



15 February 2022

Dear Councillor,

Your attendance is requested at an Ordinary Council Meeting of the Blayney Shire Council to be held in the Chambers, Blayney Shire Community Centre on Monday, 21 February 2022 at 6.00pm for consideration of the following business -

- (1) Livestreaming Video and Audio Check
- (2) Acknowledgement of Country
- (3) Recording of Meeting Statement
- (4) Apologies for non-attendance
- (5) Disclosures of Interest
- (6) Public Forum
- (7) Mayoral Minute
- (8) Notices of Motion
- (9) Confirmation of Minutes - Ordinary Council Meeting held on 17.01.22
- (10) Matters arising from Minutes
- (11) Reports of Staff
 - (a) Executive Services
 - (b) Corporate Services
 - (c) Infrastructure Services
 - (d) Planning and Environmental Services
- (12) Delegates Reports
- (13) Closed Meeting

Yours faithfully

Rebecca Ryan
General Manager

Meeting Calendar 2022

February

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
10.00am	4 February 2022	Traffic Committee Meeting	Community Centre
10.30am	9 February 2022	Central Tablelands Water Meeting	Grenfell
8.30am	16 February 2022	Orange360 Board Meeting	Orange
6.00pm	21 February 2022	Council Meeting	Community Centre

March

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
9.00am	11 March 2022	Mining and Energy Related Councils	Orange
9.00am	11 March 2022	Country Mayors Association	Sydney
8.30am	16 March 2022	Orange360 Board Meeting	Orange
6.00pm	21 March 2022	Council Meeting	Community Centre

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HELD ON MONDAY 21 FEBRUARY 2022

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01) GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW**Author:** Mayor Scott Ferguson**File No:** PE.PA.3**Recommendation:**

That:

1. Council nominate Councillor X, along with the Mayor, Deputy Mayor and a Councillor nominated by the General Manager to comprise the Performance Review Panel.
2. Council delegate all tasks necessary for the completion of the Performance Review, and Panel members all undertake training in accordance with the Performance Review Guidelines.
3. The Mayor be delegated authority to finalise all arrangements for the Performance Review Panel to convene on 25 March 2022.

Reason for Report:

The purpose of this Mayoral Minute is to establish a Performance Review Panel of Councillors to undertake the annual performance review for our General Manager, Rebecca Ryan.

Report:

Council executed a 5 year contract with the General Manager, Rebecca Ryan which commenced in November 2019.

This contract is based upon the Standard Contract for the Employment of General Managers as per the Guidelines issued under s23A of the Local Government Act (1993).

Council has in place a very successful robust and transparent review process, independently facilitated by Graeme Fleming from 361° Consulting. This process meets regulatory requirements, allows input by all Councillors and has a strong audit trail.

In summary Council's requirements are to:

- Ensure that performance is reviewed at least annually.
- Establish a Performance Review Panel, comprising of the Mayor, Deputy Mayor, another Councillor nominated by Council and a Councillor nominated by the General Manager.
- Ensure that panel members are trained in performance management of General Managers.
- Delegate the role of conducting the performance review, reporting findings and recommendations to Council and developing the Performance Agreement, to the Panel.
- Ensure that all Councillors are notified of the relevant dates for the review and that those not on the panel can contribute by providing feedback to the Mayor.

- Ensure that statutory requirements under s223 under the Local Government Act (1993) to monitor performance of the General Manager are adhered to. The Mayor also has statutory requirements under s226 under the Local Government Act, to lead the performance review.

It is proposed that the Performance Review be undertaken on Friday 25 March 2022.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

02) MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 17 JANUARY 2022

Department: Executive Services

Author: General Manager

CSP Link: 2. Local Governance and Finance

File No: GO.ME.3

Recommendation:

That the Minutes of the Ordinary Council Meeting held on 17 January 2022, being minute numbers 2201/001 to 2201/028 be confirmed.

MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE, ON 17 JANUARY 2022, COMMENCING AT 6.00PM

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

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

2201/001 REQUEST FOR REMOTE ATTENDANCE RESOLVED:

That Council approves the attendance of Councillor Gosewisch to the January 2022 Council Meeting by audio visual link.

(Ferguson/Somerville)

CARRIED

ACKNOWLEDGEMENT OF COUNTRY

RECORDING OF MEETING STATEMENT

DISCLOSURES OF INTEREST

Nil

CONFIRMATION OF MINUTES

MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 15 NOVEMBER 2021

2201/002

RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 15 November 2021, being minute numbers 2111/001 to 2111/014 be confirmed.

(Reynolds/Ewin)

CARRIED

MATTERS ARISING FROM THE MINUTES

Nil

MINUTES OF THE SPECIAL COUNCIL MEETING HELD 23 DECEMBER 2021

2201/003

RESOLVED:

That the Minutes of the Special Council Meeting held on 23 December 2021, being minute numbers 2112/E001 to 2112/E003 be confirmed.

(Newstead/Pryse Jones)

CARRIED

MATTERS ARISING FROM THE MINUTES

Nil

EXECUTIVE SERVICES REPORTS

COUNCIL RESOLUTION REPORT

2201/004

RESOLVED:

That Council notes the Resolution Report to December 2021.

(Ewin/Somervaille)

CARRIED

RISK, WORK HEALTH AND SAFETY QUARTERLY REPORT

2201/005

RESOLVED:

That Council receive and note the Risk, Work and Safety Report for the quarter October 2021 to December 2021.

(Reynolds/Newstead)

CARRIED

- 2201/006** **LGNSW SPECIAL CONFERENCE 2022**
RESOLVED:
That Council approves the funding for:
1. Registration and payment of expenses of Councillor Pryse Jones to attend the LGNSW Special Conference in 2022.
2. Dinner Tickets and Accommodation expenses for retired Councillor, Mr David Kingham and Mrs Kingham to attend the LGNSW Special Conference Dinner.

(Reynolds/Somervaille)
CARRIED
- 2201/007** **COUNTRY MAYORS ASSOCIATION**
RESOLVED:
That Council confirm the Mayor and General Manager as Blayney Shire Council Delegates to the Country Mayors Association of NSW.

(Reynolds/Somervaille)
CARRIED
- 2201/008** **MINING AND ENERGY RELATED COUNCILS NSW**
RESOLVED:
That Council confirm the Mayor and General Manager as Blayney Shire Council Delegates to the Mining and Energy Related Councils NSW.

(Ewin/Newstead)
CARRIED
- 2201/009** **CENTRAL NSW JOINT ORGANISATION (CNSWJO) BOARD**
RESOLVED:
That Council confirm the Mayor as Blayney Shire Council Delegate and Deputy Mayor as the Alternate Delegate to the Central NSW Joint Organisation (Central NSW JO) Board.

(Reynolds/Somervaille)
CARRIED
- 2201/010** **WESTERN REGION PLANNING PANEL**
RESOLVED:
1. That Council endorse and nominate Heather Nicholls – Deputy General Manager, Cabonne Council as one member of the Blayney Shire Council Western Region Planning Panel.
2. That Council endorse and nominate Councillor Somervaille as one member of the Blayney Shire Council Western Region Planning Panel.
3. That Council endorse and nominate Councillor Ferguson as an alternate member of the Blayney Shire Council Western Region Planning Panel.

(Ewin/Pryse Jones)
CARRIED

- 2201/011** **ORANGE360 BOARD DELEGATE**
RESOLVED:
That Council nominate the appointment of Councillor Pryse Jones as Director to TDO Limited and Councillor Reynolds as the Alternate Director to the Board of TDO Limited trading as Orange360.

(Ferguson/Ewin)
CARRIED
- 2201/012** **SKILLSET**
RESOLVED:
That Council reaffirm the appointment of Mr Ian Tooke as Blayney Shire Council Delegate to the Skillset Board.

(Ewin/Reynolds)
CARRIED
- 2201/013** **ARTS OUTWEST ADVISORY COUNCIL**
RESOLVED:
That Council reaffirm the appointment of Mr Bradley Bradley as Blayney Shire Council representative on the Arts OutWest Advisory Council.

(Newstead/Ewin)
CARRIED
- 2201/014** **NSW RURAL FIRE SERVICE CANOBOLAS ZONE BUSHFIRE MANAGEMENT AND LIAISON COMMITTEES**
RESOLVED:
That Council confirm the nomination of Councillor Reynolds and the Director of Infrastructure Services as representatives to both the NSW Rural Fire Service Canobolas Zone Bushfire Management Committee and Liaison Committee.

(Newstead/Pryse Jones)
CARRIED
- 2201/015** **BLAYNEY SHIRE LOCAL TRAFFIC COMMITTEE**
RESOLVED:
That Council appoint Councillor Newstead and Councillor Reynolds (alternate) as delegates to the Blayney Shire Local Traffic Committee.

(Reynolds/Pryse Jones)
CARRIED
- 2201/016** **BLAYNEY SHIRE FLOODPLAIN RISK MANAGEMENT COMMITTEE**
RESOLVED:
That Council nominate Councillor Somerville (and Councillor Gosewisch as alternate); as Chair of the Blayney Shire Floodplain Management Committee.

(Ferguson/Reynolds)

CARRIED**BLAYNEY SHIRE AUDIT, RISK AND IMPROVEMENT
COMMITTEE****2201/017****RESOLVED:**

That Council;

1. Nominate Councillor Somerville (and Councillor Reynolds as alternate) on the Blayney Shire Audit, Risk and Improvement Committee.
2. Re-appoint Donna Rygate as an Independent Member on the Blayney Shire Audit, Risk and Improvement Committee.
3. Issue expressions of interest for an Independent Member on the Blayney Shire Audit, Risk and Improvement Committee.

(Ferguson/Newstead)

CARRIED**BLAYNEY SHIRE FINANCIAL ASSISTANCE PROGRAM
COMMITTEE****2201/018****RESOLVED:**

That Council;

1. Endorse the Blayney Shire Financial Assistance Program Committee;
 - a. as a Committee of Council to exercise its functions on Council's behalf as per section 355(b) of the NSW Local Government Act (1993) and division 5 (s259-271) of the Local Government Regulations (2005);
 - b. with a quorum of 4; and
 - c. with the appointment of the following members:
 - 2 Councillors;
 - the General Manager of Newcrest Mining or their delegate; and
 - 5 community representatives.
2. Delegate the role to the Blayney Shire Financial Assistance Program Committee, in accordance with s356 of the Local Government Act (1993), the Blayney Shire Community Financial Assistance Policy and current Blayney Shire Community Financial Assistance Guidelines, to;
 - a. undertake the assessment of applications received;
 - b. provide detailed recommendations to Council for the granting or otherwise of such financial assistance;
 - c. review on an annual basis and make recommendations to Council Recurrent Annual Donations List.
3. Nominate Councillor Somerville as Chair, and Councillor Reynolds as a member, of the Blayney Shire Financial Assistance Program Committee.

(Ferguson/Pryse Jones)

CARRIED

CORPORATE SERVICES REPORTS**REPORT OF COUNCIL INVESTMENTS AS AT 30 NOVEMBER 2021**

2201/019

RESOLVED:

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

(Somerville/Reynolds)

CARRIED**REPORT OF COUNCIL INVESTMENTS AS AT 31 DECEMBER 2021**

2201/020

RESOLVED:

1. That the report indicating Council's investment position as at 31 December 2021 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

(Reynolds/Somerville)

CARRIED**INFORMATION TECHNOLOGY QUARTERLY REPORT**

2201/021

RESOLVED:

That Council receive and note the Information Technology report for the October to December 2021 quarter.

(Reynolds/Somerville)

CARRIED**LEASE OF INDUSTRIAL LAND FOR AGISTMENT PURPOSES**

This report was withdrawn.

MINUTES OF THE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 16 NOVEMBER 2021

2201/022

RESOLVED:

1. That the Minutes of the Audit Risk and Improvement Committee meeting held 16 November 2021 be received.
2. That the report on the Guidelines for Risk Management and Internal Audit Framework and the overview by Donna Rygate be noted and considered for inclusion into a submission by Council.
3. That updated responses to outstanding individual action items from the original report of the the Errowanbang Road – Review of Procurement and Project Management be provided with a view to expediting the closure of these matters.
4. That the correspondence from the Chairperson, Phil Burgett, indicating that he will not be seeking appointment in the next term be noted.
5. That the committee acknowledge the contribution of the Chair

in guiding the committee, on all the key issues falling within the scope of the Audit Risk and Improvement Committee.

(Somerville/Reynolds)

CARRIED

INFRASTRUCTURE SERVICES REPORTS

DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT

2201/023

RESOLVED:

That the Director Infrastructure Services Monthly Report for December 2021 January 2022 be received and noted.

(Newstead/Ewin)

CARRIED

MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 3 DECEMBER 2021

2201/024

RESOLVED:

1. That the minutes of the Blayney Traffic Committee Meeting, held on Friday 3 December 2021, be received and noted.
2. That:
 - a. Council endorses the draft Guidelines for Rural School Bus Routes and Bus Stops for the purposes of public exhibition for a period of not less than 28 days.
 - b. a further report, detailing any submissions received, be presented to the Traffic Committee following the conclusion of the exhibition period.
3. That Council endorse the Traffic Guidance Scheme (TGS) for the annual Blayney Show, to be staged on 19 March 2022 on Blayney Showground, Marshalls Lane, as a Class 3 event, subject to the conditions detailed in the Director Infrastructure Services' Report with the amendment of the words TCP for TGS.
4. That Council endorse the Traffic Management Plan for the Millthorpe Market event, to be staged on 3 April 2022 on Redmond Oval as a Class 2 event, subject to the conditions detailed in the Director Infrastructure Services' Report with the amendment of words TCP to Traffic Guidance Scheme (TGS) and an additional 50km zone sign as motorists exit the 40km zone install on all 40/50 interfaces on the TGS.

