in relation to odour are also reasonable. As there is little likelihood of the proposed development generating <u>significant</u> odour or dust, a specific odour and/or dust assessment is not required. However, an appropriate consent condition will be imposed to ensure odour is managed and a mechanism is put in place to address the situation should complaints be received.</p>
<p><b>G2.5 On-site Effluent Disposal</b></p> <p>1. Where an on-site effluent disposal system is proposed to manage sewage, the on-site system must be suitably sized and able to operate on the lot (taking into account the proposed use and its likely liquid waste/effluent production) without impacting on development on the subject lot, neighbouring lots or surface or ground water systems, and don’t require excessive vegetation removal. On-site sewage management facilities must be either: Located on land at or above the Flood Planning Level (FPL); or Sited and designed (demonstrated in</p>	<p>The 3,000 litre septic tanks are isolated from Council’s reticulated sewage network and are only used to treat the leachate from the vermicast before it is recycled over the vermiculture rows via the PVC irrigation system. This is a recirculating system with no on-site discharge or treatment requirement.</p>

<p>a Geotechnical (Effluent) Report to withstand known or likely flooding conditions (including consideration of structural adequacy, avoidance of inundation and flushing/leaking of effluent into flowing flood waters).</p> <p>2. Any proposed lots or on-site effluent disposal systems should be located so as to provide appropriate buffers to watercourses and buildings in accordance with:</p> <p>a) The Environmental Health Protection Guidelines – On-Site Sewage Management for Single Households (1998 – as amended);</p> <p>b) Australian Standard 1547 – On-site domestic wastewater management (as amended); and</p> <p>3. An Effluent (Geo-technical) Report must be prepared by a suitably qualified consultant that supports the design and location of any on-site system in accordance with Council’s Development and Building Guide, Australian Standard AS1547 and relevant NSW Government Policy.</p> <p>4. On lots with an area less than 2,000m<sup>2</sup> , the nominated effluent disposal areas must allow for:</p> <p>a) Suitable areas for dwellings and outbuildings, access, open space, and buffers to adjoining lots and watercourses; and</p> <p>b) A ‘reserve area’ at least equivalent in size to the nominated effluent disposal area that is recommended for disposal in the supporting Geotechnical (Effluent Report). Note: The ‘reserve area’ is intended to allow a secondary disposal area to be constructed if the primary disposal area fails which is common in some villages.</p> <p>5. Any water for reuse must be treated in accordance with the relevant NSW Health Guidelines and any other relevant Australian Standards using systems.</p>	
<p><b>G2.6 Buffers to Sensitive Land Uses</b></p> <p>Proposed development should consider the recommended buffers between potentially higher impact land uses and sensitive land uses set out in the tables below. Where the recommendation buffers cannot be met then the applicant must demonstrate/address:</p> <p>1) Why an alternative available site would not be more suitable for the proposed development;</p> <p>2) What mechanisms will be utilised to minimise</p>	<p>The proposal does not fit into any of the land uses for the application of recommended buffers to “sensitive land uses” in the table to clause 2.6. The most likely “sensitive land uses” are situated over 330 and 660 metres respectively from the development and are highly unlikely to notice any impacts from the development.</p>

<p>or mitigate any impacts to and from the proposed development;                  3) How the proposed development will meet the objectives of this Section and the proposed land use.</p>	
<p><b>G2.7 Buffers &amp; Landscaping</b>                  Any buffers or setbacks should incorporate or be capable of incorporating sufficient landscaping/tree planting (or other mechanisms where appropriate) to minimise or mitigate any impacts from adjacent land uses without increase the bushfire threat to any existing or proposed buildings. Note: Blayney Shire Council acknowledges that one method for reducing land use conflict is to incorporate significant landscaping and trees into buffer areas to create a barrier to views, dust and some other impacts (not including noise). The issues with landscaping include                  a) It is difficult to specify landscaping that will actually provide a buffer for all impacts;                  b) Landscaping requires ongoing irrigation and maintenance to achieve the desired outcomes and Council is not well-placed to provide on-going enforcement.                  c) Additional landscaping, in certain circumstances, can increase bushfire risk to existing or proposed buildings;                  d) Changes in ownership or land use may require different landscaping approaches. Where required, landscape plantings will form part of the conditions of consent by Council. However, by providing the required buffer/setbacks it allows for individual owners to utilise landscaping to minimise or mitigate impacts.</p>	<p>The proposed development will occupy an existing industrial site which incorporates landscaping and setbacks. The DA reasonably submits that no aspects of the development that would generate noise or odour emissions that are uncharacteristic within an industrial setting. All of the activities will be confined to inside the shed. The hours of operation will be confined to daylight operations. The site would not be accessed outside of daylight hours (only in the event of an emergency). The noise impact assessment provided concludes that the proposed use can operate satisfactorily without needing to provide additional attenuation measures such as landscaping.</p>
<p><b>G2.3 Stormwater &amp; Drainage</b>                  To ensure that stormwater and drainage systems:                  a) Address the objective of Clause 6.2 Stormwater Management of BLEP 2012;                  b) Will not significantly alter and/or worsen pre-development stormwater patterns and flow regimes;                  c) Will convey stormwater to receiving waters with minimal damage, danger and nuisance;                  d) Maintain the water quality of receiving waters; e) Stabilise landform and control erosion;                  f) Maximise potential for water infiltration and</p>	<p>The DA reasonably concludes that the proposed development is unlikely to adversely affect stormwater quality as all activities are confined to inside the shed; the existing sub-floor drainage system is isolated from all external stormwater flows and is bunded to prevent the leachate percolating into Council’s stormwater network; and the concrete slab prevents entry to groundwater and is graded so that the leachate from the</p>

minimise overland flows; g) Protect proposed or likely building areas from erosion and stormwater damage; and h) Consider water retention/detention and re-use (where relevant)	vermiculture rows drains to the existing sub-floor drainage system.
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**Section 4.15(1)(a)(iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4**

Not applicable.

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

- **In the case of a development application for the demolition of a building, the provisions of AS 2601 (Clause 92)**  
Not applicable.
- **In the case of a development application for the carrying out of development on land that is subject to a subdivision order made under Schedule 7 to the Act, the provisions of that order and of any development plan prepared for the land by a relevant authority under that Schedule (Clause 92)**  
Not applicable.
- **Fire safety and other considerations (Clause 93)**  
Council's Senior Building Surveyor has provided comments and conditions relating to fire safety.
- **Buildings to be Upgraded (Clause 94)**  
Council's Senior Building Surveyor has assessed the plans submitted by the applicant and has concluded that the hydrant coverage does not strictly comply with the 90 metre rule in Australian Standard AS2419.1 in that the two furthest eastern corners of Shed A are 105 and 93 metres from the street hydrant. However, as these parts of the building are to be used for vermiculture and composting, the fire risk is extremely low and the hydrant coverage is similar other performance based solutions considered and approved by Council. Also, the building has existing fire hose reels and portable fire extinguishers that can be used by the occupants of the building for first aid fire fighting. Accordingly, it is not considered warranted to require that the existing building be fully upgraded to comply with the fire hydrant requirements in the Building Code of Australia 2019.
- **BASIX Commitments (Clause 97A)**  
Not applicable.

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

The likely impacts of the proposed development have been addressed in the body of this report. Based on this assessment, it is considered that the proposed development is unlikely to have a significant or detrimental impact.

**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**

In accordance with Part B of the DCP and the Blayney Shire Community Consultation Plan the proposed development was notified to nearby residents. One submission was received by Hornery and Associates on behalf of the objector.

The submission opposes the Vermiculture component of the proposal and in summary:

- Raises concern that a vermiculture operation could impact upon an adjoining business.
- Provides a contention that theoretically a volume of putrescible organics could trigger the threshold requiring an Environment Protection Licence and thus become Integrated Development.
- Contends that an alleged previous sheep skin operation has caused corrosion and by implication contamination should be considered.
- Questions how worms are protected from the elements and predators.
- Makes an assumption that absorption trenches are connected to the holding tanks.
- Indicates that no mention is made of odour reduction claiming that the vermiculture component could progress to an anerobic condition.

The submission was forwarded to the applicants Planning consultant who responded as follows:

- It is understood that the environmental considerations pertaining to food licencing relates to Chapter 3 of the Australia New Zealand Food Standards Code; Food Act 2003; and the Food Regulation 2015. There is nothing in the abovementioned legislation or standards that concern surrounding land use but rather focuses solely on the carrying out of activity within the food premises itself and associated transport vehicles.
- The objectors request to consult the NSW Department of Primary Industries Food Authority and SGS Australia is erroneous as the proposed development is not Designated Development nor Integrated Development and does not require the concurrence from a NSW Government Agency.
- As the development is not Designated or Integrated Development, it is a reasonable submission that based on the scale of the development,

the impacts of the development must be within reasonable limit as detailed in the Statement of Environmental Effects. Accordingly, the authorities that the applicant wishes Council to consult do not have a statutory role in the determination of this application.

- The subject land has been zoned for IN1 General Industrial. The limited range of uses that is permitted with or without consent in the Land Use Table is taken to be development that does not have an adverse effect on the area. In this particular circumstance, the use must be compatible with the other uses in the area as it is permissible in the zone (Nessdee Pty Limited v Orange City Council [2017] NSWLEC 158 at [18]).
- As detailed in the Statement of Environmental Effects, the design and operation of the development will have a reasonable level of impact upon the neighbouring land uses and is unlikely to adversely affect the adjoining land. The potential impacts of the development can be reasonably managed and ameliorated through appropriate conditions of consent.
- As outlined in Section 1.1 and Section 3.3.1 of the Statement of Environmental Effects, the development involves the processing of non-putrescible organics and not putrescible organics as suggested by the objector. Respectfully, the objector has misinterpreted the classification of the waste material being processed at the site.
- The proposal does not represent Integrated Development and does not require the concurrence of the Environment Protection Authority.
- The assumptions made by the objector pertaining to the volume of material required to ensure the operation achieves “a desired outcome” is disputed and irrelevant to the determination of the development application and is not a relevant matter for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979.
- Section 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 which pertains to contamination has been considered in Section 4.1.2 of the Statement of Environmental Effects. The unsubstantiated claim by the objector that the walls have eroded is disputed.
- The vermiculture aspect of the proposal is located inside an existing building and will be protected from atmospheric conditions. It is anticipated that pest management would not be unlike any other commercial or industrial premises. As detailed in Section 4.5.2 of the Statement of Environmental Effects:
- Odour control will rely largely on the fact that the vermiculture operation will be conducted entirely within the building and that the facility is well separated from sensitive receivers (i.e., residential and commercial development).
- The vermiculture operation will only process pre-composted material from the proponent’s composting facility in Orange. As such, it will not involve rapid biodegrading of food, plant, or animal organics which typically cause odour.
- The facility will be designed to ensure that the compost associated with the vermicast does not cause offensive odours outside the boundaries of the facility. Management will include the following: – Regular turning

of the windrows to ensure adequate aeration. – Regular monitoring of moisture content in the windrows.

- The collection and processing of the worm casting leachate has been addressed in Section 3.3.2 of the Statement of Environmental Effects. A schematic of the facility operations was also provided as part of the DA submission which diagrammatically depicted this process.
- Respectfully, the vermiculture process is an aerobic process.
- On the basis of the above and as demonstrated in the Statement of Environmental Effects, the site is suitable for the proposed development and the design and operation of the development can achieve an acceptable level of amenity and environmental impact.

### Comments

The response provided by the applicant have substantially and reasonably addressed the issues raised in the submission. Council's assessing officer did contact the Food Authority to confirm that the licensing regime purely relates to the site where the licence is sought. It would not be appropriate to formally refer the application to the Food Authority. Whilst it appears that the likelihood of offensive odour is low, a condition will be placed on the consent in the event that such a situation arises.