(Newstead/Reynolds)

CARRIED

CLOSED MEETING**2201/025****RESOLVED:**

That the meeting now be closed to the public in accordance with Section 10A of the Local Government Act, 1993 for consideration of the following matters:

**LAND ACQUISITION FOR ROAD RE-ALIGNMENT AT 133
CARBINE ROAD - COOPER**

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

**LAND ACQUISITION FOR ROAD RE-ALIGNMENT AT 150
CARBINE ROAD - SMITH**

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.

(Somerville/Reynolds)

CARRIED

CONFIDENTIAL MEETING REPORTS**LAND ACQUISITION FOR ROAD RE-ALIGNMENT AT 133
CARBINE ROAD - COOPER****2201/026****RESOLVED:**

That Council approve the acquisition of land for the purpose of road widening, being part of Lot 57 DP750367 as required for the Carbine Road construction works, and the land be classified as Public Road.

(Ewin/Somerville)

CARRIED

**LAND ACQUISITION FOR ROAD RE-ALIGNMENT AT 150
CARBINE ROAD - SMITH****2201/027****RESOLVED:**

That Council approve the acquisition of land for the purpose of road widening, being part of Lot 58 DP750367 as required for the Carbine Road construction works, and the land be classified as Public Road.

(Reynolds/Newstead)

CARRIED

2201/028 RESOLVED:

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

(Reynolds/Ewin)

CARRIED

AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBERS 2201/026 TO 2201/027.

There being no further business, the meeting concluded at 6.47pm.

The Minute Numbers 2201/001 to 2201/028 were confirmed on 21 February 2022 and are a full and accurate record of proceedings of the Ordinary Meeting held on 17 January 2022.

Cr S Ferguson
MAYOR

Mrs R Ryan
GENERAL MANAGER

03) TOURISM DEVELOPMENT FUND APPLICATION

Department: Executive Services

Author: Manager Tourism and Communications

CSP Link: 3. The Local and Visitor Economy

File No: GS.PG.1

Recommendation:

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

- a) \$1,125 for the Joint Photography Project
- b) \$1,000 for the Blayney Agricultural and Pastoral Association Inc.
- c) \$1,750 for the Millthorpe Wine Collective

Reason for Report:

For Council to consider and approve the applications seeking Council financial support under the Tourism Development Fund 2021/22.

Report:Joint Photography Project

Funding Requested: \$1,125 being \$125 per participating business.

To assist businesses with accessing funding through the Tourism Development Program, Council has facilitated coordinating of local photographers to undertake a number of photography sessions to assist businesses to collect approximately 20 professional photos taken, for use in websites, social media, fliers etc. These photos will be valuable to both the businesses, but also Council and Orange360 when undertaking marketing promotions. Council will engage the photographers and contribute to half of the costs of the photography.

Local tourism businesses were given an opportunity to express interest in the project with the following businesses confirming their participation;

1. Ironbark Espresso Bar
2. Plants n Pretty Pieces
3. Rosebank Gallery and Guesthouse
4. Chocolate on Purpose
5. Platform Arts Hub Blayney
6. Mirraweena Cottage
7. Grand Western Lodge
8. Storybank Art Gallery Mandurama
9. Athol Gardens

Each photo session will cost \$250 for approximately 20 photos with the cost being split between Council and the business.

Blayney Agricultural and Pastoral Association Inc.

Funding requested: \$1,000

The Blayney Agricultural and Pastoral Association Inc (Blayney A & P Association) hosts the Blayney Show annually in Autumn and attracts people from the Blayney Shire and wider NSW.

The Blayney A & P Association has requested funding to assist with promotion of the event to encourage more people to attend and to visit and stay in the Blayney Shire. As part of the marketing plan, the funding will go towards radio advertisements, print media and printing fliers to be distributed around the region. This additional promotion will not only assist with encouraging more people to the event but ensure the committee can allocate adequate funding towards entertainment which is an important aspect of the event.

Millthorpe Wine Collective

Funding Requested: \$1,750

The Millthorpe Wine Collective (MWC) is made up of 3 local cellar doors within the township of Millthorpe (Angullong Wines, Slow Wine Co and Tamburlaine Organic Wines), working together to promote Millthorpe as a wine destination.

Funding will support the hire of an OoH Media Billboard on the Mitchell Highway heading towards Bathurst/Mudgee out of Lithgow and an advertisement in the Discover Central NSW Magazine. The billboard will have a call to action for visitors to stop in Millthorpe and experience everything the historic village has to offer, be on display from March till early June and include the Orange360 logo. The magazine advertisement will be a double page spread in the April/May edition. These marketing efforts target a broad range of age groups and demographics across residents and visitors to the Central West including Orange, Bathurst, Lithgow and the Blue Mountains, and time well with our busy seasons coming up, with FOOD Week and Easter School Holidays.

Risk/Policy/Legislation Considerations:

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

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

The joint photography project fits within the guidelines as these photography assets will help businesses look more professional and encourage more visitors to the area. All businesses are financial members of Orange360.

The Blayney A & P Association application fits within the guidelines as the increased promotion of the event will increase event attendees and more people to the Blayney Shire. As the Show is run by a community group, they do not need to be members of Orange360 however, the event is listed on the Orange360 website.

The Millthorpe Wine Collective application fits the criteria as it is a promotion that will bring visitors to the region. Although their focus is on wine, other industries will benefit from the visitation as they actively promote other attractions in the village. All 3 businesses of the Millthorpe Wine Collective are financial members of Orange360.

Budget Implications:

The approval of these applications will cost \$3,875. Council had allocated a total budget of \$18,873 for 2021/22, approval of this application will leave \$13,998 available in this program.

Any funding not allocated in this program by 30 June 2022 will not roll over to 2022/23.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

04) FUNDING DEEDS STRONGER COUNTRY COMMUNITIES ROUND 4

Department: Executive Services

Author: General Manager

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

File No: GO.ME.2, GS.LI.1

Recommendation:

That Council endorse the General Manager's execution of the NSW Government's Stronger Country Communities Round 4 Funding Deeds, totalling \$794,774.

Reason for Report:

To seek Council endorsement to execute the NSW Government's Stronger Country Communities Round 4 Funding Deeds.

Report:

At the May 2021 meeting, Council approved the projects to be submitted under the NSW Government's Stronger Country Communities Fund Round 4 (SCCF 4) program (**Resolution No 2105/E001**).

Council has received formal notification, and announcements made by the Deputy Premier, the Hon Paul Toole MP that the following projects totalling \$794,774 were successful.

- Belubula River Walk Stage 4
- Millthorpe Cricket Nets
- Light it Up Blayney Project

Individual Funding Deeds have been finalised and executed by the General Manager for each project.

Risk/Policy/Legislation Considerations:

Council has 2 years from executing of Funding Deeds to complete the projects, and must meet agreed milestone reporting, signage requirements and financial acquittal of eligible expenditure.

It is noted that with the increased level of economic activity associated with infrastructure development across Australia, Council staff are mindful of increased costs of material and labour shortages.

Budget Implications:

Projects will be delivered across the 21/22 and 22/23 Operational Plans in accordance with signed Funding Deeds and either included in Quarterly Budget Review Statements for 21/22 or the draft Operational Plan 22/23.

There are some projects where Council contributions are required and sourced from available Village Enhancement Program funds.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

05) WRITE-OFF OF INVENTORY**Department:** Corporate Services**Author:** Chief Financial Officer**CSP Link:** 2. Local Governance and Finance**File No:** PS.SR.7**Recommendation:**

That Council approve the write-off of \$1,597.03 of stores and materials following the Bi-Annual stocktake conducted on 15 December 2021.

Reason for Report:

To approve the write-off of a variation of stores and materials identified via the Bi-Annual stocktake conducted on 15 December 2021.

Report:

Council undertakes a Bi-Annual stocktake of stores and materials in June and December each year.

The stocktake undertaken on 15 December 2021 identified a variance of \$1,597.03 and comprised predominately of fuel. Details are shown in the following table:

Stock Item	Loss / Gain	Quantity	\$
Unleaded Petrol	Gain	330.80	379.42
Diesel	Loss	-1,393.20	-1,813.61
Small value items	Loss		-162.84
Total			\$1,597.03

Council's fuel system is powered by an automated fuel management system which requires access via a programable token to operate the bowsers. Each item of plant is assigned a unique token which specifies the fuel type allowable and a weekly download assigns the fuel output directly to the plant costings within Council's business software.

Preventative maintenance and calibration of the fuel system is undertaken every 6 months and the tanks are manually dipped before and after each fuel delivery, which occurs on average every 3-4 weeks.

Last financial year Council purchased 313,737 litres of diesel and 15,991 litres of unleaded petrol. The previous stocktake in June 2021 identified an unfavourable variance of \$787.37 within the fuel system. As a manual process of dipping the tanks to measure the quantity is used, slight variances due to human error occur.

At the December stocktake, measuring of the variance in quantity seems sizeable however overall equates to 0.3% of overall consumption. Council staff maintain good controls around the issue of stores and materials and there has been no evidence of, or reported incidents of theft or tampering with the fuel system, which are monitored by CCTV cameras.

Risk/Policy/Legislation Considerations:

Under Section 378 of the Local Government Act 1993 (NSW) the Council sets a limit upon which the General Manager may exercise discretion with writing off stores and materials. Council has delegated to the General Manager the authority to write off stores and materials following a Bi-Annual stocktake up to a limit of \$1,000 per stocktake.

Budget Implications:

Council's annual budget for the purchase of fuel and oils is \$350k. No additional budget is provided for stock losses. The write off of stock is borne against the relevant overhead for recovery, for example fuel against fleet overhead.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

06) DISABILITY INCLUSION ACTION PLAN STATUS REPORT

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 1. Public Infrastructure and Services

File No: CS.PO.1

Recommendation:

That Council receive and note the Blayney Shire Disability Inclusion Action Plan status report as at 31 December 2021.

Reason for Report:

For Council to receive and note the Blayney Shire Disability Inclusion Action Plan status report as at 31 December 2021.

Report:

Council adopted a Disability Inclusion Action Plan (DIAP) that commenced on 1 July 2017. This plan was due for expiry at the end of 2021 however has been extended by 12 months to 2022 to allow NSW Councils additional time for preparation of new plans.

The DIAP underpins Council's commitment to providing quality facilities and services that enable people with disability to fully participate in our communities. This plan was developed through a community consultation and research process which included review of Council documents and relevant Government policies.

The Disability Inclusion Action Plan sets out what Council will do over four years to enable people with a disability to have greater access to Council information, services and facilities.

The Disability Inclusion Action Plan outlines specific actions Council will take to facilitate access to community services and facilities for people with disability and link more actions to assessment and monitoring.

It is a requirement of the Disability Inclusion Act that progress reports are provided to Council and the community every 6 months. This 6 monthly progress report is presented in a format which summarise the activities across the organisation sourced from Managers and Directors.

Risk/Policy/Legislation Considerations:

The development of a Disability Inclusion Action Plan and ongoing reporting is required under the Disability Inclusion Act 2014.

Budget Implications:

Implementation of the plan is incorporated into project planning and budgeted into operational and capital works programs.

Enclosures (following report)

- 1 Disability Inclusion Action Plan Status Report as at 31 December 2021 4 Pages

Attachments (separate document)

Nil

DISABILITY INCLUSION ACTION PLAN 2017 - 2021: ANNUAL REPORT AS AT 31/12/2021

Attitudes and behaviours						
Strategy	Actions	Responsibility	CSP Ref.	Outcome	Timeframe	Status
1. Raise awareness of the contribution that people with disability make in the community	Include positive images of people with disability in general promotional material.	Executive Services	6.2	Increased number of documents including diversity	Ongoing	As documents are published a review for inclusiveness is undertaken.
	Use of correct language in all media and publications when referencing people with disabilities.	Executive Services	6.2	Establishment of standard and staff informed	Ongoing	
2. Ensure that customer service staff and other staff who have contact with the community continue to be educated in disability awareness	Integrate training on access into Council staff inductions.	Executive Services	6.3	Included in induction training	Ongoing	Disability awareness training to be conducted following election of new Council. Training proposed for May 2022.
	Provide ongoing training on disability inclusion to employees	Executive Services	6.3	Training identified in training plan	Ongoing	
4. Provide information in a manner and format that is inclusive	Liaise with relevant agencies to ensure that Council website, documents and communications use language, formats and colours that promote inclusion.	All	6.3	Agencies identified and website, publications and communication are reviewed and inclusionary	2021	Council website more accessible with ReadSpeaker webreader. With this feature content on website can be read aloud to the user.
5. Engage with local businesses to encourage and support inclusive practices	Work with the business community to raise awareness of the importance of inclusion for people with disability	Executive Services	1.6	Engage with local business to promote inclusiveness	Ongoing	Free Access Consulting funding available during the period, however no funds expended.