### Internal Referrals

Internal referrals were provided to Council's Design and Traffic Engineer and Council's Senior Building Surveyor. Council's Design and Traffic Engineer raised no concerns nor sought any conditions to be imposed. Council's Senior Building Surveyor provided a detailed response advising that the hydrant coverage does not strictly comply with the 90 metre rule in Australian Standard AS2419.1 in that the two furthest eastern corners of Shed A are 105 and 93 metres from the street hydrant. However, as these parts of the building are to be used for vermiculture and composting, the fire risk is extremely low and the hydrant coverage is similar other performance based solutions considered and approved by Council. Also, the building has existing fire hose reels and portable fire extinguishers that can be used by the occupants of the building for first aid fire fighting. Accordingly, it is not considered warranted to require that the existing building be fully upgraded to comply with the fire hydrant requirements in the Building Code of Australia 2019. Conditions are to be imposed including a requirement that Shed B & Shed C shall not be used or occupied without the prior consent of Council. This is due to hydrant coverage.

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

The proposal is not inconsistent with any provisions that have been considered in this assessment. Providing economic opportunities, whilst minimising environmental and amenity impacts, is generally in the public interest.

### **Summary / Conclusion**

The proposal is permissible with consent of Council. The proposed development complies with the relevant aims, objectives and provisions of

BLEP 2012. A Section 4.15 assessment of the development indicates that the development is acceptable in this instance.

Attached is a draft Notice of Decision outlining conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

**Risk/Policy/Legislation Considerations:**

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.

**Budget Implications:**

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

**Enclosures (following report)**

Nil

**Attachments (separate document)**

1	Site Plans	5 Pages
2	Plans	4 Pages
3	Statement of Environmental Effects	59 Pages
4	Response To Submission	3 Pages
5	Draft Conditions of Consent	4 Pages
6	Submission	3 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.*



**03) DA6/2022 - ERECTION OF A MOTEL BUILDING AND BUSINESS SIGNAGE - 62 OSMAN STREET BLAYNEY**

**Department:** Planning and Environmental Services

**Author:** Town Planner

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

**File No:** DB.AB.1754

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**Recommendation:**

That Council consent to erection of a Motel Building and Business Signage at 62 Osman Street Blayney subject to conditions.

**Reason for Report:**

For Council to consider and determine Development Application 6/2022 for the erection of a Motel Building and Business Signage at Lot 1 DP162646, Lot 8 DP505215, Lot 20 DP569741, Lots 11-14 Section 13 DP758121 & Lot 10 DP1114679 – 62 Osman Street, Blayney and Lot 1 DP 718479 – 37 Water Street, Blayney. The key issue for consideration includes that multiple submissions were received during the notification period(s) as required by the Blayney Community Participation Plan 2020. The submissions are addressed in Section 4.15(1)(d) of this report.

**Report:****Executive Summary**

Blayney Shire Council has received a Development Application (DA) from Premise on behalf of Rovest Holdings Pty seeking consent for the construction of a motel on the land described as 62 Osman Street Blayney.

The DA Form (PAN-183569) has a development description as follows: *‘Development of a single hotel building accommodating 20 rooms in the residual, western portion of the site with associated parking and business identification sign.’*

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, Lot 10 DP 1114679 and Lot 1 DP 718479, with the property addressed to Osman Street, Blayney. Council’s unique identification number is DA6/2022.

The DA includes a Statement of Environmental Effects (SEE) prepared by Premise dated 29 July 2022 and Architectural Drawings A001 to A012 also prepared by Premise dated 17 July 2022.

The proposed development under DA6/2022 has been assessed in accordance with the relevant requirements of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulation 2021, as well as the Blayney Local Environmental Plan 2012

(BLEP) and the Shire Blayney Development Control Plan 2018 (BDGP). The main assessment findings are summarised as follows:

- The proposed 20-room motel with frontage / access to Osman Street and comprising single storey construction with a wrap-around verandah with external finishes including Weathertex cladding, face brickwork and a Colorbond custom orb roof, is assessed to be consistent with all relevant development standards and will present well to Osman Street and the wider neighbourhood.
- Proposed new vehicular accesses x 2 at Osman Street, linking to onsite parking for 26 cars at the rear of the building and level pedestrian access throughout is assessed to comply with all relevant development standards and will not pose an unacceptable impact on traffic, street parking / trees along Osman Street or the wider road network.
- Proposed retention of the existing masonry fence along the Osman Street boundary, along with minor alterations to suit new works (vehicular and pedestrian access and egress) assessed as acceptable in the context of the existing and proposed new buildings / structures and streetscape considerations.
- Proposed retention of an existing pylon sign support column (formerly associated with the Bowling Club) on Osman Street is to be retained and reused for the purposes of supporting a new 1m x 1m sign to be used for business identification for the new motel, which is assessed to be acceptable in the context of the existing and proposed new buildings / structures and streetscape, character, amenity and safety considerations.
- Proposed street tree plantings and site landscaping, including installation of dividing fences, are assessed as adequate to assist with the screening of building aspects and to address streetscape, character, amenity and safety considerations.
- Proposed infrastructure and servicing arrangements are in accordance with relevant standards and requirements of relevant servicing authorities, include Blayney Shire Council and Central Tablelands Water in relation to stormwater management, reticulated water supply, sewerage and roads.
- Consolidation of allotments is assessed to be adequate and necessary to address BCA and infrastructure servicing arrangements for the development / site.

The SEE states on page 6 that *‘there would be a degree of interrelationship between the development proposed via this DA and the development already approved via DA2021/0004 (the Stage 1 consent). This would include:*

- *The connection of stormwater infrastructure from the proposed development via the stage 1 consent land, discharging via proposed infrastructure through 37 Water Street, approved by DA4/2021;*
- *Shared bin storage and administration areas, and loading/unloading areas for stock, between the proposed and approved development.’*

The relationship of the adjoining development approved under DA4/2021 is understood in the context of undertaking a thorough and separate assessment of the proposed motel under DA6/2022 including other historical uses of the site associated with the Blayney Bowling Club.

The details of the assessment are provided in this report. It is the findings of this assessment that sufficient information has been submitted with the DA to allow the Blayney Shire Council to make an informed decision on the proposal. It is the findings of the assessment that the proposed development is capable of being approved subject to conditions.

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

### **1.1. Description of land title**

The proposed development relates specifically to existing Lots 11, 12, 13 and 14 Section 13 DP 758121, which all have direct frontage to Osman Street. The description of the development site also includes Lot 1 DP 162646, Lot 8 DP 505215, Lot 20 DP 569741, Lot 10 DP 1114679 and Lot 1 DP 718479 which are titles associated with the broader site of the former Bowling Club and will be used for ancillary purposes associated with the proposed development (vehicle and pedestrian access, garbage storage and collection, as well as stormwater drainage).

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

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 site has predominant frontage to Osman Street however vehicle access is gained via an existing driveway to Church Street. The site is currently disused for an active purpose and contains remnant buildings and structures which were most recently utilised for purposes associated with the Blayney Bowling Club, which ceased operations in 2019. The particular part of 62 Osman Street that will accommodate the proposed motel development was previously used for two bowling greens and a pedestrian pathway providing a link from Osman Street through to the Bowling Club building itself. The land is generally flat and does not contain any existing vegetation. There are no other defining characteristics of the land.

### **1.3. Surrounding land-use**

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.

## **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 August 2021, which enabled:
  - Site preparation works.
  - Amalgamation of the site to create two proposed lots.
  - Construction of a motel within the eastern portion of the site, comprising an office and laundry in the existing bowling club building, 98 rooms and 80 parking spaces (as Stage 1 works), transitioning to 81 rooms and 100 parking spaces (as Stage 2 works).
  - Retention of approximately 1,837m<sup>2</sup> of land adjoining Osman Street as vacant, residual land (noting that this portion of the site is now the subject of the current DA).
  - DA4/2021 was approved by Blayney Shire Council on 10 August 2021, which:
- DA4/2021 was subsequently modified (under two separate applications) which resulted in the following changes being approved by Council under delegated authority:
  - Removal of the subdivision component. As a result of this modification, DA4/2021 the approved motel would be located on a single allotment of land following the consolidation (amalgamation) of existing land parcels (excluding Lot 1 DP 718479 – 37 Water Street). Note – the applicant advises that the consolidation of the land is currently being progressed by a surveyor, however registration with NSW Land Registry Services has not been finalised at the time of writing of this report.
  - Removal of the requirement for screen doors to be fitted to all entry / exit points and for polycarbonates and impact resistant glass / glazing to be fitted to all windows.
  - Minor rewordings to several conditions of consent (as a consequence of the two modifications described above) including conditions 56, 58, 59, 61 and 63.
- As part of Council’s assessment and determination of DA4/2021 a particular focus was placed on the need to ensure the development was properly characterised (defined) having regard to the definitions in the LEP and land-use permissibility within the B2 Local Centre zone. Council’s assessment considered the intended use of the site, the nature of the proposed buildings and relevant case law and concluded that the characterisation of the development was accurately described as ‘hotel or motel accommodation’. This particular aspect of DA4/2021 is relevant for consideration as part of the assessment of this Development, given there are similarities in terms of proposed land-use.

In establishing the relevant site history pertaining to 62 Osman Street, it should be made clear that the approved use of the land for ‘Hotel or motel accommodation’ in accordance with DA4/2021 is separate and distinct from the matters that are to be dealt with in this assessment report. DA6/2022 has been lodged with Council as a separate DA for a motel.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

Based on the plans and supporting documents lodging with the Development Application, the proposed development is described as follows:

- Construction of a single storey motel building comprised of 20 separate rooms, each with separate pedestrian access (at ground level) via a wrap-around verandah.
- Construction of on-site car parking area, comprising 26 spaces at the rear (western side) of the proposed motel building with vehicle access to be gained directly from Osman Street. Separate ingress and egress locations are proposed to Osman Street at the northern and southern boundaries of the site respectively.
- Retention of the existing masonry fence along the Osman Street boundary of the site, with minor alterations to be constructed to suit new works including vehicular and pedestrian access / egress to the proposed development.
- Installation of dividing fences to improve existing fence conditions along the northern and southern boundaries (i.e. shared with 29 Water Street, 31 Water Street, 64 Osman Street). The installation of fencing is subject to agreement with neighbouring property owners in accordance with relevant provisions of the Dividing Fences Act 1991.
- Reuse of the existing pylon sign support column (formerly associated with the Bowling Club) on Osman Street for the purposes of a new 1m x 1m sign to be used for business identification for the new motel.
- Installation of site landscaping and street tree installations to Osman Street.

Note – The SEE incorrectly refers to the proposed removal of a single street tree at the southern edge of the site's boundary between the proposed vehicular egress. The plans supporting the DA actually show that this tree is proposed to be retained, and that the vehicle egress has been designed to avoid the tree. To address this inconsistency, a condition of consent is recommended requiring the retention and protection of the tree.

There is also a degree of interrelationship between the development proposed via this DA and the development already approved under DA4/2021 (refer Section 5.1 of this assessment report). This includes:

- The connection of stormwater infrastructure from the proposed development into the same system that is proposed to service the development approved under DA4/2021, which involves the discharge of water to the public drainage system in Water Street via the property at 37 Water Street.
- Shared bin storage and administration areas, and loading/unloading areas for stock, between the proposed and approved development.

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

The proposal requires development consent under Part 4 of the EP&A Act and a DA has been lodged with Blayney Shire Council via the NSW Planning Portal, along with a SEE and various plans.

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 involves 2 new accesses onto Osman Street, which is a local road and requires a road permit under Section 138 of the Roads Act 1993 from Blayney Shire Council.