Create Liveable Communities						
Strategy	Actions	Responsibility	CSP Ref.	Outcome	Timeframe	Status
1. Improve accessible paths of travel to key destinations	Identify the suitability of paths of travel to key destinations such as recreation facilities, parks and community facilities.	Infrastructure Services	5.2	Assessment completed	Ongoing	Active Movement Strategy reviewed. Focus is upon Kerb ramps.
2. Contribute towards liveable and accessible public places	Work with local business to identify barriers to access and develop opportunities for improvement	Executive Services	1.6	Barriers identified	Ongoing	Access Consulting Support Program promoted to business. The program assists businesses by providing preliminary accessibility compliance advice triggered when a Construction Certificate is lodged. No applications to December 2021.
	Promote universal access principles for new and upgraded buildings and facilities in public places.	Infrastructure Services & Planning and Environmental Services	4.1	Access principles included in project		2 new entrance sliding doors were installed as part of the CentrePoint Stage 2 works.
	Include access and inclusion as a guiding principle in Plans of Management for community land and provisions with the Development Control Plan	Planning and Environmental Services	3.4	Planning policies inclusive	Ongoing	Accessible outcomes are included in part D of the Development Control Plan (DCP) 2018. No business utilised Councils free Access Consulting funding during the period.
	Consider the particular needs of children with disability in the design, layout and security of parks and playgrounds.	Infrastructure Services	4.1	Playgrounds are safe and inclusive	Ongoing	No action this period.
3. Promote universal access to all Council events within the community	Promote disability inclusion in community events and festivals e.g. availability of accessible toilet facilities.	Executive Services	1.6	Promotion of inclusive events by Council	Ongoing	Event Management Plan and associated approval process promotes accessible events.
4. Continuously upgrade Council's assets to meet legislative requirements for accessibility	Complete an audit of all Council assets to ensure accessibility and identify priorities for upgrade	Infrastructure Services	4.1	Audit completed and priorities identified	2021	Accessibility, assessed as part of proposed renewals and upgrades as project and funding becomes available. Accessible car parking projects completed in period include Neville Multipurpose Court. Audit of accessible car parking within the Blayney Shire completed. Identified works being incorporated in project renewals and upgrades.
	Liaison with Orange City and Cabonne Shire Councils to improve access to tourism destinations	Executive Services	1.3	Opportunities for funding identified	2021	Ongoing. Continuous engagement with Orange360.

Create Liveable Communities						
Strategy	Actions	Responsibility	CSP Ref.	Outcome	Timeframe	Status
5. Improve accessible public toilet facilities and parking	Review the location of accessible parking spaces considering an increase in width and length where necessary and in compliance with Australian Standard	Infrastructure Services	4.1	Investigation completed	2021	Existing accessible parking spaces reviewed and works incorporated in project renewals and upgrades. Funding sought for Heritage Park and Carrington Park amenities facilities encompassing improved accessible parking.
	Review, update and promote the location of accessible facilities and parking on Council's Mobility Map.	Infrastructure Services	4.3	Development of Mobility map	Ongoing	No progress in period.
	Promote needs of people with disability to event organisers of special events particularly where parking is temporary and movement around venue may be restricted.	Corporate Services	2.1	Events include accessible parking	Ongoing	Council promotes inclusion through the Event Management approval process. Event organisers are asked to consider accessible facilities and parking with event planning. Associated information is also provided.
6. Contribute towards programs which aim to increase social inclusion and community connection	Work in partnership to raise awareness of campaigns to promote inclusion throughout the community e.g. the "Just Like You" program in schools.	Corporate Services	5.1	Increase in awareness and participation	2021	Council continues to support of Interagency and delivery of services to people with disability.
	Awareness of concessional access programs to Council facilities and community events e.g. NSW Companion Card.	Corporate Services	4.3	Investigate and participate in programs. Promotion to event holders.	Ongoing	NSW Companion Card holder fee (free entry) to access CentrePoint Sport & Leisure Centre included in 2021/22 Operational Plan fees & charges. Facility also promoted on Companion Card website.
	Work in partnership with community organisations to facilitate and increase awareness of market activities and programs that promote inclusion of people with disability	Corporate Services	2.1	Engagement with partner and activities undertaken	2021	Council engages with a number of agencies and service providers involved in service provision to the aged and people with disability whilst planning Blayney Wellbeing Health Fair. Planning for event in March 2022 in progress.
	Liaise with Orange City and Cabonne Shire Councils to review the Disability Services Directory to ensure a comprehensive regional focus	Corporate Services	4.1	Review completed	2021	Joint review by Councils of Disability Services Directory developed in 2016 not progressed.

Employment						
Strategy	Actions	Responsibility	CSP Ref.	Outcome	Timeframe	Status
1. Develop employment opportunities for people with disability	Make reasonable adjustment to workplaces to facilitate work placement and employment opportunities for people with disability.	Executive Services	5.1	Workplace capable of supporting people with disabilities	Ongoing	Ongoing. Council is an EEO employer.
	Where volunteers are required, provide volunteering opportunities that are inclusive.	Corporate Services	5.1	Development of an inclusive Volunteer Policy	2021	Whilst Council provides support to many volunteer organisations; Council's operations do not include use of volunteers per se. Draft policy not progressed.
	Investigate and consider utilisation of services and activities offered by disability service programs.	All	5.1	Investigation completed	Ongoing	Interagency meetings supported. Hosted by Council.
Systems and Processes						
Strategy	Actions	Responsibility	CSP Ref.	Outcome	Timeframe	Status
1. Ensure accessible and inclusive community engagement across all areas of Council	Include the principles of access and inclusion in Council's service delivery.	Corporate Services	SJP*	Consistency in messaging and communication	Ongoing	Principles of access inclusion in Media and Publications.
	Promote Council's implementation of access and inclusion principles and recognise the rights and contribution of people with disability in the community.	Corporate Services	6.3	Promotion of the DIAP has been undertaken	Ongoing	Operational Plan included program with \$5K funding for use as a contribution to assist businesses if engagement of an access consultant report was required when lodging a DA and/or CC.
2. Improve regulatory processes within Council	Utilise the Access Advisory Committee to provide comment on capital projects and development applications that relate to council buildings; facilities and infrastructure.	Planning and Environmental Services	3.4	Process in place for Access Advisory Committee to review proposals	Ongoing	Access Committee met in July and reviewed Active Movement Strategy and 2 members of Access Committee appointed to KGO reference group.
	Internal process to ensure that access is not overlooked when developing new facilities; buildings, parks, playgrounds, footpaths.	Infrastructure Services	4.1	Review of internal processes for planning works	Ongoing	Design staff have previously undertaken accessibility training and are proposed in training plan.

* Social Justice Principles

07) BLAYNEY SHIRE FINANCIAL ASSISTANCE PROGRAM COMMITTEE COMMUNITY REPRESENTATIVES

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: GO.CO.5

Recommendation:

That Council;

1. Increase the number of community representatives to 6 for the Blayney Shire Financial Assistance Program Committee
2. Appoint the following community representatives to the Blayney Shire Financial Assistance Program Committee:
 - Miles Hedge
 - David Kennedy
 - David Kingham
 - Tamara Miller
 - Elizabeth Russ
 - Graeme Summerson
3. Amend the quorum from 4 to 5 members.

Reason for Report:

For Council to review and accept the community representative nominations received for the Blayney Shire Financial Assistance Program Committee and determine appointments for the new Council term.

Report:

At the January meeting Council resolved to seek community representative nominations to the Blayney Shire Financial Assistance Program Committee for the new Council term.

Interested persons were invited through promotion in the local paper and on Council's website and social media. Invitations were also issued to past committee members and other committee contacts including Village / Progress Associations, former Sports Council and Tourism, Towns and Villages Committees. Nominations closed 9 February.

The Blayney Shire Financial Assistance Program Committee is comprised of 2 councillors, the General Manager of Newcrest Mining or their delegate and a minimum of 5 community representative positions on the committee. The following nominations for community representative positions have been received:

- Miles Hedge

- David Kennedy
- David Kingham
- Tamara Miller
- Elizabeth Russ
- Graeme Summerson

It is recommended that the Council increase the number of community representatives to 6 members and the quorum from 4 to 5 members.

Applications for Round 2 of the 2021/22 Community Financial Assistance Program are currently being sought and close 28 February 2022.

The appointment of the committee will assist to minimise delays with approval of applications and payment to successful recipients.

Risk/Policy/Legislation Considerations:

Council has established this committee of Council to exercise its functions on Council's behalf as per section 355(b) of the NSW Local Government Act (1993). The committee has been given a delegated authority to act, which is limited and in fact none have a budget. It is advisory in nature and as minutes are reported to Council the recommendations of each Committee are, so far as adopted by Council, resolutions of Council.

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

Committees of Council adhere to the same Meeting Code of Practice, Code of Conduct and all Council Policies and a Committee may regulate its own procedure in regard to voting.

Council has discretion in the number and appointment of members and if so choose, by resolution may increase the number of community representatives. At any time, Council may invite additional community representatives and approve another person(s) to any of the committees, particularly if current nominations are less than what Council had anticipated.

Budget Implications:

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

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

Community representatives are volunteers and contribute without any reimbursement of travel or other meeting expenses. For very minimal expense committees of Council are an important and valuable community engagement opportunity.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

08) SIX MONTHLY DELIVERY PLAN REVIEW - DECEMBER 2021**Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 2. Local Governance and Finance**File No:** CM.PL.1

Recommendation:

That the six-monthly review, for period ending 31 December 2021, of Council's 2021/22 – 2024/25 Delivery Plan be received.

Reason for Report:

To review progress of Council's 2021/22 – 2024/25 Delivery Plan.

Report:

As part of the Integrated Planning and Reporting Framework the Office of Local Government (OLG) requires Council to adopt a suite of strategic planning documents. These documents include a long term Community Strategic Plan, a four year Delivery Plan and an annual Operational Plan and Budget. These documents are supported by the Resourcing Strategy comprising the Long Term Financial Plan, Asset Management Policy and Plans and the Workforce Plan.

The 2021/22 – 2024/25 Delivery Plan was adopted in June 2021 following consultation surrounding the Blayney Shire Council Community Strategic Plan 2018 - 2028 involving the community, Councillors and Council staff. The Delivery Plan is a document that outlines what will be delivered to the community during the term of Council using the Blayney Shire Council Community Strategic Plan as an overarching guide.

It is a further requirement of the OLG that progress reports are provided to Council and the community every 6 months. At the conclusion of the Council term a full and comprehensive report, known as the End of Term Report, is prepared for the benefit of the outgoing Council and community.

This report is presented in a format which summarises the activities across the organisation using qualitative and quantitative information sourced from Managers and Directors.

Risk/Policy/Legislation Considerations:

Council is required under the Local Government Act to report six monthly to Council with reporting included in Council's Annual Report.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

- 1 2021-2024 Delivery Plan Status Report as at 31
December 2021 13 Pages

09) TEN4TEN LEADERSHIP DIALOGUE**Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 4. Community, Sport, Heritage and Culture**File No:** CR.SD.2

Recommendation:

1. That Council support the request for sponsorship in the amount of \$1,500 for the Ten4Ten Leadership Dialogue from Regional Development Australia Central West.
2. That an amount of \$1,500 be included for approval in the 3rd Quarter Budget Review for this purpose.

Reason for Report:

To inform Council on a request for sponsorship received from Regional Development Australia Central West for the Ten4Ten Leadership Dialogue.

Report:

Council is in receipt of a request for sponsorship from Regional Development Australia (RDA) Central West for the Ten4Ten Leadership Dialogue. The amount of sponsorship sought is \$1,500.

The 2022 program is proposed to connect 10 selected Year 11 students with 10 local community leaders for a unique mentoring experience

Successful applicants have in the past had the opportunity to take part in the following:

- Attend the program launch and dinner in mid-April and participate in the speed networking activity with all mentors;
- Visit Parliament of NSW in Sydney, hosted by Mentor and Member for Orange, Phil Donato;
- Visit Parliament of Australia in Canberra, hosted by Mentor and Federal Member for Calare, Andrew Gee;
- Attend the end of program breakfast and presentation in November; and
- Take part in additional events that will be organised throughout the duration of the program.

The program is open to Year 11 students from high schools in the Orange, Blayney and Cabonne Local Government Areas.

Council approved funding for this program in 2021 with a contribution of \$1,500. The application was considered outside of the scope of the

Community Financial Assistance policy and is therefore referred to Council for consideration.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Council does not have an allocated budget within Youth Services in the 2021/22 Operational Plan for this purpose. The approval of this program will require an amount of \$1,500 to be approved in the 3rd Quarter Budget Review.

Enclosures (following report)

1 Regional Development Australia request

1 Page

Attachments (separate document)

Nil



8 February 2022

Ms Rebecca Ryan
General Manager
Blayney Shire Council
91 Adelaide Street
BLAYNEY NSW 2799

ABN: 55 418 618 640

Ph: 02 6369 1600

All Postal
Correspondence
PO Box 172
Orange
NSW 2800

Dear Ms Ryan,

I write on behalf of Regional Development Australia (RDA) Central West seeking your financial support to help continue the delivery of the successful Ten4Ten Leadership Dialogue.

The program aims to connect ten selected Year 11 students with ten local community leaders for a unique mentoring experience.

The Central West is home to a high calibre of leaders and mentoring plays a major role in fostering the next generation of young leaders in our community.

Since its inception in 2020, the TEN4Ten Leadership Dialogue has forged new partnerships, opened doors and provided an insight into the countless opportunities that are available in regional New South Wales and more specifically, right here in the Central West.

We seek support of \$1,500 (+ GST) from Blayney Shire Council to deliver this program in 2022. As part of your sponsorship council's logo will be included in correspondence, promotional material, and media releases. You will also be recognised as a supporter of the program at all events.

Additionally, we will provide two tickets to you for the event launch in April and the opportunity to join us on our proposed program visits to Parliament in both Sydney and Canberra.

I thank you in advance for your consideration of our request, and ongoing support of RDA Central West. I look forward to working with you to deliver this program and many more in my role.

Kind Regards



Ms Ruth Fagan
Chair RDA Central West



An Australian Government Initiative

10) REPORT OF COUNCIL INVESTMENTS AS AT 31 JANUARY 2022

Department: Corporate Services

Author: Chief Financial Officer

CSP Link: 2. Local Governance and Finance

File No: FM.AU.1

Recommendation:

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

Reason for Report:

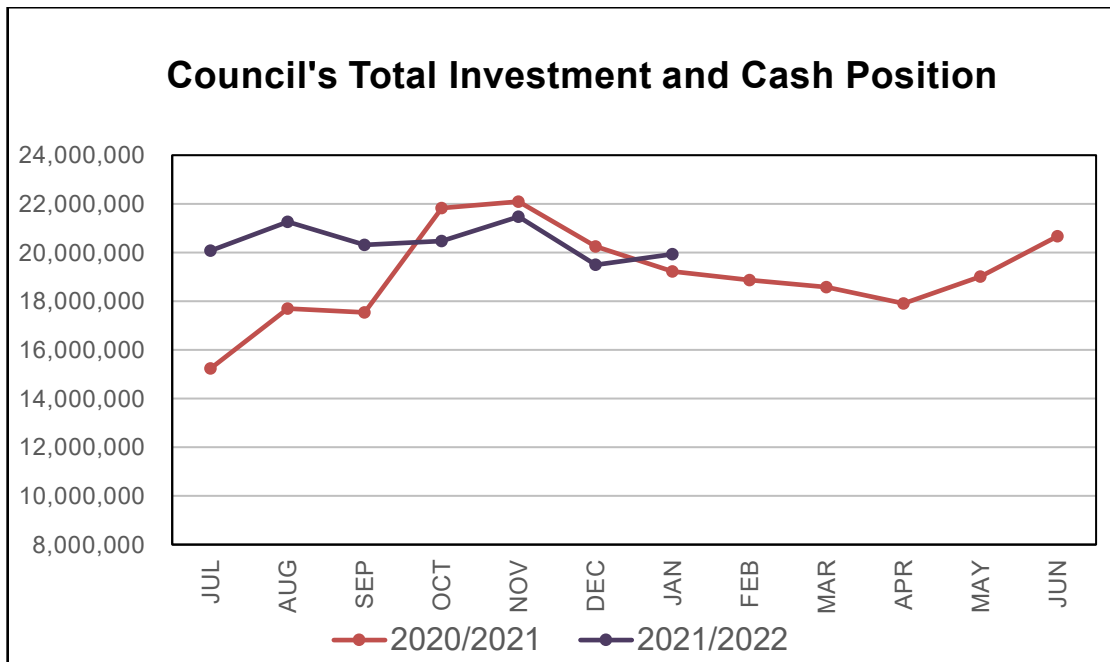
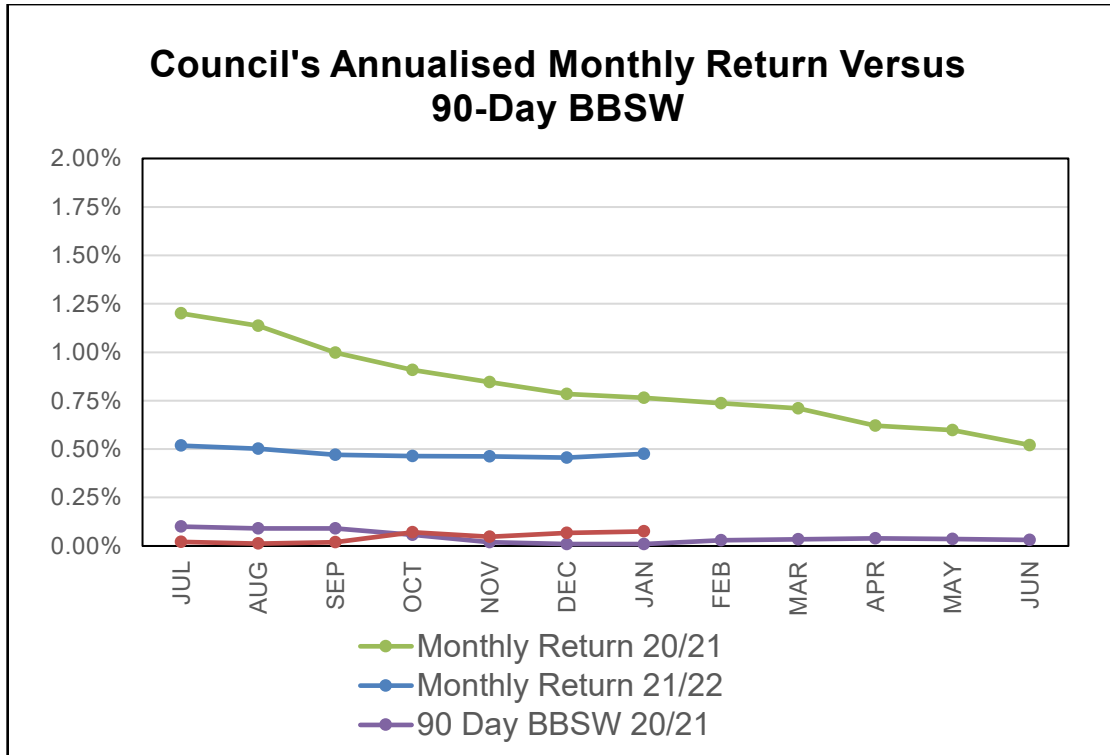
For Council to endorse the Report of Council Investments as at 31 January 2022.

Report:

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

Council's total investment and cash position as at 31 January 2022 is \$19,929,940. Investments earned interest of \$6,880.88 for the month of January 2022.

Council's monthly net return on Term Deposits annualised for January of 0.48% outperformed the 90 day Bank Bill Swap Rate of 0.07%.



REGISTER OF INVESTMENTS AND CASH AS AT 31 JANUARY 2022					
Institution	Method	Rating	Maturity	Amount \$	Interest Rate
CBA	Direct	A1+/AA-	25/01/2022	500,000	0.370%
NAB	Direct	A1+/AA-	08/02/2022	500,000	0.400%
NAB	Direct	A1+/AA-	22/02/2022	500,000	0.350%
Westpac	Direct	A1+/AA-	01/03/2022	500,000	0.310%
ME Bank	IAM	A2/BBB+	15/03/2022	500,000	0.450%
MyState Bank Ltd	Curve	A2/BBB	22/03/2022	500,000	0.500%
CBA	Direct	A1+/AA-	29/03/2022	500,000	0.290%
Macquarie Bank	IAM	A1/A+	29/03/2022	500,000	0.450%
CBA	Direct	A1+/AA-	12/04/2022	500,000	0.410%
NAB	Direct	A1+/AA-	26/04/2022	500,000	0.350%
NAB	Direct	A1+/AA-	10/05/2022	500,000	0.350%
NAB	Direct	A1+/AA-	24/05/2022	500,000	0.350%
Westpac	Direct	A1+/AA-	07/06/2022	500,000	0.340%
Westpac	Direct	A1+/AA-	21/06/2022	500,000	0.350%
CBA	Direct	A1+/AA-	05/07/2022	500,000	0.410%
CBA	Direct	A1+/AA-	19/07/2022	500,000	0.410%
ME Bank	IAM	A2/BBB+	02/08/2022	500,000	0.450%
CBA	Direct	A1+/AA-	16/08/2022	500,000	0.450%
NAB	Direct	A1+/AA-	30/08/2022	500,000	0.340%
CBA	Direct	A1+/AA-	13/09/2022	500,000	0.390%
CBA	Direct	A1+/AA-	27/09/2022	500,000	0.410%
Macquarie Bank	Curve	A1/A+	11/10/2022	500,000	0.500%
CBA	Direct	A1+/AA-	18/10/2022	500,000	0.460%
CBA	Direct	A1+/AA-	01/11/2022	500,000	0.700%
NAB	Direct	A1+/AA-	15/11/2022	500,000	0.530%
Reliance Bank	Direct	Unrated	22/11/2022	500,000	0.400%
Macquarie Bank	IAM	A1/A+	29/11/2022	500,000	0.500%
Westpac	Direct	A1+/AA-	29/11/2022	500,000	0.550%
Bank of Queensland	Curve	A2/BBB+	06/12/2022	500,000	0.650%
NAB	Direct	A1+/AA-	06/12/2022	500,000	0.650%
NAB	Direct	A1+/AA-	10/01/2023	500,000	0.770%
NAB	Direct	A1+/AA-	20/06/2023	500,000	0.600%
Westpac	Direct	A1+/AA-	15/08/2023	500,000	0.530%
Westpac	Direct	A1+/AA-	10/10/2023	500,000	0.720%
Total Investments				17,000,000	0.472%
Commonwealth Bank - At Call Account ⁽¹⁾				511,420	0.150%
Commonwealth Bank Balance - General ⁽¹⁾				2,228,240	0.000%
Reliance Bank ⁽¹⁾				190,280	0.000%
TOTAL INVESTMENTS & CASH				19,929,940	
Benchmarks:		BBSW 90 Day Index ⁽¹⁾			0.075%
		RBA Cash Rate ⁽¹⁾			0.100%

1. % Interest rates as at end of reporting period

Summary of Investment Movements - January 2022		
Financial Institution	Investment/(Recall) Amount \$	Commentary
Macquarie Bank	(503,481)	Term Deposit Matured 11/01/2022
NAB	500,000	Term Deposit Reinvested 12/01/2022

Long Term Credit Rating (or Moody's, Fitch, S&P or Equivalent)	Policy Maximum	Current Holding %	Current Holding \$
TCorp IM Funds	100%	0%	-
AAA – AA Category	100%	76%	13,000,000
A- Category	40%	9%	1,500,000
BBB+ Category	30%	9%	1,500,000
BBB Category	10%	3%	500,000
BBB- Category and below: Local ⁽²⁾ ADI's	5%	3%	500,000
BBB+ / BBB / BBB- & below categories combined	30%	15%	N/A
2. ADI's located within the Local Government Area			17,000,000

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

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

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

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

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

Risk/Policy/Legislation Considerations:

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

Council has received approval from TCorp for an amendment to the investment conditions, imposed as part of their conditions of borrowing, to enable increased investment with Reliance Bank. This approval is subject to a further reduction of Council's ability to invest in BBB+/BBB investments from 30% to 25% however will enable Council to increase its holding with Reliance Bank from 5% to 10%.

An amendment to Council's Investment Policy to reflect the amended conditions will be tabled in early 2022.

Budget Implications:

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

Enclosures (following report)

Nil

Attachments (separate document)

Nil

11) QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2021**Department:** Corporate Services**Author:** Chief Financial Officer**CSP Link:** 2. Local Governance and Finance**File No:** FM.BU.1

Recommendation:

1. That the Quarterly Budget Review Statement for the quarter ending 31 December 2021 be received.
2. That the supplementary votes of \$170k (nett) proposed in the Quarterly Budget Review Statement be adopted, resulting in an increase to capital expenditure of \$1.81m, a decrease to operating expenditure of (\$150k) and an increase in income of \$1.83m which includes an increase of \$1.73m in capital income.

Reason for Report:

For Council to endorse the Quarterly Budget Review Statement (QBRS) for the quarter ending 31 December 2021.

Report:

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

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

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

- A statement by the Responsible Accounting Officer on Council's financial position at the end of the year based on the information in the QBRS;
- Summary of Operational, Capital, Net and Restricted cash positions **(QBRS: Part 1)**
- Income and Expenses (Operational) Budget Review Statement in the following formats:

- by income and expense type including capital grants and contributions **(QBRs: Part 2)**
- by function / activity to align with the operational plan including capital grants and contributions **(QBRs: Part 4)** and further detailed, excluding capital grants and contributions **(QBRs: Part 4A)**
- Capital Expenditure and Funding Budget Review **(QBRs: Part 3)** and further detailed **(QBRs: Part 5)**
- Recommended changes to revised budget with commentary for Operational Income and Expenditure **(QBRs: Part 6)** and Capital **(QBRs: Part 7)**
- Budget Review Cash and Investments position **(QBRs: Part 8)** and narrative **(QBRs: Part 9)**
- Budget Review Key Performance Indicators **(QBRs: Part 10)**
- Contracts Budget Review Statement **(QBRs: Part 11)** and narrative **(QBRs: Part 12)**
- Consultancy & Legal Expenses Overview **(QBRs: Part 13)**
- Loans summary **(QBRs: Part 14)**.