The proposal involves plumbing and drainage, which requires an approval under Section 68 of the Local Government Act 1993.

DA6/2022 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 number of submissions have 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 public submissions, 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 having regard to the referral / concurrence provisions contained in State Environmental Planning Policy (Transport and Infrastructure) 2021.

## **5. ENVIRONMENTAL PLANNING ASSESSMENT**

The recommendations in relation to the proposed development have been informed by Blayney Shire Council’s Generic Development Assessment Template and based on the Premise Statement of Environmental Effects and the submitted Architectural drawings and reports. The assessment aims to:

- conclude on the level of detailed provided in the DA, and
- provide comments on the adequacy of the application to properly evaluate the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979,
- document 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.

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. An environmental planning assessment of the proposed development is documented in this section.

#### **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.

DA6/2022 is seeking consent from Blayney Shire Council for construction of 'hotel or motel accommodation', which has the following meaning:

*hotel or motel accommodation means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that—*

- (a) comprises rooms or self-contained suites, and*
  - (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,*
- but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.*

DA6/2022 is also seeking consent from Blayney Shire Council for construction of signage, which has the following meaning:

*signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following—*

- (a) an advertising structure,*
  - (b) a building identification sign,*
  - (c) a business identification sign,*
- but does not include a traffic sign or traffic control facilities.*

The characterisation of the development is considered to be accurate having considered the plans and supporting documents submitted with the Development Application to Council.

In accordance with the requirements of Clause 1.7, the following maps relating to the LEP 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:	1000m <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:

<b>LEP Clause</b>	<b>Summary of Assessment</b>
Clause 1.9A – Suspension of Covenants, Agreements and Instruments	The proposal is assessed to be consistent.
Clause 2.3 – Zone Objectives and Land-use Table	The proposal is assessed to be consistent.
Clause 2.6 - Subdivision	The proposal is assessed to be consistent.
Clause 2.7 - Demolition	The proposal is assessed to be consistent.
Clause 5.10 – Heritage Conservation	The proposal is assessed to be consistent.
Clause 6.2 – Stormwater Management	The proposal is assessed to be consistent.
Clause 6.8 – Essential Services	The proposal is assessed to be consistent.

A more detailed assessment of relevant planning map and 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.

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

Section 2.2 of the SEE prepared by Premise and lodged with the DA 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. An agreement was reached between the proponent and the owner Lot 79 to formalise this easement, and this was reflected in Condition 59 of DA2021/0004.*

The easement locations don't relate to a part of the site affected by this DA and therefore no special conditions are recommended relating to their preservation.

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

The subject land is zoned B2 Local Centre in accordance with the LEP. Clause 2.3(3) of the LEP 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 4.1.5 of the SEE prepared by Premise and lodged with the DA states that the proposal will be consistent with the objectives for the B2 Local Centre zone for the following reasons:

- The proposed motel serves the needs of people who visit the local area by providing contemporary motel accommodation in a convenient location; and who live in the local area by providing increased employment opportunities

- The proposed motel provides 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 proposed motel
- The proposed motel provides visitor accommodation within walking distance of Adelaide Street, encouraging increased patronage of the retail and commercial centre of Blayney.

An assessment of the relevant plans and documents submitted with the DA supports the findings in the SEE that the proposal is consistent with the objectives for the B2 Local Centre zone.

Section 4.1.5 of the SEE prepared by Premise and lodged with the DA states that proposed development is consistent with “hotel or motel accommodation” as defined under BLEP. The term ‘Hotel or motel accommodation’ is a sub-term of the group-term ‘Tourist and visitor accommodation’ which is permitted with consent. The proposed development is therefore permissible in the zone, subject to approval from Blayney Shire Council.

#### Clause 2.6 – Subdivision – consent requirements

Clause 2.6 of the LEP 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 SEE prepared by Premise and lodged with the DA 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 however noted that the approved development relating to DA4/2021 (as modified) requires the consolidation of all land titles ( at 62 Osman Street Blayney. The applicant advises that the consolidation of the land is currently being progressed by a surveyor, however registration with NSW Land Registry Services has not been finalised at the time of writing of this report.

A condition of consent (similar to DA4/2021) is recommended for this DA to ensure that consolidation of land titles occurs irrespective of which development is progressed first.

The consolidation is necessary to ensure that existing property boundaries do not cause legal impediments to key elements of the proposed site layout and building design including:

- A garbage storage and collection area, shared with the design approved under (DA4/2021)
- Pedestrian connectivity between the proposed motel and ancillary uses (office, laundry) shared with the design approved under (DA4/2021)

Clause 2.7 – Demolition requires development consent

Clause 2.6 of the LEP requires that the demolition of a building or work may only be carried out with development consent from Council.

The SEE prepared by Premise and lodged with the DA has not included an assessment of Clause 2.7 of the BLEP as consent has not been sought from Council for the demolition of any structures.

The proposed modifications to the existing masonry front fence along the Osman Street frontage of the site are assessed to be alterations and additions to the structure. The scope of work has been adequately described in the SEE and shown on the plans and appropriate consent for the work is capable of being approved under this DA and completed subject to the lodgement of Construction Certificate Application.

Clause 5.10 Heritage Conservation

Clause 5.10 Heritage Conservation seeks to conserve the environmental heritage of Blayney, the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, archaeological sites, Aboriginal objects and Aboriginal places of heritage significance.

The SEE prepared by Premise and submitted with the DA has identified that an assessment of Clause 5.10 of the BLEP is necessary for the following reasons:

- The proposal seeks to construct a new building within the Blayney Heritage Conservation Area (C1), and
- There are multiple properties nearby to the site which are listed in Schedule 5 of the LEP as containing 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 immediately adjoins street trees on Osman Street which are listed in Schedule 5 of the LEP (I88).
- The site is opposite the Old growth Elm Trees and Hoop Pine Trees (Blayney High School) which are listed in Schedule 5 of the LEP.

Section 4.1.5 (pg. 15) of the SEE prepared by premise and submitted with the DA includes the following assessment of Clause 5.10:

*“The proposed development will not have any impact on the setting of heritage items along Adelaide Street due to not being visible from Adelaide Street. The development may be seen from Church and Water Street, east of Osman Street however these are expected to be partial, long distance glimpses that will have negligible impact on the heritage setting of items along those streets. The development will be visible along Osman Street and on approaches along Church and Water Streets through the trees within the Blayney High School*

*grounds. The proposed development does not require the removal of any heritage listed street trees along Osman Street. BSC provided specialist heritage advice confirming that the proposed development is consistent with the character of the local area in terms of setbacks, scale, bulk/form, materials, details colour and landscape”.*

A more detailed assessment of the requirements of Clause 5.10 is included as follows.

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.

Prior to the lodgement of the DA, a copy of the plans of the proposal were referred to Mr David Scobie (Heritage Advisor to Blayney Shire Council) for review and comment. The Heritage Advisor’s assessment will be discussed in further detail in this section but concluded that the proposed design of the motel building was generally acceptable in terms of potential heritage impact. The Heritage Advisor’s comments have been included as Appendix B to the SEE prepared by Premise and submitted with the DA.

On the basis of the pre-lodgement consultation with Council’s Heritage Advisor and incorporation of this advice into the design of the proposal, there is considered to be sufficient detail submitted with the DA to allow an assessment of the matters prescribed by Clause 5.10 without requiring a heritage management document (such as a Heritage Impact Assessment or Heritage Conservation Plan).

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 prerequisites are noted:

- There is 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 site of the proposed development is not immediately adjoined by any heritage item.
- The surrounding area is characterised by a mix of single and two storey residential buildings, with the immediately adjoining sites on Osman Street observed to be single storey in scale. Hipped roof forms predominate with some gables, and external building finishes include a mix of brick, weatherboards , concrete render and steel roofing.
- Setbacks in Osman Street vary, but generally relate to 4-6m for separate traditional housing.

Based on a review of the plans and documents submitted with the DA (including the assessment advice given by Council's Heritage Advisor), the following aspects of the proposed site and building design will ensure there is a limited and acceptable impact on the heritage significance of the Blayney Conservation (C1) and nearby Heritage Items listed in Schedule 5 of the LEP:

- Retention of 4 existing pencil pines to frame the pedestrian entry to the development.
- Retaining the existing masonry brick fence along the Osman Street frontage of the development, with modifications to remove unmatched palisade extensions, reduce the height of existing piers and installation of soldiers course brickwork to finish.
- Keeping the proposed design of the motel to a single storey building, consistent with the scale, bulk and form of the nearest buildings with frontage to Osman Street.
- A building design that incorporates hipped roof elements, consistent with other important buildings within the Blayney Heritage Conservation Area.
- A building design that incorporates a mix of external finishes, including brick and weatherboard materials with steel colorbond roofing.
- A building design that incorporates vertically proportioned fenestrations, consistent with the characteristics of traditional buildings within the Heritage Conservation Area.
- A site layout that enables opportunities for suitable landscaped elements between the building line and front property boundary (Osman Street).
- A colour pallet for the development that is supported by the Heritage Advisor as being consistent with buildings that are contemporary but sympathetic in the local setting, noting that conditions may be necessary as part of any approval to ensure inappropriate colours do not feature in the final building design.
- A site layout that places ancillary components (such as car parking, air conditioning units etc) in the spaces to the rear of the proposed motel building where visibility from the public domain can be reduced or eliminated.
- A site layout that has purposefully retained the location of the heritage listed street tree (i88) located within the Osman Street road reservation adjoining the development site. Permeable paving is also proposed to be utilised for the section of the proposed site access driveway that adjoins this tree.

A Comparison of the Heritage Advice with the proposed plans submitted with the DA shows that the Heritage Advisor's recommendations have been incorporated into the site and building design, with the exception of the following matters:

- The use of planting including hedging to provide suitable privacy and garden character between the boundary wall (Osman Street frontage) and the accommodation.

- Manipulation of the rear car parking area to accommodate a series of suitable trees at a nominal ration of 1 tree per 8 spaces.

With regard to the landscaping, a condition of consent will be recommended that requires the applicant to submit a detailed landscape plan to Blayney Shire Council for approval prior to the issue of the Construction Certificate Application.

With regard to the re-design of the rear car parking area to accommodate trees, this is assessed to be unnecessary. The prioritisation of tree installation in this area over the provision of on-site car parking spaces is not supported. A more detailed assessment of the key issues relating to on-site car parking is included in Section 8.3.3 (DCP Assessment) and Section 8.1.6 (Traffic and Access Impact Assessment) of this report.

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.

#### 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.

The information submitted in support of the DA did not originally include a Stormwater Management Plan, with limited detail described in the SEE or shown on the plans to properly allow Council to understand the proposed method of stormwater management for works to be completed under this DA. Further to an additional information request by Council, the proponent provided with Council a concept stormwater management plan for consideration as part finalisation of the DA assessment, and updated the SEE (at Section 4.3.4) to include the following description of proposed stormwater management works:

- Roof water from the building will be collected by eave gutters and discharged via a charged system to an above ground rainwater tank in the north-east corner of the site. The rainwater tank forms part of the On-Site Stormwater Detention (OSD) system and does not provide any reuse function. Outflow from the rainwater tank is controlled by an orifice and is directed to the carpark gravity stormwater network.
- Carpark stormwater runoff is collected by a series of surface inlet pits. Stormwater pipes between the pits have been oversized to provide additional OSD storage. Discharge from the central carpark pit is controlled via an orifice to ensure peak flow from the development does not exceed the pre-development peak flow.
- The quality of the stormwater discharged from the site will be improved with the inclusion of a single treatment cartridge in the central carpark pit. Water quality modelling confirms that the site's pollutant removal rates exceed industry standards of 85%/65%/45% reduction in total suspended solids (TSS), total phosphorous (TP) and total nitrogen (TN).
- 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.