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

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

Risk/Policy/Legislation Considerations:

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

Budget Implications:

Overall, the net variation in Continuing Operations for the quarter of (\$255k) will decrease the projected Net Operating Result before Capital Items to (\$1.2m) forecast deficit.

Operational income variations of \$1.83m include an increase to Capital Grants and Contributions of \$1.73m to commence projects funded under Resources for Regions Round 8 including works on Hobbys Yards Road, preliminary works on Forest Reefs Rd, KGO Pedestrian Integration Project, amenity upgrades at Heritage and Carrington Parks and footpath works at Mount Macdonald Road, Lyndhurst.

Project variations for the Leabeater Street and Lucan Road bridges funded under Fixing Country Bridges were approved totalling \$292k and a further \$39k was received to replace the piano in the Community Centre funded under the Creative Capital Grant Piano Replacement Project.

Operational Grants & Contributions include \$15k for the Festival of Place Summer Nights Program and \$63k employment and training subsidies.

Operational expenditure variations of (\$150k) include \$38k to write off the existing telephone system that is no longer supported, with parts no longer available and lacks flexibility for working remotely should the Business Continuity Plan be invoked. A replacement soft phone system totalling \$14k is proposed in the capital expenditure statement.

Finalisation of the fitness equipment lease at CentrePoint resulted in a reduction of (\$23k) of lease payments and a further (\$11k) reduction in superannuation contributions applicable to the Local Government defined benefits fund representing a 50% reduction of contributions payable for January – June 2022. A 50% reduction will also be applied to 2022-23 contributions.

Recovery of a significant debt associated with clearing of land in 2016 has resulted in the reversal of the provision for doubtful debts in the amount of (\$116k).

Variations to capital expenditure totalling \$1.81m include \$1.39m for projects funded under Resources for Regions Round 8 including Hobbys Yards Road, KGO Pedestrian Integration Project, amenity upgrades at Heritage & Carrington Parks and a footpath project in Mount McDonald Road, Lyndhurst.

Approved variations of \$292k for Leabeater St and Lucan Road bridges funded under Fixing Country Bridges. A further variation within the bridge replacement program has been effected with \$100k to Gallymont Road bridge and \$25k towards Lucan Road bridge using Council's contribution towards Leabeater Street (\$125k).

The Neville footpath extending from the newly constructed multipurpose court to the Neville Public Hall (AMP AD1), was scheduled for completion in the 21/22 Operational Plan, with a budget of \$41k. Commencement of the detailed design identified a number of items required for completion of this footpath, which were not considered in the original estimate. A revised estimate of \$91k will need to be factored into the current review of the Active Movement Plan to be completed at a future date.

A budget variation has been made following funding of \$39k, under the Creative Capital Grant Piano Replacement Project, was secured for the purchase of a new grand piano for the Community Centre.

Other plant and equipment replacement variations totalling \$141k include replacement of a works utility of \$47k written off, increased scope for the

replacement of P129 – Rotavator and purchase of a new 5T excavator for \$100k funded from the sale of PHP002 - Bobcat skid steer loader and trailer purchased in 2019. Upgrade of the tip management software at the Waste Facility of \$25k is also proposed to assist with compliance and reporting requirements to EPA.

The compliance works at the CVO pump station carried over from 2020/21 of \$49k was reallocated to enable completion of the Recycled Water Treatment Plant.

Enclosures (following report)

Nil

Attachments (separate document)

1 Quarterly Budget Review Statement 31 December 2021 22 Pages

12) LEASE OF INDUSTRIAL LAND FOR AGISTMENT PURPOSES**Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 3. The Local and Visitor Economy**File No:** PM.TN.10

Recommendation:

That Council lease industrial land for the period ending 29 February 2024 with a 1 year option to the following party:

Lease lot 2: 8 Tollbar Street (Lot 1 DP 842577): A.Sutherland

Reason for Report:

For Council to consider an expression of interest received for Lease of Industrial Land for Agistment Purposes not previously allocated.

Report:

In February 2021 Council advertised Expressions of Interest for Lease of Industrial Land for Agistment Purposes. There was 1 lot that was not leased and was advertised - Lease Lot 2, being 8 Tollbar Street, Blayney (Lot 1, DP 842577).

The land has been advertised for lease and in December an expression of interest was received by Council. In January Council received an enquiry from the previous lessee. This enquiry, upon further investigation, revealed that the previous leaseholder had not vacated the land and was of the understanding that they were still leasing the land. This lessee has furnished necessary insurance documentation and has since paid the annual fee from 1 March 2021 based on the previous lease fee.

A new lease is proposed at the indexed amount of \$496. The land is 2.1ha and does not have access to water.

The lease is set for up to 3 years with a common expiry with other leases of 29 February 2024 and a 1 year option. Lease charges are indexed annually based on the All Australian Weighted Consumer Price Index published for the December quarter.

A condition of leasing this land is that 4 weeks' notice can be given to the lessee to vacate if Council has an interested party to purchase or lease land for a commercial purpose.

The leasing of land assists Council with management of land for fire and weeds while affording the opportunity for interested parties to obtain access to the land for animal grazing.

Risk/Policy/Legislation Considerations:

Should Council choose not to allocate this lease a program of maintenance of land will be required to manage weeds and fire hazards.

Budget Implications:

Income generated will help to offset expenditure associated with land held including insurance and land rates.

Enclosures (following report)

1 Map of available Industrial Land for lease 1 Page

Attachments (separate document)

Nil

13) COMPLIANCE AND REPORTING ACTIVITIES**Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 2. Local Governance and Finance**File No:** IM.CO.3**Recommendation:**

That the report on Compliance and Reporting Activities for the 6 month period to December 2021 be received.

Reason for Report:

For Council to be updated on compliance and reporting activities for the 6 month period to December 2021

Report:

The Office of Local Government (OLG) issues all councils with a calendar of compliance and reporting activities annually. These activities are statutory obligations required under various pieces of legislation.

This report outlines compliance and reporting activities undertaken for the 6 month period to December 2021:

Activity	Legislation	Due Date	Completion Date
Review of Agency Information guide at intervals of not more than 12 months	Government Information (Public Access) Act s.21	Annually	19/07/2021
Proposed loan borrowings return lodgement to TCorp	OLG Guideline	09/07/2021	06/07/2021
GST Certificate lodgement to OLG	OLG Guideline	31/07/2021	06/07/2021
Last day for resolution for making rates	L.G. Act s.533	01/08/2021	28/06/2021
Public Interest Disclosure (PID) (six monthly) report to NSW Ombudsman	PID Act s.6CA	30/07/2021	19/07/2021
Rates levied by service of rates & charges notice	L.G. Act s.562	01/08/2021	19/07/2021
Delivery Program progress report to Council	L.G. Act s.404(5)	6 monthly	16/08/2021

Activity	Legislation	Due Date	Completion Date
Table completed Pecuniary Interest Returns for Councillors and Designated Persons at Council meeting after due date	MCC cl.4.21 & 4.25	Council meeting after 30/09/2021	18/10/2021
Roads & Bridges Data Return	Grants Commission	30/09/2021	29/09/2021
Financial Statements to be audited within 4 months of year end	L.G. Act s.416(1)	31/10/2021	11/10/2021
Lodgement of Public Interest Disclosures Annual Report with Minister and NSW Ombudsman	Public Interest Disclosures Act s.31	30/10/2021	19/07/2021
Government Information (Public Access) Act Annual Report with Minister and Information Commissioner	Government Information (Public Access) Act s.125 & Regulation cl. 7	30/10/2021	13/10/2021
Issue 2nd Rates Instalment notices	L.G. Act s.562	31/10/2021	15/10/2021
Audited Financial Statement to be lodged with OLG	L.G. Act s.417(5)	31/10/2021	13/10/2021
Financial Data Return to be lodged with OLG	L.G. Act s.417(5)	31/10/2021	28/10/2021
Presentation of Audited Financial Reports to public	L.G. Act s.418(2)	05/12/2021	15/11/2021
Submission of Quarterly Budget Review Statement to Council (1st Quarter)	L.G. Reg. cl.203(1)	30/11/2021	15/11/2021
Notify Minister (via OLG) that Annual Report posted on website.	L.G. Act s.428	30/11/2021	30/11/2021
Grants Commission General Data Return	Grants Commission	30/11/2021	29/10/2021

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

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

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

Reason for Report:

To update Councillors on matters associated with shire infrastructure, its maintenance, operation, upgrade, and construction.

Report:**Topical Matters****Mainstreet Plans**

Council has received the latest version of the Blayney Mainstreet Masterplan that considers the community feedback, survey results, and Council staff commentary for review. Place Design Group are currently finalising changes to the Millthorpe Mainstreet Masterplan incorporating community feedback and survey results, with the revised plan expected to be provided to Council in the week commencing 21 February.

Following review of these draft plans; the next phase of the Community Engagement Strategy will be implemented with stakeholders prior to formal presentation to Council.

Council will also be considering further advice from Transport for NSW in regard the installation of High Pedestrian Activity Areas (speed zone changes) associated with the masterplan areas in coming months.

Storm Damage

In recent months Council has submitted two Natural Disaster Assessments to NSW Justice following, a widespread rain and storm event on 11 November 2021 in the Lyndhurst/Mandurama district and then an intense storm event that occurred on 28 February 2022. Council is currently awaiting formal notification of a declaration being made for the most recent event, at which point it shall prepare its claims in liaison with Transport for NSW (RMS) in accordance with the Australian Government Disaster Recovery Funding Arrangements 2018.

The November event resulted in extensive damage road pavements due to Grubbenbun Creek and Mandurama Ponds breaking their banks.

The February event resulted in scoured table drains, washed out retaining walls and extensive damage to a culvert under Gap Road at its intersection with Errowanbang Road, resulting in the full closure of this intersection. Council is currently working with the developers of the Flyers Creek Wind Farm, with a view to their civil contractor providing support to reactivate the intersection as early as possible.

Major Contracts

KGO Change Rooms

Work is progressing well after the Christmas break, with the southern change rooms, up to structural steel being erected and block work to start the week of 14 February.

The northern change rooms are slightly delayed behind the southern end, with the plumbing and mesh work completed, and the concrete slab scheduled for 17 February. After this has been completed, then the structural steel will be erected, followed by the block work.

Gallymont Road Bridge

As a result of wet weather delays and engagement with local landholders requiring access, the project has been postponed by Council until April 2022, with completion scheduled for mid-June.

Bridges Replacement Tender

Council have finalised negotiations with the contractor. Consideration of tenders has been referred to Council by way of separate reports for Lucan Road and Leabeater Street Bridges.

Major Works

Carcoar Street

This project is now complete.

Panuara Road Reconstruction

The contractor has commenced works on site, with Stage 1 approaching completion with the bitumen seal scheduled for placement by the end of February.

Hobbys Yards Road Repair

Stage 1 works have been completed. Stage 2 works are currently underway and scheduled for completion by the end of February pending inclement weather.

A further stage has been planned to address failed sections (heavy patches) of road between Barry and Hobbys Yards. This work will commence following the completion of Stage 2.

Stormwater Drainage – Oliver Street to Frog Hollow

Construction works have commenced with the outlet into Frog Hollow complete and work between Roseberry Place and Beaufort Street underway.

Despite the extensive planning, underground services have resulted in changes having to be made as works have progressed.

Road Maintenance Works

Road maintenance works including pothole patching, vegetation management, gravel road maintenance and signage works have been undertaken in the Mandurama, Lyndhurst, Forest Reefs and Hobbys Yards areas.

Gravel Re-sheeting

Re-sheeting works have recently been undertaken along Myers Lane, Spring Hill Road & Wells Lane.

Heavy Patching

Stabilisation of the heavy patching project on Moorilda Road has been completed. Base gravels are currently being placed, and it is planned to be bitumen sealed at the end of February.

Reseals

Resealing has been completed on the following roads: Loftus St, Water St, Charles St, Rowlands St, Amos Ave, Maple Cres, Maple Pl and Barry Road. Council officers will look to allocate remaining funds, on priority roads.

Culvert Renewal Program

Works have commenced on the Browns Creek and Errowanbang Road Culverts. A variation was assessed and accepted for the Browns Creek Road culvert, due to the condition being worse than originally anticipated.

Footpaths

Mount MacDonald Road to Lyndhurst School.

This project has been completed.

Assets

Assets staff have completed an assessment of the functionality (useability) and condition of all kerb ramps in Blayney and the villages. Staff have now commenced defect inspections of the entire footpath network, as per Council's Pathway Hierarchy Standard and Maintenance Policy.

Parks and Recreation

Parks and Recreation staff are slowly getting on top of routine maintenance such as mowing, and whipper snipping within the open space and sporting oval network.

Belubula River Walk – Stage 3

A design for the foot bridge has been received by Council for consideration. Dial Before You Dig investigations have been completed with no services located in the work zone. Council is currently waiting on quotations for the proposed Gross Pollutant Trap. Supply of materials such as steel remain the biggest hurdle at the moment with Covid-19 slowing up manufacturing and delivery.

Redmond Oval Junior Skate Park

Council's contractor has to still complete the fencing, footpath and installation of a water bubbler.

Neville Multipurpose Court

The installation of netball posts and tennis net have been completed, with the surrounding landscaping works also finalised.

Wastewater**Recycled Water Treatment Plant**

Additional funds will be required prior to commissioning as the plant requires an REF (Review of Environmental Factors) to be completed by a consultant, further electrical works are required, the chemical shed will need a door to avoid unauthorised entry as well as weatherproofing. Potable water will need to be supplied to the plant for a shower/eyewash facility in case of a chemical spill.

The supply pipelines to King George and Napier Ovals will require flushing before irrigation commences. Once this has all been completed, then the consultant will have to validate the plant, which will be a further cost.

Fleet and Plant

Workshop staff have been busy performing regular services and repairs on fleet and plant and are now preparing for inspections as the renewal of registration approached.

An analysis of plant is currently underway including a review of the fleet replacement program. This is to ensure Council achieves the best value for money, following market changes resulting from supply and demand factors associated with the pandemic.

Risk/Policy/Legislation Considerations:

Information report only

Budget Implications:

Information report only

Enclosures (following report)

Nil

Attachments (separate document)

Nil

15) CNSWJO - REGIONAL CONTRACT FOR SUPPLY AND DELIVERY OF BULK FUEL

Department: Infrastructure Services

Author: Director Infrastructure Services

CSP Link: 2. Local Governance and Finance

File No: PS.AQ.4

Recommendation:

That Council agrees to participate in the Central NSW Joint Organisation Regional Contract for the supply and delivery of bulk fuel.

Reason for Report:

This report seeks Council's approval to participate in a regional procurement process for the supply and delivery of bulk fuel through Central NSW Joint Organisation (CNSWJO).

Report:

Council has participated in a regional contract for the supply and delivery of bulk fuel through CNSWJO and previously Centroc for approx. 10 years, and Council's support is therefore requested for the next contract which will commence on or after 1 July 2022.

The Supply Management Team first decided to explore a regional contract for bulk fuel in 2010 culminating in a three-year regional contract. This process has been repeated a number of times with the most current contract due to expire in June 2022. As the conclusion of the current contract nears, CNSWJO seeks to repeat the procurement process on behalf of its participating member councils. The CNSWJO Roads Technical Committee now has carriage of this contract.

CNSWJO members currently procuring under this arrangement are as follows:

Council	Participating in Current Contract
Bathurst	Yes
Blayney	Yes
Cabonne	Yes
Central Tablelands Water	No
Cowra	Yes
Forbes	Yes
Lachlan	Yes
Oberon	Yes
Orange	Yes

Parkes	Yes
Weddin	Yes
Bland (non member)	Yes
Mid-Western (non member)	Yes
Upper Lachlan (non member)	Yes

At its meeting on 25 November 2021, the CNSWJO Board resolved to approve the JO to conduct a new procurement process for the supply and delivery of bulk fuel for participating member councils, and note the analysis of the income to the JO via the bulk fuel contract which recognises the cost savings and shared value of procurement and approve the increase of the management fee for bulk fuel from 0.15% to 0.7%.

Should Council agree to participate in the process, CNSWJO will put out a Request for Tender (RFT) to identify suitable providers for the supply and delivery of bulk fuel for the period 1 July 2022 to 30 June 2024 with an option for a 12-month extension.

Benefits of a regional approach include:

- cost savings to members through bulk procurement;
- time saved by Council staff through centralised coordination; and
- income stream to CNSWJO from the Service Provider with a view to reducing fees

Member councils have the opportunity to be involved in the procurement process, where the Evaluation Panel consists of representatives from member councils, with CNSWJO staff acting as the procurement facilitator.

CNSWJO manages the process including all costs of advertising, evaluation and ongoing contract management and receives a management fee from the service provider/s to cover these costs.

Through the Best Practice in Aggregated Procurement Program, CNSWJO and the other participating JOs, are reviewing ways to generate income for the JO conducting aggregated procurement. Outcomes of this review will be provided to CNSWJO member councils in due course.

Risk/Policy/Legislation Considerations:

As detailed above, the CNSWJO Board resolved at its November 2021 meeting to increase the management fee for the bulk fuel contract to 0.7%.

Upon completion of the regional procurement, a report will be provided to Council seeking its approval to sign contracts with successful suppliers.

Budget Implications:

Expenditure on the supply and delivery of bulk fuel is accounted for within Council's existing budget allocations.

Enclosures (following report)

1 Agreement to Participate

1 Page

Attachments (separate document)

Nil



AGREEMENT TO PARTICIPATE IN A CNSWJO REGIONAL PROCUREMENT PROJECT

Project: Supply and Delivery of Bulk Fuel (S1_2022)

Council agrees to participate in the proposed Regional Procurement Project.

Council does not have any formal or informal arrangements in place that may affect its participation in the proposed project.

CNSWJO will ensure that the documentation prepared for the project clearly states that no member council provides any undertaking to enter contractual arrangements with a recommended Service Provider. However, Council's inclusion in the documentation is a clear statement by Council that it is in a position to enter into contractual arrangements with the recommended Service Provider.

Council agrees not to enter into any permanent arrangements in relation to the supply of the above service prior to the completion of the CNSWJO procurement project.

Council understands that if it does not complete and return this form it will not be included in the Regional Procurement Project.

Council Name:

Name of Council contact person for this Procurement Project:

Signed:

Name of Director/General Manager:

Date:

16) MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 11 FEBRUARY 2022

Department: Infrastructure Services

Author: Director Infrastructure Services

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

File No: TT.ME.1

Recommendation:

1. That the minutes of the Blayney Traffic Committee Meeting, held on Friday 11 February 2022, be received and noted.
2. That Council endorse the Traffic Management Plan for the Blayney Anzac Day Service as a Class 3 event, subject to the conditions detailed in the Director Infrastructure Services' Report.
3. That Council amend the condition for the Orange Running Festival to install 2 x VMS signs, and these be replaced with Corflute signs at the following intersections: -
 - Carcoar Road northbound at Forest Reefs Road
 - Spring Terrace Road (north of Forest Reefs Road)
 - Tallwood Road (south of Forest Reefs Road)
4. That Council note the change of date for the undertaking of the Central West Charity Tractor Trek, to be staged across various roads in the Blayney Shire on 23-25 September 2022, and that the event approval be subject to the conditions as detailed in the Director Infrastructure Services' Report of June 2021.
5. That Council
 - a. Remove 2 x hold lines at the Water St – Osman St intersection that are furthest from the centreline of Water St.
 - b. Undertake vegetation management on Osman Street to ensure Give Way Signs are provided with adequate sight distance.
 - c. Reinstate worn holding lines at the Osman Street intersections.
6. That Council
 - a. Remove non-compliant W2-1 (Crossroad) signage on either approach along Selwyn Street, Barry.
 - b. Install repeater signs in accordance with the NSW Speed Zoning Guidelines (300m for 50km/h road).
 - c. Install additional R1-2 (Give way) signs on the right hand side (gateway) of each approach on Selwyn Street, Barry.
 - d. Reinstate the hold line on the southern side of the Sawyer and Selwyn Street intersection, on Selwyn Street, Barry.
 - e. Install traffic counters on either side of the intersection along Selwyn Street, Barry following completion of the works.
 - f. Provide NSW Police with the traffic monitoring data report for Sawyer Street, Barry.

7. That Council, at the intersection of Burtons and Wilsons Lanes:-
- Replace the existing faded Crest (w5-11) and T-Junction (w2-3) intersection signage.
 - Improve roadside conditions to address Safe Intersection Sight Distance compliance by remediating roadside vegetation.
 - Undertake traffic monitoring, and perform a further sight distance check subsequent to works.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL TRAFFIC COMMITTEE MEETING
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE,
ON 11 FEBRUARY 2022, COMMENCING AT 10:00AM**

PRESENT

Members: Cr John Newstead (Blayney Shire Council - Chair), Reg Rendall (Paul Toole Representative), Michael Chooi (NSW Police), Wayde Hazelton (TfNSW) and Rae Miller (TfNSW).

Present: Grant Baker (Director Infrastructure Services), Nikki Smith (Administration Officer).

ELECTION OF CHAIR

Cr John Newstead was elected as Chair of the Blayney Shire Council Traffic Committee Meetings.

APOLOGIES

Nil.

DECLARATION OF INTEREST

That the following Declaration of Interest be noted.

Number	Member/Officer	Interest	Report	Reason
2	Reg Rendall	Non-Precuniary (Significant)	Street Event – ANZAC Day – Blayney – 2022	President of the Blayney RSL Sub-Branch.

CONFIRMATION OF MINUTES

**MINUTES OF THE PREVIOUS MEETING BLAYNEY SHIRE
COUNCIL TRAFFIC COMMITTEE MEETING HELD 3
DECEMBER 2021**

Recommendation:

That the Minutes of the Blayney Shire Council Traffic Committee Meeting held on Friday 3 December 2021, be confirmed to be a true and accurate record of that meeting.

(Reg Rendall / Mick Chooi)

MATTERS ARISING FROM THE MINUTES

Nil.

REPORTS

- 20220211:01 **STREET EVENT - ANZAC DAY - BLAYNEY - 2022**
Recommendation:
1. That Council endorse the Traffic Management Plan for the Blayney Anzac Day Service as a Class 3 event, subject to the conditions detailed in the Director Infrastructure Services' Report.
(Mick Chooi / Wayde Hazelton)
- 20220211:02 **STREET EVENT - ORANGE RUNNING FESTIVAL - 6 MARCH 2022**
Recommendation:
1. That Council amend the condition for the Orange Running Festival to install 2 x VMS signs, and these be replaced with Corflute signs at the following intersections: -
 - Carcoar Road northbound at Forest Reefs Road
 - Spring Terrace Road (north of Forest Reefs Road)
 - Tallwood Road (south of Forest Reefs Road)(Reg Rendall / Wayde Hazelton)
- 20220211:03 **STREET EVENT - TRACTOR TREK - SEPTEMBER 2022**
Recommendation:
That Council note the change of date for the undertaking of the Central West Charity Tractor Trek, to be staged across various roads in the Blayney Shire on 23-25 September 2022, and that the event approval be subject to the conditions as detailed in the Director Infrastructure Services' Report of June 2021.
(Reg Rendall / Mick Chooi)
- 20220211:04 **REGULATORY SIGNAGE - OSMAN STREET, BLAYNEY**
Recommendation:
1. That Council
 - a. Remove 2 x hold lines at the Water St – Osman St intersection that are furthest from the centreline of Water St.
 - b. Undertake vegetation management on Osman Street to ensure Give Way Signs are provided with adequate sight distance.
 - c. Reinstate worn holding lines at the Osman Street intersections.(Reg Rendall / Wayde Hazelton)
- 20220211:05 **SIGHT DISTANCE - SAWYER & SELWYN STREETS, BARRY**
Recommendation:
1. That Council
 - a. Remove non-compliant W2-1 (Crossroad) signage on either approach along Selwyn Street, Barry.
 - b. Install repeater signs in accordance with the NSW Speed Zoning Guidelines (300m for 50km/h road).

- c. Install additional R1-2 (Give way) signs on the right hand side (gateway) of each approach on Selwyn Street, Barry.
- d. Reinststate the hold line on the southern side of the Sawyer and Selwyn Street intersection, on Selwyn Street, Barry.
- e. Install traffic counters on either side of the intersection along Selwyn Street, Barry following completion of the works.
- f. Provide NSW Police with the traffic monitoring data report for Sawyer Street, Barry.
(Cr John Newstead / Reg Rendall)

20220211:06 **SIGHT DISTANCE - INTERSECTION OF BURTONS LANE & WILSONS LANES**

Recommendation:

1. That Council, at the intersection of Burtons and Wilsons Lanes:-
 - a. Replace the existing faded Crest (w5-11) and T-Junction (w2-3) intersection signage.
 - b. Improve roadside conditions to address Safe Intersection Sight Distance compliance by remediating roadside vegetation.
 - c. Undertake traffic monitoring, and perform a further sight distance check subsequent to works.
(Reg Rendall / Cr John Newstead)

TRAFFIC REGISTER

TRAFFIC REGISTER

Noted.

GENERAL BUSINESS

SPEEDING CONCERNS - MARSHALLS LANE

Actions: Provide NSW Police with traffic monitoring data report for Marshalls Lane, Blayney.

STREET EVENTS - ANZAC DAY SERVICES - APRIL 2022

Noted.

SPEEDING CONCERNS – CROUCH STREET, NEVILLE

Council received a request in relation to speeding in the 50km zone in Neville, and line marking.

Action: Council to install traffic monitoring devices on Crouch Street, Neville (near the intersection of Moorilda Street) and provide a report to a future Traffic Committee meeting.

Action: Council to schedule line marking reinstatement with contractors when next available.

Action: Council to write to the proponent advising of the outcome and that NSW Police have been made aware of the speeding concerns in Neville.

HIGH PEDESTRIAN ACTIVITY AREAS

An update was provided in relation to signage and associated treatments proposed to be installed within the Blayney & Milthorpe areas.

INFORMAL MATTERS

CHIFLEY POLICE DISTRICT - SERIOUS/FATAL MVA REPORT - NOVEMBER 2021

Actions: That the information be noted.

CHIFLEY POLICE DISTRICT - SERIOUS/FATAL MVA REPORT - DECEMBER 2021

Actions: That the information be noted.

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

Actions: That the information be noted.

FUTURE MEETING DATES - 2022

8 April 2022

17 June 2022

5 August 2022

7 October 2022

9 December 2022

There being no further business, the meeting concluded at 10.58am.