Assessment 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 subject to a condition requiring the provision of a more detailed stormwater report and drainage design prior to the issue of the Construction Certificate.

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

- The proposed site and building layout are designed with water permeable surfaces provided where reasonable and practical through the provision of landscaped areas and permeable paving in areas

- likely to benefit from that provision (in this instance, within proximity to heritage listed street tree vegetation).
- Roof water from the building will be directed to an above ground on-site rainwater tank which is to be dedicated for on-site detention, and not re-use. The nature and scale of the proposed development is such that total reliance on collected rainwater for alternate water supply purposes is unlikely to be practically achievable. Connection of the motel to mains water supply is proposed as the primary method of achieving the water supply requirements for the development.
  - 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 submitted in accordance with the DA shows that roofed and hardstand spaces can be drained to the public drainage system (via inter-allotment drainage). Stormwater drainage is therefore legally and practically possible.

It is assessed that the proposed development is consistent with Clause 6.2 of the LEP, subject to the imposition of appropriate conditions of consent relating to the provision of detailed engineering drawings / calculations for stormwater and drainage.

#### 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 4.1.5 (pg. 16) of the SEE prepared by Premise and submitted with the DA 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. Refer to Section 4.4.3.*

*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.*

*Refer to Section 4.3.4( for stormwater drainage information).*

*Suitable vehicular access is provided by way of separate access and egress from Osman Street.*



The information and plans submitted with the DA 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 LEP and this supported by the following assessment of individual services.

### **Water**

The proposed motel is proposing to connect to Council's reticulated water supply main which is located within the road reservation to Osman Street adjoining the sites western property boundary. Central Tablelands Water (CTW) is the relevant supply authority and has provided the following comments to Blayney Shire Council in respect of the proposed development:

- Central Tablelands Water is providing a 150mm mains connection to the Motel Infrastructure to service all water requirements for the proposed development. The 150mm main will reduce any impact on current consumers along Osman Street.

Subject to application with Central Tables Water (CTW), the proposal is capable of being connected to the reticulated water supply system. Any upgrades to the reticulated water supply system necessary to service the proposed development will need to be carried out at full cost to the proponent. Headworks contributions are assessed to apply. Appropriate conditions of consent have been recommended.

### **Electricity**

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

Satisfactory arrangements will need to be made with Essential Energy for the provision of power to the proposed development. It will be the developer's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may require the upgrade of existing infrastructure. The Statement of Environmental Effects submitted with the Development Application confirms that electricity will be augmented by the proponent in accordance with any requirements of the supply authority and without unreasonable burden to the community.

### **Disposal of Sewage**

The proposed method of sewage disposal is to connect the development to Council's reticulated sewer system.

By way of relevant background, Blayney Shire Council imposed a condition of approval on DA4/2021 (being the motel component in the eastern part of the property), 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. As a result of Council's condition, consultants Bake Ryan Stewart (acting on behalf of the proponent)

prepared a report '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 generating by the development scenario.

The same report has been submitted in support of DA6/2022 (see Appendix C of the SEE). Section 4.4.3.2 of the SEE includes an assessment of the capacity of the existing sewer system to accommodate the expected load generated by an additional 20 motel rooms, and refers back to the findings of the 'Sewer Capacity Assessment Report', highlighting the following points:

- The report findings are based on modelling that assumes a maximum development scenario of 130 motel rooms at 62 Osman Street. Section 2.2 of the Sewer Assessment Report confirms that the sewer assessment was made on the basis of the possibility that a future DA (i.e. this DA) was being discussed which could involve as many as 30 double bedrooms to the site.
- The maximum number of motel rooms approved under DA4/2021 is 98 rooms, which leaves capacity for an additional 32 motel rooms to be constructed at 62 Osman Street without impacting the existing capacity of the Council's sewerage system.

As part of the internal referral of DA6/2022 to Infrastructure and Services, Council's engineers have confirmed that the findings of Section 4.4.3.2 of the SEE are supported.

Having regard to the above, it is assessed that the proposed development is capable of being serviced by Council's reticulated sewer supply system. A condition of approval is recommended to ensure that appropriate engineering designs for sewer are prepared and submitted to Blayney Shire Council for approval prior to the issue of the Construction Certificate. 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 it is possible for adequate arrangements to be made for the disposal of stormwater from the development to the public drainage system. Appropriate conditions of consent have been recommended dealing with the requirement for detailed engineering drawings / calculations for stormwater and drainage.

### ***Access***

The proposed motel will be provided with vehicle access direct to Osman Street. A separate site ingress is to be provided adjoining the northern boundary of the site which leads to an off-street car parking area at the rear of the motel building. A separate site egress is to be provided adjoining the southern boundary of the site. Pedestrian access to the motel will be provided via Osman Street. 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 4.1.1 of the SEE prepared by Premise and submitted with the DA provides an assessment of the proposal against the requirements of State Environmental Planning Policy (SEPP) No. 55 Remediation of Land. This SEPP has now been repealed and replaced by Chapter 4 of SEPP (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 8 of the 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. Accordingly, the development is considered to satisfy the requirements of Clause 7 of SEPP55*

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 No (Industry and Employment) 2021**

Section 4.1.2 of the SEE prepared by Premise and submitted with the DA provides an assessment of the proposal against the requirements of State Environmental Planning Policy (SEPP) No. 64 - Advertising and Signage. This SEPP has now been repealed and replaced by Chapter 3 and Schedule 5 of SEPP (Industry and Employment) 2021 – referred to hereafter as the Industry SEPP.

An assessment of the Industry SEPP is required in relation only to the signage component of the proposal. The proposal is to reuse the existing pylon sign support column (formerly associated with the Bowling Club) on Osman Street and install a new (slightly smaller) 1m x 1m sign to advertise the new motel.

Sections 4.1.2. 1 and 4.1.2.2 of the SEE include an assessment of the relevant matters under the Industry SEPP and conclude that the proposal is consistent with the policy objectives and prescribed assessment criteria. The applicant's assessment findings are capable of being supported by Council. The following aspects of the signage design will ensure the signage proposal has an acceptable impact:

- The proposal utilises the existing signage structure, ensuring there will be no greater impact on the visual character of the area or elements of the streetscape that are identified to be of heritage significance.
- The content of the sign will be used for business identification purposes only.
- The signage will be dimly lit to enable night time use

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

Section 4.1.3 of the SEE provides an assessment of the proposal against the requirements of State Environmental Planning Policy (Infrastructure) 2007. This SEPP has now been repealed and replaced by SEPP (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 comprises of 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 4.1.3 of the SEE prepared by Premise and submitted with the DA 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:

- ‘Hotel or motel accommodation’ is not prescribed as a traffic generating land-use.
- The proposal does not include provision for more than 50 on-site car parking spaces.
- 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 SEE prepared by Premise and submitted with the DA provides an assessment of the proposal against the requirements of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. This SEPP has now been repealed and replaced by Chapter 2 SEPP (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 SEE prepared by Premise and submitted with the DA includes the following assessment findings with regards to the Biodiversity SEPP:

*“A review of the Blayney Development Control Plan 2018 (BDGP) reveals no specific controls applying with respect to tree removal. As such, the Vegetation SEPP is not considered to apply to the development”*

*Nevertheless, development consent is sought for the removal of a single street tree which forms part of locally heritage listed street trees along Osman Street (Item No. 88) to facilitate vehicular egress. This is an acceptable outcome on the grounds that the development includes seven replacement street trees*

*The relevant triggers under the BC Act are not considered to be met and neither a BDAR nor approval from the Native Vegetation Panel is required.*

This assessment supports the applicant’s findings and concludes that the proposal does not trigger the need for a BDAR or approval from the Native Vegetation Panel.

It should be noted that the statement in the SEE relating to the removal of the heritage listed street tree on Osman Street is incorrect. An amendment to the proposed design has been made which will ensure that this street tree is to be retained. It appears the statement has been left in the SEE in error. To

remove any doubt, a condition is recommended requiring the retention of the street tree.

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 DA6/2022.

**5.1.3. Section 4.15(1)(a)(iii) Any Development Control Plan Blayney Shire Development Control Plan 2018**

Blayney Shire Development Control 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

Section 4.2 of the SEE prepared by Premise and submitted with the DA 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. It is noted that the SEE does not however consider the requirements of Parts B and E of the DCP, which are also assessed to contain provisions relevant to the proposed development. An assessment of these parts has been completed as part of this assessment report.

This assessment report generally supports the conclusions drawn by the applicant in Section 4.2 of the SEE that the development is consistent with prescribed controls. 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.	DA6/2022 was notified to adjoining landowners during the public exhibition period from 10 – 25 March 2022, with two submissions being received by Council during this period. The proposal was re-notified to a smaller section of land-owners from 23 May 2022 to 8 June 2022, with 1 submission being received by Council during this period. The proposal was re-notified a third time (to all landowners consulted during round 1) from 4 -18 August 2022. The re-notification was considered necessary to ensure compliance with Part B of the DCP and the Blayney Shire Community Participation Plan 2020. One submission was received by Council during this period.
B2.3	Information to be included with Notification Letters	The development is assessed to be consistent with the DCP Controls.	As a result of the third round of consultation, Council is satisfied that all relevant 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 initial, second and third rounds of consultation.

Advertised Development			
B3.1	What Development will be advertised?	The development is assessed to be consistent with the DCP Controls.	DA6/2022 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 10 March 2022, inviting submissions for 15 days until Friday 25 March 2022. The minimum period for public exhibition is prescribed by the DCP to be 14 days. The proposal was re-notified a third time (to all landowners consulted during round 1) from 4-18 August 2022. The re-notification was considered necessary to ensure compliance with Part B of the DCP and the Blayney Shire Community Participation Plan 2020. 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.	As a result of the second round of advertisement, 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 4 public submissions during the above described public exhibition and notification periods. Further details relating to the Council's assessment of issues raised in the public submissions is included in Section 8.1.8 of this report.
B3.5	Consideration of submissions during the notification	N/A	Further details relating to the Council's assessment of issues raised in the public submissions is included in Section 8.1.8 of this report.