COUNCIL ISSUES

Development of Policy and Guidelines for Advisory Signs.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

17) DA71/2019/1 - FORTY (40) LOT SUBDIVISION - 19A PLUMB STREET BLAYNEY

Department: Planning and Environmental Services

Author: Director Planning and Environmental Services

CSP Link: 5. The Natural Environment

File No: DB.AB.1411

Recommendation:

That Council consents to Development Application DA71/2019/1 for a forty (40) lot torrens title subdivision at Lot 29, DP1050133 - 19A Plumb Street, Blayney, subject to the recommended conditions of consent.

Reason for Report:

The Development Application has been referred to Council for determination on the basis that 3 objecting submissions have been received from notification of the proposed modification application.

The issues raised in the submissions cannot be resolved by the Director Planning and Environmental Services by a condition of consent. The issues raised in the submissions are addressed in the body of this report.

Report:

At the December 2019 meeting, Council resolved to approve DA71/2019 (**Resolution No 1912/020**);

“That Council;

- 1. Consents to Development Application DA71/2019 for a forty (40) lot torrens title subdivision at Lot 29, DP1050133 – 19A Plumb Street Blayney, subject to the recommended conditions of consent.*
- 2. Amend condition 22 to state across the frontages of lots 1-28”.*
- 3. Amend condition 58 to include and no part of any dwelling is located within 6m of the rear of any new lot”.*
- 4. Add a new condition that costs associated with the installation of any agreed new boundary fences shall be borne by the applicant.”*

Executive Summary

Council’s consent is sought to modify DA71/2019 for a forty (40) lot torrens title subdivision of Lot 29, DP1050133 - 19A Plumb Street, Blayney (the ‘subject property’).

Specifically, the proposed modification seeks to alter condition 58 by reducing the specified 6m dwelling setback distance to 4m.

PROPOSED DEVELOPMENT

The modification seeks to specifically alter part of condition 58 by reducing the specified 6m rear dwelling setback distance to 4m.

Enclosure 1 contains the section 4.55(1A) application including Statement of Environmental Effects lodged with the modification application.

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 modification is not likely to have a significant effect any threatened species, population or ecological communities or their habitats.

Modifications involving minimal Environmental Impact

Section 4.55 (1A) of the Act identifies consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

- a) It is satisfied that the proposed modification is of minimal environmental impact, and
- b) It is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and
- c) it has notified the application in accordance with:
 - the regulations, if the regulations so require, or
 - a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
 - it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.

With regard to the foregoing matters, it is considered that the proposed modification is of minimal environmental impact and the proposed development, as modified, is substantially the same development as the development for which the consent was originally granted.

The proposed modification was notified to 31 adjoining neighbours that directly adjoin and surround the subject property, 3 submissions were subsequently received.

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* (BLEP 2012). Relevant issues are addressed in the body of this report.

Clause 1.7 Maps

Land zoning:	R1 General Residential
Lot size:	450m ²
Heritage:	N/A
Terrestrial biodiversity:	N/A
Groundwater vulnerability:	N/A
Drinking water catchment:	N/A
Watercourse:	N/A
Flood:	N/A

Clause 1.9A – Suspension of Covenants, Agreements and Instruments

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

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

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

Part 2 – Permitted or prohibited development

Clause 2.1 Land Use Zones and Clause 2.3 Zone Objectives and Land Use Table

The subject property is zoned R1 General Residential. The objectives of the R1 General Residential zone include the following:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed subdivision, including modification application are considered to be consistent with the foregoing objectives insofar as it will provide for the development of additional housing stock within the Blayney township.

Clause 2.6 Subdivision – consent requirements

The proposed modification requires no additional consideration of clause 2.6 to that considered in the original development assessment report.

Part 4 – Principal development standards

The proposed modification requires no additional consideration of Part 4 to that considered in the original development assessment report.

Part 6 – Additional local provisions

Clause 6.2 Stormwater management

The proposed modification requires no additional consideration of clause 6.2 to that considered in the original development assessment report.

Clause 6.8 Essential services

The proposed modification requires no additional consideration of clause 6.8 to that considered in the original development assessment report.

State Environmental Planning Policy 55 – Remediation of Land

The proposed modification requires no additional consideration under State Environmental Planning Policy 55 – Remediation of Land (SEPP55).

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

Not applicable.

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

Blayney Shire Development Control Plan 2018

Part C: Residential Development

Part C2.1 of the Blayney Shire Development Control Plan outlines the applicable setbacks for residential development.

An extract of part C2.1 is provided on the next page and recommends for lot in the R1 General Residential zone which is less than 900m² in area, the rear boundary setback should be 1.5m.

The modification as proposed seeks to retain a minimum 4m setback from all rear boundaries (including to proposed lots 29 to 40) which do not bound existing properties.

The proposed 4m setback is 160% greater than the required minimum 1.5m setback required under part C2.1 of the Blayney Shire Development Control Plan.

Objective / Performance Criteria	Acceptable Solutions
<p>C2.1 Dwelling Siting & Setbacks</p> <p>O1. To increase residential amenity for both the proposed dwelling(s) and adjacent dwelling(s) through appropriate building separations that minimise overshadowing and maximise privacy of primary living and open spaces and separation from noise sources.</p> <p>O2. To provide sufficient building separations or design mechanisms for fire protection in accordance with the National Construction Code (NCC).</p>	<ol style="list-style-type: none"> Classified State & Regional Roads: All dwellings not associated with a commercial use (for example, ‘shop top housing’) must be setback from classified roads by a minimum of 8m to minimise road noise impacts. Public Reserves: All dwellings must have a setback of at least 3m from a boundary with a public reserve. Dwelling setbacks: All new dwellings should meet the minimum setbacks in metres (m) from the lot boundaries as set out in the following table and in accordance with the Setback Definitions in Part C1.3 including the average setback of adjacent buildings.

ZONE / USE	PRIMARY STREET (Not Classified Road) (FRONT SETBACK)	SECONDARY STREET / CORNER LOTS (Not Classified Road)	SIDE BOUNDARY (Not road frontage)	REAR BOUNDARY (Not road frontage)
Zone B2 Local Centre	Average setback of adjacent buildings	3m	National Construction Code (NCC)	Sufficient open space / NCC
R1 General Residential / RU5 Village Lots ≤ 900m ²	4.5m or average setback of adjacent dwellings (whichever is greater). Note: Min. 5.5m to garage/carport.	3m	1st storey = 900mm or NCC >1st storey = 1.5m	1.5m
R1 General Residential / RU5 Village Lots > 900m ²	4.5m or average setback of adjacent dwellings (whichever is greater).	4.5m	1st storey = 900mm or NCC >1st storey = 1.5m	1.5m
R5 Large Lot Residential < 1ha lot area	8.0m or average setback of adjacent dwellings (whichever is greater)	6m	3m	6m

Part F2 Site Planning & General Subdivision

Site Planning is important for all development but particularly so for subdivision as it sets many of the key parameters for any later use. Careful consideration of the site constraints and opportunities must be demonstrated to justify a proposed subdivision design and ensure it can accommodate a range of permissible future uses in the relevant zone.

F2.1 Site Planning

Clause F2.1 requires that any plan of subdivision must be supported by a detailed site plan which demonstrates how the proposed subdivision (and building envelopes for vacant land subdivision) responds to and addresses site context (opportunities and constraints) regarding the following matters:

- Respond to the topography and drainage characteristics of the site;
- Minimise impacts on the natural environment and protect environmentally sensitive areas;
- Avoid or minimise the impacts of natural hazards and stormwater/drainage;
- Avoid or minimise land use conflicts and provide suitable setbacks (and/or buffers) to adjacent or nearby sensitive land uses;
- Create a legible road and pedestrian/cycle network and connection to surrounding networks;
- Create building envelopes that are free of constraints with suitable access for each lot;
- Integrate with the existing and/or desired subdivision pattern of the area.

It is considered that the proposed modification provides a greater opportunity for the subdivision to be consistent with the foregoing objectives / performance criteria and associated acceptable solutions.

Additionally, it is noted there is no restriction on the title of existing lots that surround the subject property, requiring those dwellings be set back a minimum distance from the rear boundary. Under part C2.1 of the Blayney Shire Development Control Plan those surrounding properties could build to 1.5m off the respective property boundary.

F2.2 Topography & Earthworks

F2.2 seeks to ensure that subdivision & road design responds to the site opportunities & constraints; minimise cut and fill from any new road, driveways/entrances, and any future building sites; ensure that earthworks will not have a detrimental impact on nearby watercourses or stormwater systems, neighbouring uses, or cultural or heritage items; ensure retaining walls are structurally sound and suitable for purpose; and avoid contaminated fill being utilised on sites.

The additional 2m being sought for which a dwelling could be located, allows for an additional 34.46m² of site coverage (7.6%) which could assist in slightly reducing earthworks on each site and gradients on driveways of some lots.

F2.3 Lot Size and Arrangement

F2.3 seeks to provide lot sizes and dimensions that respond to the site constraints and proposed land use requirements; and avoid or minimise / mitigate against existing and future land use conflicts.

The proposed modification is considered to be consistent with the objectives / performance criteria and associated acceptable solutions of F2.3.

F2.4 On-Site Effluent Management

Not applicable.

F2.5 Access & Entrances

Council's Infrastructure Services Department confirmed in the initial assessment that each proposed lot will have safe, legal access to a suitably designed public road and that the proposed subdivision will incorporate suitable pedestrian / cycle access and facilities to encourage walking and / or cycling. The additional 2m could slightly assist in achieving more favourable gradients for accesses and entrances in some lots.

F2.6 Access – Rights of Way & Battle Axe Lots

The proposed modification requires no additional consideration of Part F2.6 to that considered in the original development assessment report.

F2.7 Utilities / Easements

The proposed modification requires no additional consideration of Part F2.7 to that considered in the original development assessment report.

F2.8 Staging

The proposed modification requires no additional consideration of Part F2.8 to that considered in the original development assessment report.

Part F3 Residential Subdivision in Urban Areas**F3.1 Lot Size & Arrangements - General**

F3.1 seeks to promote lot sizes, shapes and orientation that will maximise the number of lots with potential solar access to the future living spaces and private open spaces of new dwelling sites; ensure new subdivisions in or adjacent to existing urban areas complements the existing subdivision pattern and character of the existing urban area; and require all lots have sufficient road frontage to allow driveway access whilst encouraging dwellings to have a frontage/address to the street.

The proposed modification would assist the subdivision in achieving the objectives / performance criteria and associated acceptable solutions of part F3.1.

F3.2 Access to Battle-Axe Lots (Limited Road Frontage)

The proposed modification requires no additional consideration of Part F3.2.

Part F7 New or Upgraded Public Roads

The proposed modification requires no additional consideration of Part F7.

Part G: Environmental Management & Hazards

The proposed modification requires no additional consideration of Part G.

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

Not applicable.

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

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

- **In the case of a development application for the carrying out of development on land that is subject to a subdivision order made under Schedule 7 to the Act, the provisions of that order and of any development plan prepared for the land by a relevant authority under that Schedule (Clause 92)**
Not applicable.

- **Fire safety and other considerations (Clause 93)**
Not applicable.

- **Buildings to be Upgraded (Clause 94)**
Not applicable.

- **BASIX Commitments (Clause 97A)**
Not applicable.

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

The likely impacts of the proposed development are addressed in the body of this report. 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 modification.

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

The proposed modification was notified to 31 adjoining neighbours that directly surround the subject property, 3 submissions were subsequently received.

As the submissions contain personal information, each submission (un-redacted in its entirety) is included as a confidential attachment so Councillors have every submission, unedited and/or redacted for consideration.

The 3 submissions raised a range of issues, with the relevant planning issues directly applicable to this proposed modification summarised and addressed below.

Submission 1

- As land owners we did not object to the original application. This was based on the distance of the 6m from the rear setback and only being approved for single storey dwellings. We believed that with these restrictions we could still reside at our property without too much of an impact on our lifestyle. As this is now proposed to change we consider the reduction in rear setback to be unreasonable.

Staff comment

A 6m rear setback was not originally proposed by the applicant, but required by Council from the floor when considering the Development Application.

The single storey restriction in the 88b instrument is to remain.

- The decrease from 6m to 4m rear setback will severely impact the privacy in our backyard and vice versa to the new properties that will be built. We believe that if this reduction is allowed to happen by Blayney Council that the Bathla Group should provide and erect 1.8m high fences between all properties.

Staff comment

Having reviewed the proposed rear boundary setback against the Blayney Shire Development Control Plan (DCP), it is considered the proposed change will not result in a severe and/or adverse impact. Existing condition 61 requires the developer to bear any agreed new boundary fencing costs.

- Existing properties have much more than 6m between the rear of houses and the rear fences. This highlights the fact that as a rural setting 6m is considered on the very lower end of being acceptable, therefore to reduce this further would hinder the rural nature of these existing properties.

Staff comment

This part of Blayney township is zoned R1 General Residential land and the DCP states a minimum 1.5m rear setback is an appropriate setback from a rear boundary, noting the modification is seeking to retain a 4m rear boundary setback for each dwelling.

-

- Blayney is considered a spacious and quiet rural area to live, reducing rear setbacks on these blocks will also affect current property values. People looking to enjoy country living and the benefits of privacy etc. will be less interested in purchasing the existing properties surrounding the Bathla Group development if this rear setback is reduced. This will reduce privacy and also make the existing properties feel as though their rear neighbours are too close.