	and exhibition period		DA6/2022 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. Appropriate measures have been incorporated into the site layout and building design to address potential land-use conflict issues. A detailed assessment of potential land-use conflict issues is included in Section 8.1.6 of this report.
D2.2	General Building Setbacks	The development is assessed to be consistent with the DCP Controls.	The building setback to Osman Street is acceptable. The proposed scale, bulk and form of the building will not impose unreasonably on the streetscape. The presentation of the building to Osman Street is improved through a stepped design to the front elevation, provision of landscaped areas forward of the building line and between the property boundary, retention of the existing masonry fence, and incorporation of features into the building design that are sympathetic to important heritage values in the surrounding streetscape. Side and rear setbacks will comply with the BCA.
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 Zone B6	Not applicable to this proposal.	
D2.6	Building Height and Bulk	The development is assessed to be consistent with the DCP Controls.	The proposed motel is a single storey structure with design features that are assessed to be suitable within the heritage landscape. The development is unlikely to generate unacceptable overlooking or overshadowing impacts on neighbouring properties.
D2.7	Building Design	The development is assessed to be consistent with the DCP Controls.	The front elevation of the proposed building provides an appropriate level of variation in terms of wall articulation, roof design and external wall finishes and materials. An appropriate level of activation to Osman Street is achieved through window placement and pedestrian access. 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 at the rear of the building and are not directly visible from Osman 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 Colours	Not applicable to this proposal.	Assessment not required.
<b>Access and Parking</b>			
D4.1	General Controls	The development is assessed to be consistent with the DCP Controls.	Information submitted in support of the DA indicates that the proposed off-street car parking area located at the rear of the motel building is designed in accordance with AS2890. Detailed construction plans will be required prior to issue of the Construction Certificate.
D4.2	Vehicle Access	The development is assessed to be consistent with the DCP Controls.	The proposed access arrangements involve separate driveways for ingress and egress in order to facilitate a one-way traffic flow into, throughout and out of the development site, and to facilitate the movement of vehicles into and out of the site in a forwards facing direction. The proposal does not involve access directly to a classified road – Osman Street is part of the local road network and is owned and maintained by Blayney Shire Council. The proposed locations of the site ingress and egress are sufficiently separated from the nearest intersections of Osman Street with Church Street and Water Street. A detailed assessment of the likely traffic and access impacts of the proposed development is included in Section 8.1.6 of this report. Conditions of consent are recommended in order to address the need for pedestrian footpath safety at

			the proposed ingress and egress locations.
D4.3	Circulation & loading / unloading	The development is assessed to be consistent with the DCP Controls.	<p>The proposed access arrangements involve separate driveways for ingress and egress in order to facilitate a one-way traffic flow into, throughout and out of the development site, and to facilitate the movement of vehicles into and out of the site in a forwards facing direction. The design of the rear parking / vehicle manoeuvring area will adequately allow for the circulation of vehicle, pedestrian users. Parking spaces are designed to ‘nose in’ towards the motel building, which is likely to improve safety for pedestrians by eliminating the need for reversing traffic towards exit doors to motel rooms.</p> <p>The information submitted in support of the DA confirms that the site design will allow access and circulation by light vehicles and service vehicles up to 8.8m in length. Notwithstanding, the need for larger service vehicles (such as a garbage collection truck) to enter the site has been eliminated by placing garbage storage and collection points in a central area to be accessed from within the motel development approved in the east part of the site under DA4/2021.</p>
D4.4	Parking	The development is assessed to be consistent with the DCP Controls.	<p>Parking areas are located towards the rear of the motel building and will not be directly visible from any public places. The design of the off-street car parking area is accessible from Osman Street and accessible to occupants of the motel rooms. Visual and acoustic impacts to neighbouring</p>

			<p> dwellings are unlikely to be significant and are mitigated by existing / proposed boundary fencing.</p>
D4.5	Pedestrian access and mobility	The development is assessed to be consistent with the DCP Controls.	<p>The motel building is provided with a wrap-around verandah to facilitate safe pedestrian access to the motel rooms, and provides adequate connections to the existing public footpath in Osman Street and off-street car parking area to the rear. The site and building design adequately delineates pedestrian areas from vehicle areas.</p> <p>The building design is capable of complying with relevant legislative and Building Code requirements for disabled access. Detailed plans will be required prior to issue of the CC.</p>
D4.6	Parking and safety	The development is assessed to be consistent with the DCP Controls.	<p>The development plans indicate that appropriate arrangements will be made for the signposting and line marking of car parking spaces and delineation of traffic and pedestrian areas. The SEE confirms that lighting would be installed (<i>to AS 4282-1997 Control of the obtrusive effects of outdoor lighting</i>) to ensure a safe environment for site users.</p>
D4.7	Off street car parking	The development is assessed to be consistent with the DCP Controls.	<p>The proponent has assessed the need for 20 off-street car parking spaces under the DCP, based on the following calculations:</p> <ul style="list-style-type: none"> <li>- 1 space for each motel unit +</li> <li>- 1 space per 2 staff, stating that additional staffing resources are not proposed to be dedicated solely to this motel, given the site is to be managed and operated conjointly with</li> </ul>

			<p>the model development approved by Council under DA4/2021 for the eastern part of the site.</p> <p>In the circumstances, the proponent's assessment of car parking demand is satisfactory. A total of 26 off-street car parking spaces are provided (including two disabled spaces) leaving a 6-space capacity for staff parking if necessary. Based on the proposed off-street car parking arrangements, there is low likelihood of the proposed development causing spill-over car parking issues on Osman Street.</p>
D4.8	Exemptions to off street parking	Not applicable to this proposal.	The proposal does not seek exemptions to off-street car parking requirements.
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, utility and service areas	The development is assessed to be consistent with the DCP Controls.	The site layout does not propose storage areas that require screening from public view. Garbage storage and collection is to occur from within the site of adjoining motel development approved under DA4/2021. Site utilities, including air conditioning units, are located on the eastern side of the building and will not be visible from public places.
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 of adjoining motel development approved under DA4/2021. A Waste Management Plan is to be conditioned and will need to demonstrate how domestic waste from the motel is proposed to be managed

			including the need to ensure temporary storage does not occur from within this development site.
D5.3	Landscaping	The development is assessed to be consistent with the DCP Controls.	The site plan submitted with the application shows the general locations and configurations of proposed landscaped areas. The submission of detailed Landscape Plan will be conditioned.
D5.4	Fencing	The development is assessed to be consistent with the DCP Controls.	The DCP does not permit front fencing for commercial properties (or properties in the B2 zone) that is forward of the building line, unless the fence satisfies a number of assessment criteria. The proposal does not involve the construction of a new fence, and instead proposes to retain the existing masonry fence constructed along the entire length of the Osman Street property frontage. This approach is supported based on heritage considerations and is not assessed to be a variation to the DCP requirement. The proposal is to replace the northern and southern boundary fences of the site subject to negotiation and agreement from relevant property owners.
D5.5	Advertising and signage	Refer to Part E	Refer to Part E for assessment
D5.6	External lighting	The development is assessed to be consistent with the DCP Controls.	The SEE confirms that lighting would be installed ( <i>to AS 4282-1997 Control of the obtrusive effects of outdoor lighting</i> ) to 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	The proposed site layout and building responds appropriately to relevant site planning issues including the need for: <ul style="list-style-type: none"> <li>- sympathetic building</li> </ul>

		Controls.	design within the Blayney Heritage Conservation Area (C1) - reasonable levels of amenity for adjacent properties.
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 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 construction footprint of the proposed development. The exception is an existing water which exists in the location of the proposed site egress and will need to be relocated. 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. Conditions are recommended requiring connection of the proposed development to services and utilities in accordance with the requirements of relevant supply authorities.
D6.5	Siting and visibility of 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 construction footprint of the proposed development. The exception is an existing water which exists in the



			location of the proposed site egress and will need to be relocated.
D6.6	Liquid Trade Waste	Not applicable to this proposal.	Assessment not required.
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 E – Other Land Uses</b>			
<b>E.2 Advertising and Signage</b>			
E.2.1	Application of Section	The development is assessed to be consistent with the DCP Controls.	The DCP applies to the signage proposal.
E.2.2	Relationship to other Plans or Policies	The development is assessed to be consistent with the DCP Controls.	An assessment of Chapter 3 and Schedule 5 of SEPP (Industry and Employment) 2021 has been completed (refer Section 4.1.2 of the SEE, and Section 8.3.1 of this report). The signage proposal satisfies an assessment of: <ul style="list-style-type: none"> <li>- the objectives for signage in Clause 3.1 of the Industry SEPP, and the criteria in Schedule 5 of the Industry SEPP.</li> </ul>
E.2.3	Signs that do not require Development Consent	The development is assessed to be consistent with the DCP Controls.	The applicant is seeking consent from Council for the proposed signage works.
E.2.4	Objectives	The development is assessed to be consistent with the DCP Controls.	Based on a review of the plans and documents submitted with the DA, the following aspects of the signage design will ensure the proposal satisfies an assessment against the

			<p>objectives signage:</p> <ul style="list-style-type: none"> <li>- The proposal utilises the existing signage structure, ensuring there will be no greater impact on the visual character of the area or elements of the streetscape that are identified to be of heritage significance.</li> <li>- The content of the sign will be used for business identification purposes only.</li> </ul> <p>The signage will be dimly lit to enable night time use.</p>
E.2.5	General Controls for Advertising and Signage	The development is assessed to be consistent with the DCP Controls.	The DCP does not prohibit free standing advertising signage for use in connection with commercial premises.
E.2.6	Types of Signage	The development is assessed to be consistent with the DCP Controls.	<p>Section 2.6.5 sets out the Council's requirements for pylon and pole signage, including:</p> <ul style="list-style-type: none"> <li>- Not more than 1 per street frontage.</li> <li>- Not be located within the main streets of towns and villages.</li> <li>- Have a height that is consistent with the scale of surrounding buildings, and not more than 7m.</li> <li>- Designed to reflect the scale of the building to which it relates and the streetscape characteristics of the area.</li> <li>- Be contained wholly within the site and not overhang any public space.</li> <li>- Not be illuminated.</li> </ul> <p>The proposed signage is consistent with these controls, except that it is proposed to</p>

			<p>illuminate the signage for night time use. The proposed variation is capable of being supported by Council for the following reasons:</p> <ul style="list-style-type: none"> <li>- The pole signage is existing.</li> <li>- The proponent will accept a condition requiring that internal illumination of the sign be adjustable.</li> <li>- The illumination of the signage, if controlled, will unlikely impact of traffic safety or resident amenity.</li> </ul> <p>The scale of the signage is acceptable in terms of the relationship to the proposed motel building.</p>
<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 impacts associated with the development, including noise and traffic generation, which have not been found to be significant.</p> <p>The DCP prescribes that a tourist or visitor accommodation types (which includes a motel) are sensitive</p>

			uses. There are no 'higher impact uses' in the immediate vicinity which are likely to impact on the proposed development. 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 DA has included adequate information to demonstrate that stormwater generated from the development can be managed legally and practically to the public drainage system, and without significant impact to environmental conditions

			including water quality, landform stabilisation or increased erosion.
G3.3	Stormwater Management	The development is assessed to be consistent with the objectives for stormwater and drainage.	As above. A Soil and Water Management Plan will be required for the proposed development. An appropriate condition of consent has been included in the recommendation to this report.
Part G4 - Flooding			
This section of the DCP is blank.			
Part G5 - Bushfire			
The land is not mapped as Bushfire Prone. Consideration of Part G5 is not necessary.			
Part G6 – Land Contamination			
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. 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.
Part G7 – Significant Vegetation and Biodiversity			
This section of the DCP is blank.			

Part G8 – Drinking Water Catchments and Ground Water Vulnerability			
The land is not identified as being within an area affected by vulnerable groundwaters or within a drinking water catchment area.			
Part G9 – Land and Soils			
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. The site and building design is considered appropriate having regard to existing site conditions. There are no environmental constraints which are considered to be prohibitive to the proposed development.

**5.1.4. Section 4.15(1)(a)(iia) 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. The proposed modifications to the existing masonry front fence along the Osman Street frontage of the site are assessed to be alterations and additions to the structure. The scope of work has been adequately described in the SEE and shown on the plans and appropriate consent for the work is capable of being approved under this DA and completed subject to the lodgement of Construction Certificate Application.

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 if 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 considered 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. .

The DA relates to the construction of a new building.

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 will accommodate the proposed motel development has predominant frontage to Osman Street and was previously used for two bowling greens and a pedestrian pathway providing a link from Osman Street through to the former Bowling Club building.

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 (for purposes associated with the former Bowling Club), it is assessed that the construction of a single storey motel building is consistent with the context and setting of the land.

**Land-use Conflict**

The 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 proposed use of the land for the purposes of a motel is assessed to be generally compatible with adjoining land-use immediately to the east, which has been approved by Blayney Shire Council under DA4/2021 for motel purposes also. The relationship between the proposed development and the approved motel under DA4/2021 has been detailed in a previous section of this assessment report.

The proposed use of the land for the purposes of a motel is assessed to be generally compatible with the land-use to the west, which is occupied by the Blayney High School. There is a low likelihood that ongoing operations associated with the proposed motel would impact adversely on existing conditions at the High School, including student amenity. The nearest classroom locations are approximately 80m from the western boundary of 62 Osman Street.

A key issue for consideration is the likelihood of potential impact of the proposed motel on the existing dwellings which adjoin the northern and southern boundaries of the site including:

- 29 Water Street, Blayney
- 31 Water Street, Blayney
- 33 Water Street, Blayney



- 35 Water Street, Blayney
- 64 Osman Street, Blayney

In assessing potential impact, the following questions are relevant to the assessment of impacts on neighbouring properties:

- How does the impact change the amenity of the affected property? How much sunlight, view or privacy is lost as well as how much is retained.
- How reasonable is the proposal causing the impact?
- How vulnerable to the impact is the property receiving the impact?
- Would it require the loss of reasonable development potential to avoid the impact?
- Does the impact arise out of poor design? Could the same amount of floor space and amenity be achieved for the proponent whilst reducing the impact on neighbours?
- Does the proposal comply with the planning controls? If no, how much of the impact is due to non-complying elements of the proposal?

Having regard to these questions, the assessment of the proposal concludes:

- The construction of the single storey motel building is unlikely to generate a significant impact on nearby residential properties in terms of access to sunlight and views.
- Privacy (overlooking into neighbouring properties) is a potential concern, noting that this issue has been raised by an adjoining landowner as part of the public consultation process. This issue is capable of being addressed by conditioning the approval to require the provision of appropriate dividing fence treatments in negotiation and agreement with relevant property owners.
- Noise nuisance is a potential issue. The likely sources of noise generated by the proposed development including 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. In this regard, conditions of consent are recommended requiring
  - the preparation of a Plan of Management (similar to the condition imposed on the adjoining motel development under DA4/2021) to address day to day management of the facility to an acceptable standard, including patron behaviour; and
  - Noise Modelling of mechanical on-site services, such as air-conditioning units, to demonstrate that adjoining or proximate residential properties would not be affected by a noise level that exceeds the acceptable thresholds in the Noise Policy for Industry 2017.
- The site layout and building design 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.

The site layout and building design is deemed acceptable having regard to existing site conditions. With appropriate conditioning of the consent, it is expected that the motel development is capable of operating at 62 Osman Street without generating significant, detrimental or unreasonable impact on the adjoining residential properties.

### **Access and Traffic**

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 proposed motel will be provided with vehicle access direct to Osman Street, which part of the local road network and is owned and maintained by Blayney Shire Council. The nearest classified road is Church Street, approximately 80m north of the subject site.
- A separate site ingress is to be provided adjoining the northern boundary of the site which leads to an off-street car parking area at the rear of the motel building. A separate site egress is to be provided adjoining the southern boundary of the site. The proposed access arrangements are designed to facilitate the movement of vehicles into and out of the site in a forwards facing direction.
- The proposed site ingress and egress and off-street parking area is designed for light vehicle use but is capable of accommodate a service vehicle of up to 8.8m in length. Section 7 of this assessment describes the degree to which this development will depend on the adjoining approval (DA4/2021) for bin storage, and loading/unloading operations for stock. Under such arrangements, there will be limited need for larger vehicles to access the site. The site is accessible to emergency service vehicles (including larger vehicles such as a Fire Truck) from Osman Street.
- Pedestrian access to the motel will be provided from Osman Street via an existing footpath that extends from Church Street to Water Street. The footpath is assessed to be in good condition and does not require upgrading as a result of the proposed development.

The following observations relating to access and traffic were made as a result of an inspection of the development site:

- Osman Street is sealed road construction, having a width of approximately 16m, within a 30m wide reservation.
- On-street car parking (60° rear to kerb) is currently permissible on both the eastern and western sides of Osman Street. On-street car parking within Osman Street generally peaks around school start and finish times, but occurs intermittently for parking by staff and students at Blayney High School. Osman Street is not used for bus collections and drop-offs at the High School, which occurs from the kerbside in Water Street.

- Osman Street has a straight alignment and under existing conditions there are generally no sight distance issues influencing vehicle safety.
- Osman Street is provided with existing street lighting within the eastern side of the road reservation. There is an existing streetlight positioned centrally within the subject site's frontage to Osman Street.
- There is an existing street tree located within the Osman Street road reserve near to the southern boundary of the site. This tree is protected by a heritage listing under BLEP and is intended to be retained. The site egress has been designed to avoid the tree, however an assessment is required to determine if the tree location presents a hazard to motorists leaving the proposed motel site in terms of sight distance to the south.

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 Osman 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 proposed ingress and egress locations to the site having regard to likely vehicle and pedestrian movements on Osman Street.

An assessment of the likely traffic and access impacts has been completed and documented as follows:

- The SEE submitted with the DA does not provide any guiding information relating to the expected number of vehicle movements likely to be generated by the operation of the motel. The RTA's Guide to Traffic Generating Development suggests that the development would likely generate 60 movements per day (based on 3 per unit, and assuming 100% occupancy). Osman 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 Osman Street functions so as to provide for the movement of localised traffic between surrounding neighbourhoods and key land-use attractors in the vicinity. Osman Street is not typically used by traffic connecting to and from other regional centres. The Blayney High School is assessed to be the primary generator of traffic and parking activity on Osman Street (between Church Street and Water Street) – noting that bus operations occur from Water Street. Subject to the provision of safe access and adequate on-site car parking (assessed below), there is low probability that the operation of the motel would adversely impact on existing traffic conditions in Osman Street

- The proposed development will provide for 26 off-street parking spaces at the rear of the motel. The number of spaces to be provided exceeds the requirements under Council’s DCP and is considered adequate to accommodate the likely off-street car parking demand generated by the development. There is a low probability that the proposal will result in overspill car parking impacts on Osman Street.
- Ingress to the site is proposed from a new driveway constructed on the northern boundary of the site. There are no impediments to access at this location including existing street trees or street lights. The visibility of pedestrians using the footpath along Osman Street is not assessed to be an issue for vehicles entering the site at this location.
- Egress to the site is proposed from a new driveway constructed on the southern boundary of the site. The driveway alignment has been designed to avoid the need for removal of the existing street tree in this location, which is supported by Council on heritage grounds. The assessment has considered the possibility that the existing street tree location might present a hazard for exiting vehicles achieving visibility of north-bound traffic on Osman Street. This is unlikely to be an issue for the following reasons:
  - Osman Street has an extra wide formation, allowing room for rear to kerb parking on both sides of the street. Sufficient space will exist for the partial movement of a light vehicle onto the road formation to assess on-coming traffic movements before making a left or right hand turn into Osman Street.
  - Rear to kerb parking is currently not available within approximately 10m (south) of the egress location due to the locations of two existing driveways connected to the property at 29 Water Street. For this reason, on-street car parking is unlikely to obstruct visibility of north-bound traffic for vehicles exiting the proposed motel.
  - Osman Street is a 50km/per hour street environment, limited to 40km/per hour during school hours (morning drop offs and afternoon pick-ups) when local traffic conditions are expected to be at peak.
- Egress to the site is proposed from a new driveway constructed on the southern boundary of the site. The driveway alignment has been designed to avoid the need for removal of the existing street in this location, which is supported by Council on heritage grounds. The assessment has considered the possibility that the existing street tree location might present a hazard for exiting vehicles achieving visibility of north-bound traffic on Osman Street. This is unlikely to be an issue for the following reasons:
  - Pedestrian visibility is not likely to be issue at the site ingress on the northern boundary. There are no impediments for a north-bound or south-bound vehicle achieving adequate visibility of pedestrians using the footpath along Osman Street when entering the site.
  - Pedestrian visibility is a potential issue for the site egress on the southern boundary. This issue has also been raised as part of the public consultation process. There is potential risk of conflict between

vehicles exiting the motel site and north-bound footpath users. The existing boundary fencing between 29 Water Street and 62 Osman Street may obstruct the ability of footpath users to see exiting vehicles, and conversely the ability of exiting vehicles to sight pedestrian users. To address this issue, a condition of consent is recommended that requires the installation of a stop sign and suitable traffic calming device at the exit to the development in accordance with the requirements of Blayney Shire Council Department of Infrastructure and Services.

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.

Subject to application with Central Tables Water (CTW), the proposal is capable of being connected to the reticulated water supply system. Any upgrades to the reticulated water supply system necessary to service the proposed development will need to be carried out at full cost to the proponent. Headworks contributions are assessed to apply. Appropriate conditions of consent have been recommended.

Satisfactory arrangements will need to be made with Essential Energy for the provision of power to the proposed development. It will be the developer's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the development, which may require the upgrade of existing infrastructure.

The proposed method of sewage disposal is to connect the development to Council's reticulated sewer system. Section 8.3.1 of this report includes an assessment of the proposal against the requirements of Cl 6.8 of BLEP and in particular whether there is capacity of the existing reticulated sewer system to accommodate the expected loads generated by the motel. The assessment confirmed that there is capacity in the system. A condition of approval is recommended to ensure that appropriate engineering designs for sewer are prepared and submitted to Blayney Shire Council for approval prior to the

issue of the Construction Certificate. Headworks contributions are assessed to apply.

Section 8.3.1 of this report included an assessment of relevant issues associated with the proposed method of stormwater management for the proposal. The assessment concluded that it is possible for adequate arrangements to be made for the disposal of stormwater from the development to the public drainage system. Appropriate conditions of consent have been recommended dealing with the requirement for detailed engineering drawings / calculations for stormwater and drainage.

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 a new building within the Blayney Heritage Conservation Area (C1), and
- There are multiple properties nearby to the site which are listed in Schedule 5 of the LEP as containing 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 immediately adjoins street trees on Osman Street which are listed in Schedule 5 of the LEP (I88).
- The site is opposite the Old growth Elm Trees and Hoop Pine Trees (Blayney High School) which are listed in Schedule 5 of the LEP.

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 of the proposed development on the Blayney Heritage Conservation Area (C1), the following prerequisites are noted:

- There is 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 site of the proposed development is not immediately adjoined by any heritage item.
- The surrounding area is characterised by a mix of single and two storey residential buildings, with the immediately adjoining sites on

Osman Street observed to be single storey in scale. Hipped roof forms predominate with some gables, and external building finishes include a mix of brick, weatherboards, concrete render and steel roofing.

- Setbacks in Osman Street vary, but generally relate to 4-6m for separate traditional housing.

The following aspects of the proposed site and building design will ensure there is a limited and acceptable impact on the heritage significance of the Blayney Conservation (C1) and nearby Heritage Items listed in Schedule 5 of the LEP:

- Retention of 4 existing pencil pines to frame the pedestrian entry to the development.
- Retaining the existing masonry brick fence along the Osman Street frontage of the development, with modifications to remove unmatched palisade extensions, reduce the height of existing piers and installation of soldiers course brickwork to finish.
- Keeping the proposed design of the motel to a single storey building, consistent with the scale, bulk and form of the nearest buildings with frontage to Osman Street.
- A building design that incorporates hipped roof elements, consistent with other important buildings within the Blayney Heritage Conservation Area.
- A building design that incorporates a mix of external finishes, including brick and weatherboard materials with steel colorbond roofing.
- A building design that incorporates vertically proportioned fenestrations, consistent with the characteristics of traditional buildings within the Heritage Conservation Area.
- A site layout that enables opportunities for suitable landscaped elements between the building line and front property boundary (Osman Street).
- A colour pallet for the development that is supported by the Heritage Advisor as being consistent with buildings that are contemporary but sympathetic in the local setting, noting that conditions may be necessary as part of any approval to ensure inappropriate colours do not feature in the final building design.
- A site layout that places ancillary components (such as car parking, air conditioning units etc) in the spaces to the rear of the proposed motel building where visibility from the public domain can be reduced or eliminated.
- A site layout that has purposefully retained the location of the heritage listed street tree (i88) located within the Osman Street road reservation adjoining the development site. Permeable paving is also proposed to be utilised for the section of the proposed site access driveway that adjoins this tree.

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 effect 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, 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 will be required for the proposed development. An appropriate condition of consent has been included in the recommendation to this report.

#### **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 will be required for the proposed development. An appropriate condition of consent has been included in the recommendation to this report.

#### **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 control may occur during construction phases associated with the development, with potential impacts able to be mitigated through implementation



of a Soil and Water Management Plan. Appropriate conditions of consent are recommended.

The provision of sealed / concrete access and parking areas, together with site landscape installations will adequately ensure that dust is not an issue for ongoing management as part of the proposed development.

### **Noise and Vibration**

Based on a review of the DA documentation, and an inspection of the site, the key issues related to noise and vibration 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 motel.

An assessment of the likely noise and vibration 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. In this regard, conditions of consent are recommended requiring:
  - the preparation of a Plan of Management (similar to the condition imposed on the adjoining motel development under DA4/2021) to address day to day management of the facility to an acceptable standard, including patron behaviour; and
  - Noise Modelling of mechanical on-site services, such as air-conditioning units, to demonstrate that adjoining or proximate residential properties would not be affected by a noise level that exceeds the acceptable thresholds in the Noise Policy for Industry 2017.

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 proposed development 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 the motel.

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 for the purposes of the motel, it is noted that the proposed site layout does not include a dedicated location for the storage and collection of rubbish. Such a facility was originally proposed, but was subsequently removed by the proponent to address concerns raised by a neighbouring landowner about noise, vermin and odour control. As an alternative design response, the storage and collection of rubbish generated from the proposed motel will take place from within an area dedicated to this purpose and approved (under DA4/2021) as part of the adjoining motel development. This is an acceptable arrangement, given the entire property at 62 Osman Street is proposed to be consolidated into a single parcel of land. Conditions of consent are recommended to ensure that temporary storage of rubbish does not occur within the proposed development site.

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. Further investigation in relation to land contamination is considered unnecessary in the circumstances.

**Safety Security and Crime Prevention**

Section 4.3.5 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:

- Provision of motel rooms with doors and windows in the western and eastern elevation of the proposed development, enabling casual surveillance of Osman Street and the internal car park;
- 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.
- Access to existing street lighting located centrally within the Osman Street frontage to the development site.

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:

- 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
- Lockable doors for all motel rooms.

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 buffer between the Osman Street fence and motel rooms; and
- Signage indicating the use of the site as a motel.

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 2 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.

Matters	Key Links to Social Impacts	Risk of Impact without mitigation	Nature of impact	Explanation
Amenity				
Acoustic	Way of life;	Unlikely	Negative	Noise emissions are unlikely to impact on nearby

Matters	Key Links to Social Impacts	Risk of Impact without mitigation	Nature of impact	Explanation
				sensitive receptors.
Visual	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.
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

Matters	Key Links to Social Impacts	Risk of Impact without mitigation	Nature of impact	Explanation
				development.
Road and rail	Personal and property rights.	Unlikely	Negative	The proposal gains access to the local public road network, which has been assessed to be capable of accommodating the likely increases in traffic associated with the development.
<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

Matters	Key Links to Social Impacts	Risk of Impact without mitigation	Nature of impact	Explanation
				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 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

Matters	Key Links to Social Impacts	Risk of Impact without mitigation	Nature of impact	Explanation
				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 land disturbance, controls will be in place to



Matters	Key Links to Social Impacts	Risk of Impact without mitigation	Nature of impact	Explanation
				overcome these impacts, predominantly through the implementation of a Soil and Water Management Plan
<b>Water</b>				
Quality, availability, hydrological flows	Surroundings	Unlikely	Negative	Soil and water management measures will be implemented to ensure the proposed development has minimal impact to surrounding water bodies and hydrological flows.

### 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. This assessment report has not identified any specific issues of non-compliance.

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:

- Detailed design and engineering drawings relating to the installation of site utilities to the requirement of the relevant servicing authorities
- Detailed design and engineering calculations for the proposed method of stormwater disposal from the development.
- Detailed Landscaping plans.
- 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 3 Building. (Note – Council’s Senior Building Surveyor has performed an examination of the plans and documents submitted with the DA

and confirmed that the proposed design is capable of complying with the Building Code of Australia).

The site layout and building design is deemed acceptable having regard to existing site conditions. With appropriate conditioning of the consent, it is expected that the motel development is capable of operating at 62 Osman Street without generating significant, detrimental or unreasonable impact on the adjoining residential properties.

### **Cumulative Impacts**

The potential environmental impacts of the proposal have been documented in Section 4.3 of the SEE prepared by Premise and submitted with the DA.

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 motel 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
- 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.
- The use of the subject for the purposes of a motel represents an extension of a similar development approved by Council under DA4/2021 (and described in previous sections of this report) which is yet to be constructed. Beyond the two DA's (i.e. this DA4/2021 and DA6/2022), further intensification of use at the site is unlikely to be practically achievable.
- 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:

- DA was originally exhibited from 10 – 25 March 2022. A notice of the public exhibition was placed in the local newspaper on 10 March 2022.
- DA6/2022 was notified to adjoining landowners during the public exhibition period from 10 – 25 March 2022, with two submissions being received by Council during this period.
- The proposal was re-notified to a smaller section of landowners from 23 May 2022 to 8 June 2022, with 1 submission being received by Council during this period.
- The proposal re-exhibited and re-notified from 4-18 August 2022. A decision was made by Council re-exhibit and re-notify the DA to ensure compliance with Part B of the Blayney Council DCP 2018 and the Blayney Shire Community Participation Plan. One submission was received by Council during this period.

Copies of the submissions received during the public consultation process are included as an attachment to this report. In total, there were 4 submissions received by Council in relation to the proposed development, three of which were made by the same person at each round of consultation.

Table 3 includes a summary of the main issues raised in each submission and an assessment comment / evaluation of each particular issue.

Note - Council has provided the applicant with an opportunity to view and respond to the issues raised in the submissions. The applicant provided a written response letter to Council dated 29 July 2022, a copy of which is included as an attachment to this assessment report and will form part of the approved plans and documents.

Table 3 – Public Consultation - Submissions Evaluation

<b>Summary of issue raised</b>	<b>Assessment comment / evaluation</b>
Round 1 Consultation – 10-25 March 2022	
Submission – [REDACTED] – 21 March 2022 (via email) – Council Ref. IS.70015	
The rubbish bin enclosure should be at the same location as DA4/2021	When the DA was originally notified, the proposed site layout included an area within the development site to be dedicated for the storage and collection of waste. The DA has been subsequently amended to remove this area. Arrangements are now proposed for the storage and collection of waste from the same location dedicated to this purpose as part of the adjoining motel development under DA4/2021. The concern raised in the submission has been satisfactorily addressed through amendment of the proposed design.
How many lots are there to this development?	The re-notification and exhibition of the proposed development (third round) from 4-18 August 2022 properly clarifies that the proposed development relates to the land described as Lots 11, 12, 13, 14 Section 13 DP 758121, Lot 1 DP 162646, Lot 8 DP 505215, Lot 20 DP 569741, Lot 10 DP 1114679 and Lot 1 DP 718479. The proposal is also to consolidate the land into a single parcel of land.
Are the boundary measurements set out in stage 2 right?	The proposed site layout and building design has been informed by a full site survey which has been lodged in support of the DA.
Exit from site is very dangerous. Drivers leaving the site will not see foot traffic on Osman Street. A mirror would be a band-aid solution	The concern raised by the submission is valid for further consideration. A detailed assessment has been completed in Section 8.1.6 of this report (Access and Traffic) to determine whether the proposed site layout creates an unacceptable vehicle / pedestrian conflict at this location. Council's engineers have reviewed the proposal and have formed the view that the proposed design is acceptable subject to the installation of a stop sign and suitable traffic calming device in a location (to be approved by Blayney Shire Council) at the exit to the motel development. A condition of consent has been recommended to address this issue.
Car park is tight if large cars use	The design of the off-street car parking area is assessed to be adequate and will allow for the efficient movement and circulation of light

<b>Summary of issue raised</b>	<b>Assessment comment / evaluation</b>
	vehicles and service vehicles up to 8.8m in length if necessary.
Fire brigade cannot enter the rear of the motel	The proposed motel has direct frontage to Osman Street, which adequately provides for emergency service vehicle access.
Do the rooms comply with BCA requirements	Council's Senior Building Surveyor has provided internal referral advice that the proposed motel building is capable of complying with the relevant provisions of the Building Code of Australia for a Class 3 building. Detailed plans, specifications and structural plans will need to be provided to Council in support of the CC application demonstrating compliance with the BCA and relevant Australian Standards.
Can the developer and council give the tourist holiday makers and residents a guarantee that the miners that are going to use this motel will not transfer hazardous materials to the occupants of motel and residents of the town causing illness.	In the applicant's response letter dated 29 July 2022, the following information has been given to address this concern. "Whilst not something managed or controlled by the motel, workers involved in dirty work construction sites and mines typically have hygiene measures in place at the workplace to ensure that any potentially hazardous materials are not taken off site. This is a process managed by onsite operational plans and provides confidence that guests will not arrive on site with potentially hazardous materials on clothes or shoes". The applicant response to this issue is considered suffice. The placement of a condition of consent to control / manage this issue is not recommended as it cannot be linked to a valid planning purpose.
Does the development require 10 units for the disabled, considering the various stages to the development covered by DA4/2021 and this DA.	DA4/2021 and DA6/2022 have been lodged as separate development applications and are subject to independent assessment processes. Council's Senior Building Surveyor has reviewed the DA as part of the internal referrals process and confirmed that the current design is capable of complying with the BCA.
Under "Premise rules for disabled" there has to be a live in person on duty 24 hours a day to help if any emergency arises	The proposed development has been assessed as 'hotel or motel accommodation' within the meaning prescribed in the Dictionary to Blayney LEP 2012. The development is not a 'group home' (or similar land-use) which might typically involve respite services for persons with a disability.

<b>Summary of issue raised</b>	<b>Assessment comment / evaluation</b>
It is very hard to do a complete submission without the information that is in the Statement of Environmental Effects document.	The re-notification of the DA (second and third rounds of consultation) included a copy of the Statement of Environmental Effects.
The development should be assessed by “neutral” (or independent) planners because of the connection between Blayney Shire Council and Newcrest Mine.	DA6/2022 has been independently assessed by a planning consultant external to and on behalf of Blayney Shire Council.
Does the construction of building comply with the BCA	Council’s Senior Building Surveyor has provided internal referral advice that the proposed motel building is capable of complying with the relevant provisions of the Building Code of Australia for a Class 3 building. Detailed plans, specifications and structural plans will need to be provided to Council in support of the CC application demonstrating compliance with the BCA and relevant Australian Standards.
Submission – Undated and Unnamed –(via email) – Council Ref. IS.69983	
Council assessment note - It is understood this submission was made by the owners of 29 Water Street, which adjoins the development site to the south.	
The submission maker supports the DA, believing it will increase visitor numbers to Blayney and benefit the local economy	Noted.
The entry / exit locations should be reversed. As proposed, the exit location will be very poor with limited visibility for exiting vehicles, creating a potential hazard during peaking vehicle / pedestrian times	The concern raised by the submission is valid for further consideration. A detailed assessment has been completed in Section 8.1.6 of this report (Access and Traffic) to determine whether the proposed site layout creates an unacceptable vehicle / pedestrian conflict at this location. Council’s engineers have reviewed the proposal and have formed the view that the proposed design is acceptable subject to the installation of a stop sign and suitable traffic calming device in a

<b>Summary of issue raised</b>	<b>Assessment comment / evaluation</b>
linked to school hours.	location (to be approved by Blayney Shire Council) at the exit to the motel development. A condition of consent has been recommended to address this issue.
The dividing boundary fence should be raised to address concerns related to security, privacy and amenity.	In the applicant’s response letter dated 29 July 2022, the following information has been given to address this concern. “The applicant is willing to work with neighbours with respect to the final arrangement of fencing. A representative of the applicant will contact the northern and southern neighbours to discuss their requests”. The applicant response to this issue is considered suffice. To ensure appropriate arrangements are formalised, a condition of consent has been recommended.
The area of the Garbage enclosure should be moved away from the boundaries to homes located on Water Street. There will be potential for noise, vermin, and odour to increase significantly if the garbage storage and collection remains in the proposed location.	When the DA was originally notified, the proposed site layout included an area within the development site to be dedicated for the storage and collection of waste. The DA has been subsequently amended to remove this area. Arrangements are now proposed for the storage and collection of waste from the same location dedicated to this purpose as part of the adjoining motel development under DA4/2021. The concern raised in the submission has been satisfactorily addressed through amendment of the proposed design.
<b>Round 2 Consultation – 23 May 2022 to 8 June 2022</b>	
Submission – ██████████ – 7 June 2022 (via email) – Council Ref. OS/40600	
<p>Council assessment note No. 1 - This submission contains the same content as the original submission from ██████████ dated 21 March 2022, except that the issue related to the provision of the SEE has been removed. Council assumes that this edit was made ██████████ after having received a copy of the SEE as part of the round 2 consultation process. Further evaluation of the same issues raised in ██████████ second submission is not proposed or considered necessary.</p> <p>Council assessment note No. 2 – Council’s Director Planning and Environmental Services, Mark Dicker, sent an email to ██████████ on 1 July 2022 requesting further clarification regarding the source of information pertaining to the issues raised in the submission relating to BCA compliance and requirements for a “live in person on duty 24 hours a day to help if an emergency issues arises”. An assessment</p>	

<b>Summary of issue raised</b>	<b>Assessment comment / evaluation</b>
<p>response to these issues has been included in a previous section of this table, however it should be noted that [REDACTED] never provided Blayney Council with an email response to Council's request.</p>	
<p>Round 3 Consultation – 8 August 2022 to 18 August 2022</p>	
<p>Submission – [REDACTED] – 18 August 2022</p>	
<p>The Tree on the exit of the motel should be removed for safety of people leaving site as it limits their view as they leave the site.</p>	<p>The concern raised by the submission is valid for further consideration. A detailed assessment has been completed in Section 8.1.6 of this report (Access and Traffic) to determine whether the tree location will result in an unacceptable sight distance problem for traffic leaving the proposed motel and performing a left or right hand turn on Osman Street. Council's engineers have assessed that the street tree can be retained and that the proposed site design is adequate to provide for the safe movement of vehicle leaving the site.</p>
<p>The exit is dangerous because people leaving the site will not see people walking on footpath as they leave on a risk management I believe would be extreme meaning litigation.</p>	<p>The concern raised by the submission is valid for further consideration. A detailed assessment has been completed in Section 8.1.6 of this report (Access and Traffic) to determine whether the proposed site layout creates an unacceptable vehicle / pedestrian conflict at this location. Council's engineers have reviewed the proposal and have formed the view that the proposed design is acceptable subject to the installation of a stop sign and suitable traffic calming device in a location (to be approved by Blayney Shire Council) at the exit to the motel development. A condition of consent has been recommended to address this issue.</p>
<p>Room sizes don't comply to BCA for Motel</p>	<p>Council's Senior Building Surveyor has provided internal referral advice that the proposed motel building is capable of complying with the relevant provisions of the Building Code of Australia for a Class 3 building. Detailed plans, specifications and structural plans will need to be provided to Council in support of the CC application demonstrating compliance with the BCA and relevant Australian Standards.</p>
<p>Disabled parking space is not the right size</p>	<p>The design of the off-street car parking area is assessed to be adequate and will allow for the efficient movement and circulation of light vehicles and service vehicles up to 8.8m in length if necessary.</p>
<p>How did Council give</p>	<p>Blayney Council will complete a further</p>



<b>Summary of issue raised</b>	<b>Assessment comment / evaluation</b>
permission to start earth works on stage 2 of development	investigation to determine the extent of earthworks completed at the development site and to determine whether the works have been completed in accordance with DA4/2021 or in accordance with the scope of earthwork allowed to be completed as 'exempt development' in accordance with State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

A summary of the findings of public consultation is detailed as follows:

- DA6/2022 has been notified and exhibited in accordance with Council policy requirements.
- A total of 4 submissions were received by Council in relation to the proposed development.
- The issues raised in the submissions have been evaluated individually. Valid concerns have been identified and addressed by the applicant, in some instances, by amending the proposed design of the development. In other cases, it is assessed that these concerns 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) 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 not inconsistent with any 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. This assessment is detailed in the following sections following plans of Blayney Shire Council and / or Central Tablelands Water:

- Blayney Local Infrastructure Contributions Plan 2013.
- Blayney Shire Council Development Servicing Plan for Sewerage Services

#### **6.1. Blayney Local Infrastructure Contributions Plan 2013**

The Blayney Local Infrastructure Contributions Plan 2013 identifies that Section 94A 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. The monetary contribution rates for new development types are shown in Table 4 below.

Table 4 – Contribution Rates

Contribution Type / Development Type	Levy Rate
<b>Section 94 (7.11) Contributions</b>	
Residential accommodation on development resulting in additional dwellings or lots	\$5,648 per dwelling or lot.
Heavy Haulage Development	\$0.20 per ESA per km of regional sealed road \$0.33 per ESA per km of local sealed road \$0.20 per ESA per km of local gravel road
<b>Section 94A (7.12) Levies</b>	
Development that is not Type A or B, and where the proposed cost of carrying out the development:	
Is more than \$100,000, and up to and including \$200,000.	0.5% of that cost.
Is more than \$200,000	1% of that cost.

Having regard to Table 4, the proposed development is liable for the payment of a Section 94A (7.12) levy totalling \$11,000, calculated at 1% of the total cost of development (which is given to be \$1,100,000). 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, it is assessed that there will be an increased load on the reticulated sewer supply system within Blayney and therefore DSP charges will apply.

The Sewer Assessment Capacity Report (refer Appendix C to the SEE submitted in support of the DA) performs a calculation of the likely increase in equivalent tenements (ET's) associated with the proposed development approved under DA4/2021 (i.e. the adjoining motel on 62 Osman Street) having regard to any credits attached to the former use of the site for purposes associated with the former Blayney Bowling Club. It was calculated that:

- The former use of the site provides 22 ETs as credit, based on the existing condition loading from the site.
- Assuming a total yield of up to 130 motel rooms at 62 Osman Street (being the combination of the number of motel rooms approved under

DA4/2021 plus an assumption that DA6/2022 would contain as many as 30 new rooms), the total proposed load to Council's sewerage network would be in the order of 34 ET's, which represents a net increase of 12 ET's.

It is now, however, necessary to perform a recalculation of these figures given the total yield is now firm and that the number of rooms in the proposed motel has been reduced from (the assumed figure of) 30 to (the actual figure of 20).

Council's Design and Development Engineer has performed a recalculation of the net ET liability for the proposed development and in doing so as considered Section 4.3 of the Sewer Capacity Assessment Report, the Council's DSP and the Section 64 Determinations of ETs Guidelines 20107. The recalculations are detailed as follows:

- a. Motel Rooms = 81 rooms @ 0.45 ET/room = 36.45ET (DA4/2021 – Stage 2 yield)
- b. Motel Rooms = 20 rooms @ 0.45 ET/room = 9 ET (this proposal – DA6/2022).
- c. Laundry = 2 machines @ 0.71 ET/machine = 1.42 ETs (DA4/2021)
- d. Toilets = 4 toilets @ 0.63 ET/toilet = 2.52 ETs (DA4/2021)
- e. Kitchen = 21m<sup>2</sup> @ 0.02 ET/m<sup>2</sup> = 0.42 ETs (DA4/2021)
- f. Total ETs generated by DA4/2021 and DA6/2022 = 49.81 ETs

This assessment assumes that any credits will be applied to DA4/2021 given that the existing facilities creating the credits (within the Bowling Club Building) are all located within the part of the property at 62 Osman Street that is covered by this previous approval. Based on this approach, the sewer headworks contribution liability for DA6/2022 is assessed to be in the order of 9 ET's, which is calculated on the basis of the proposed provision 20 x new double motel rooms @ 0.45 ETs / room. An appropriate condition of consent has been recommended requiring the payment of fees prior to the issue of the Occupation Certificate for the proposed development.

### **6.3. Central Tableland Water Headworks Contribution Plan**

Section 64 headworks charges for water are also applicable to the proposed development. The relevant water supply authority is Central Tablelands Water. An appropriate condition of consent has been recommended requiring the payment of fees to Central Tablelands Water. The charges will be calculated by Central Tablelands Water at the time of payment, which must be made prior to the issue of the Occupation Certification for the proposed development.

## **7. Internal Referral**

Development Application No. 6/2022 was referred to Council's Senior Building Surveyor for review, and the following comments were received:

- The proposed motel building is a Class 3 building under Clause A6.3 of the Building Code of Australia (Volume 1).
- A detailed BCA assessment will be carried out by the Principal Certifier at Construction Certificate stage but from an examination of the plans, it is considered that the building will comply with the BCA.

- Each room is a separate sole occupancy unit to be fire separated and sound insulated from each other, with two accessible rooms being provided.
- The room sizes comply with Clause F3.1 in that the ceiling heights will be 2.7 metres more than the minimum 2.4 metres required.
- Detailed architectural plans, specifications and structural plans will be submitted with the Construction Certificate Application.
- No objections are raised to the proposal subject to the imposition of a number of recommended conditions.

Development Application No. 6/2022 was referred to Council's Design and Development Engineer for review, and the following comments were received:

- Engineering plans will be required to detail stormwater treatment to reduce flows and illustrate connections with plans submitted as part of stage 1.
- Sewer report submitted as part of stage 1 is accepted to cover current proposal.

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 Premise on behalf of Rovest Holdings Pty seeking consent for the construction of a motel on the land described as 62 Osman Street Blayney. The DA Form (PAN-183569) has a development description as follows: *'Development of a single hotel building accommodating 20 rooms in the residual, western portion of the site with associated parking and business identification sign.'*

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, Lot 10 DP 1114679 and Lot 1 DP 718479, with the property addressed to Osman Street, Blayney. Council's unique identification number is DA6/2022.

The DA includes a Statement of Environmental Effects (SEE) prepared by Premise dated 29 July 2022 and Architectural Drawings A001 to A012 also prepared by Premise dated 17 July 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 development is consistent with requirements of the Blayney Shire Council Development Control Plan 2018.

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.

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 subject to appropriate conditioning of the consent.

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:**

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

**Budget Implications:**

Nil

**Enclosures (following report)**

Nil

**Attachments (separate document)**

1	Plans	12 Pages
2	Statement of Environmental Effects	97 Pages
3	Applicant Response to Submission 1	3 Pages
4	Applicant Response to Submission 2	3 Pages
5	Draft Conditions of Consent	14 Pages
6	Notification 1 - Submissions	3 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.*

**7** Notification 2 - 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.*

**8** Notification 3 - 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.*

**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.

**04) CONTRACT 06/2022 - TRAFFIC MANAGEMENT SERVICES**

*This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.*

**05) REQUEST FOR VARIATION - WASTE COLLECTION AND PROCESSING**

*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.*