Staff comment

Property value impact is not a consideration in any Development Assessment Report.

The proposed change complies with the DCP and no severe and/or adverse impact is envisaged from the 2m change.

- As this application has already been approved, we believe all of the above shows that the impact on existing properties will be much greater by reducing the rear setback. The fact that Bathla Group have sold off building blocks that are not sufficient in size to build houses on with reasonable setbacks should not be considered an appropriate reason for modification.

Staff comment

The request for modification has largely been driven by potential purchasers identifying, without the ability to build 2 storey homes, the 6m rear boundary setback restriction is excessive and limiting on smaller lots.

A 6m rear setback was not originally proposed by the applicant. Council from the floor when considering the Development Application included the condition. It is also noted no assessment had been undertaken to consider the appropriateness and/or impact of including the 6m rear dwelling setback provision.

Submission 2

- In December 2019 it was reported that “the Planning Director of the Bathla Group, Graeme Allen, the applicant for the development, said during the public forum he understood the apprehension of adjoining owners and the firm had made a number of concessions... Houses there will be single storey and there will be a rear setback of six metres,” he said”.

Staff comment

The request for modification has largely been driven by potential purchasers identifying, without the ability to build 2 storey homes, the 6m rear boundary setback restriction is excessive and limiting on smaller lots.

When Council staff contacted the Bathla Group they acknowledged their verbal comments made in December 2019 and were initially hesitant to lodge a modification application to change the rear dwelling setback at all.

In seeking to achieve a balanced outcome for all stakeholders in this matter, in particular purchases and adjoining neighbours, the Bathla Group advised whilst they acknowledge the Blayney Shire Development Control Plan allows for a 1.5m setback, the Bathla Group would still seek to retain separation at rear boundaries though a minimum 4m rear setback on all lots (including on lots in the middle and those not impacted by service easements) in order to ensure an appropriate separation between dwelling houses.

- A handful of purchaser's have raised concern as to the impact of the 6m rear setback required in Condition 58 and the impact on local builder's standard design" is not basis for the modification.

Staff comment

The information provided, in particular when assessed against the DCP, the reduction in rear setback from 6m to 4m is considered a reasonable request. 4m is still significantly above the minimum rear setback provisions within the DCP.

Submission 3

- The 4m setback will encroach further on our privacy

Staff comment

It is acknowledged, a reduction of the rear setback from 6m to 4m will allow dwelling houses to be built 2m closer to the joint property boundary.

However, a 2m change is not envisaged to result in an adverse impact to the privacy of adjoining properties. Some of the proposed lots will have a finished level, 500mm below the adjoining existing properties and most boundaries have existing 1.8m high fences erected (if not those existing properties can ask the Bathla Group for a new fence).

Section 4.15(1)(e) The public interest

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

Summary

Whilst it is acknowledged the DCP states the minimum rear boundary setback for a dwelling is 1.5m, given such a dense subdivision with consistent lot sizes of 450m² has been undertaken by Blayney before, in order to ensure appropriate integration into the surrounding properties and also separation between adjoining properties and dwellings, significantly strong justification would be required to consider any further reductions to the rear setback.

Risk/Policy/Legislation Considerations:

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 proposed modification is acceptable and recommended 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:

Nil

Enclosures (following report)

- | | | |
|---|--|----------|
| 1 | Modification Documents | 6 Pages |
| 2 | Recommended Conditions of Consent | 14 Pages |
| 3 | Submissions | 3 Pages |
| | <i>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.</i> | |
| 4 | Additional Submission | 1 Page |
| | <i>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.</i> | |

Attachments (separate document)

Nil



THE BATHLA GROUP
137 GILBA ROAD, GIRRAWEE NSW 2145
P 02 9636 2465 · F 02 9688 4762

17th January 2022

The General Manager
Blayney Shire Council
PO Box 62
Blayney NSW 2160

MDicker@blayney.nsw.gov.au

Dear Mark

**RE: DA 71/2019 - 19 Plumb Street Blayney
S4.55 (1) Application & Statement of Environmental Effects Submission**

Universal Property Group Pty Limited seeks the modification of the consent to vary, to a minor extent, a condition of the consent relating to the adoption of a six (6) metre rear setback for each property.

Reason for Request

We refer to the abovementioned consent (**DA 71/2019**) which was determined by Council on 19th December 2019 which granted consent for the subdivision of Lot 29 DP 1050133 into 39 residential Lots

The consent provided for the following restrictions:-

58. Restriction of the use of the land

Prior to the issue of a Subdivision Certificate a restriction on the development of the land must be created under Section 88B of the *Conveyancing Act 1919*.

The restriction must require that each lot may only be developed with a single storey dwelling and no part of any dwelling is located within 6m of the rear of any new lot. The restriction must be to the benefit of the Blayney Shire Council.

The subdivision is nearing completion and lots have been sold subject to registration.

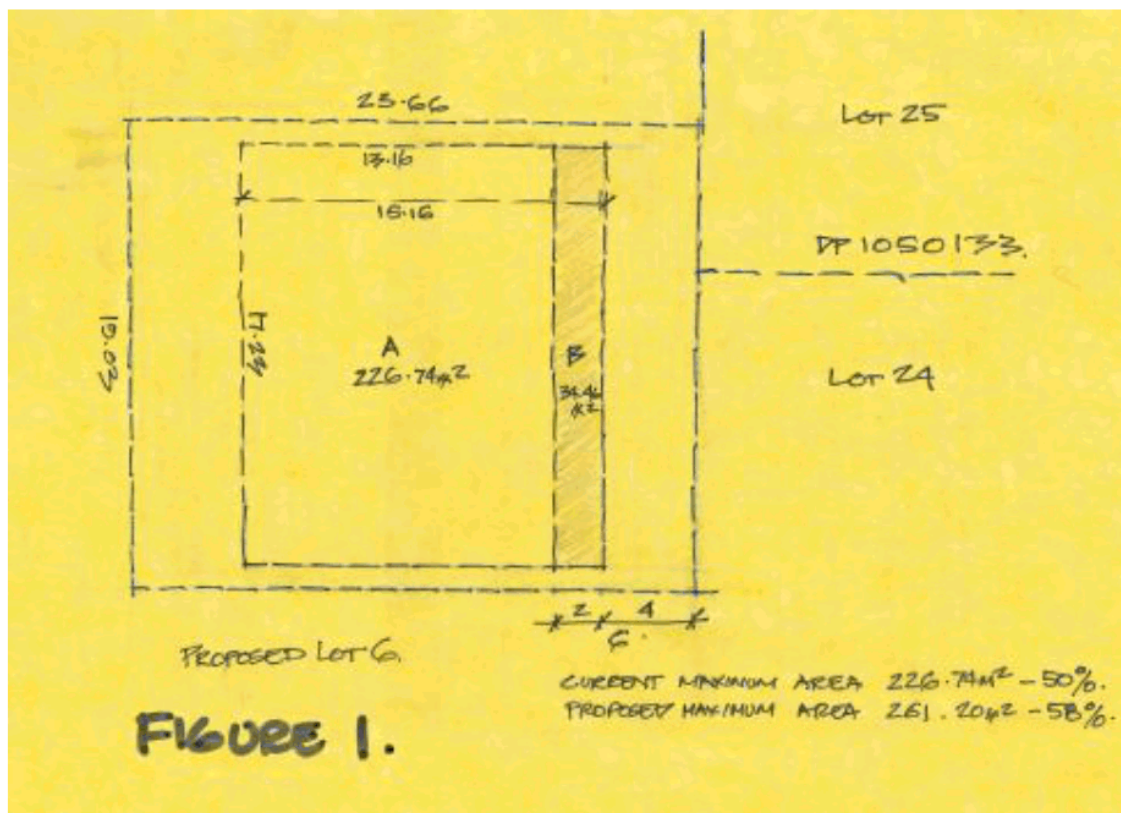
A handful of purchase have raised concern as to the impact of the "6m" rear setback required in Condition 58 and the impact on local builders standard house designs. While sales have almost been finalized it is envisaged that this matter will be a recurring issue in the coming months when applications are made to approve a dwelling on each lot.

The Proposal - MOD

The request is to reduce the rear setback from 6m to 4m given the size of the approved lots and the other provision of Condition 58 which restricts dwellings to single storey.

The proposal and impact on developable area per lot is shown in **Figure 1** opposite.

The example in the Figure is proposed Lot 6 along the eastern boundary of the site. The next increase in available site coverage is 34.46m² which is 7.6% of the site area. The reduction in rear setback will not only enable standard house designs to be applied to the site but will allow for articulation of the rear elevation of each of the proposed dwellings.



Environmental Planning Considerations

The proposed amendment to the condition of the subdivision results in substantially the same development as approved in DA 71/2019 since:

- The proposal does not change the purpose for which development is being carried out;
- The building envelope and massing remains largely unchanged;
- The total number of dwellings remains unchanged;
- The built form of the development remains the same as the approved form – single storey;

Section 4.15 of the Environmental Planning and Assessment Act 1979 contains matters that need to be considered for any application.

Section 4.15 reads:



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:

- a) → the provisions of:
 - (i) → any environmental planning instrument, and
 - (ii) → any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and
 - (iii) → any development control plan, and
 - (iv) → any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and
 - (v) → the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and
 - (vi) → any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development application relates,
- b) → the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- c) → the suitability of the site for the development,
- d) → any submissions made in accordance with this Act or the regulations,
- e) → the public interest.

The development will satisfy the considerations against Section 4.15 since:

- There will be no change in any potential impacts arising as a result of the proposed development; noting from **Figure 2** that the minimum separation between a proposed dwelling and its neighbor will be in excess of 10metres or greater.
- There is no proposed modification to the design therefore the request will not have any environmental impact; as the nature of application is consistent with the existing approval on the site.
- The site will continue to be suitable for the approved use after the modification is approved.
- The public interest will not be diminished as a result of this application.

We do not believe that any further explanation of the change is required as the approval sought is minor and well identified in this submission and we confirm that the proposed development will result in the same development.

Further consideration of the impacts of the proposed application is undertaken in **Appendix A** on Pages 5 & 6.

If you require any further information please do not hesitate to contact me.

Yours truly,

Graeme Allen
 Planning Director
 Universal Property Group Pty Limited
 Mobile 0411824476



Figure 2 – Distance of adjoining dwelling from rear boundaries of the adjoining site - 19A Plumb Street Blayney.



APPENDIX A Environmental Planning Assessment – Section 4.15 Review of Factors

3.1 Context and Setting	Yes	No
Is the proposal visually prominent in the surrounding area?		✓
Is the proposal consistent with the proposed or existing streetscape?	✓	
Is the proposal consistent with Council’s setback policies?	✓	
Will the proposal be in character with the surrounding area?	✓	
3.2 Access , Traffic and Utilities		
Is a legal and practical access available to the proposal?	✓	
Will the proposal increase local traffic movement/volume?		✓
Are additional access points to road network required?		✓
Has vehicle maneuvering and onsite parking been addressed?	✓	
Are all services readily available to the site?	✓	
3.3 Environmental Impacts		
Is the proposal likely to result in any form of air pollution?		✓
Does the proposal result in any form of water pollution?		✓
Will the proposal have any noise impact above background noise levels?		✓
Does the proposal involve any significant excavation or filling?		✓
Can the proposal involve any significant erosion or runoff?		✓
Is the development considered to be environmental sustainable?	✓	
Is a BASIX certificate provided?	NA	✓
Will the proposal have any impact on aboriginal artefacts or relics?	Already Approved	✓



APPENDIX A Environmental Planning Assessment – Section 4.15 Review of Factors

3.4 Flora & Fauna Impacts	Yes	No
Will the development result in removal of vegetation from the site?	✓	Already Approved
Will the proposal have any impact on threatened species?	Already Approved	✓
3.5 Natural Hazards		
Is the proposal subject to any Natural Hazards?		✓
Flooding?		✓
Bushfire?		✓
Landslip?		✓
3.6 Storm water		
Is the storm water disposed of via street drainage?	✓	Already Approved
Does the disposal storm water rely on an easement and/or inter-allotment arrangements?	Already Approved	✓
3.7 Social and Economic Impacts		
Will the proposal have a positive economic impact on the area?	✓	
Will the proposal have any overshadowing impacts?	Already Approved	✓
Will the proposal have any loss of privacy impacts?		✓
Will the proposal have any impact on a Heritage Item?		✓
3.8 Contamination		
Does the site require a Contamination report?		✓

SCHEDULE A
CONDITIONS ISSUED WITH DEVELOPMENT APPLICATION NO.
71/2019/1

Reasons for Conditions

Mandatory/statutory requirement and public interest.

Deferred Commencement

1. Deferred Commencement Condition

By reference to section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, this consent is a deferred commencement consent.

The consent does not operate until such time as the following information is provided to the satisfaction of the Blayney Shire Council:

Evidence the development does not adversely impact on the existing Sewerage network.

The evidence is to include modelling of the impacts of the development on the existing sewerage gravity network and pump station using applicable Water Services Association of Australia (WSAA) Codes and Standards, with a minimum being WSA02-2014 & WSA 04-2005.

Data provided for approval by Council is to include relevant standards used for calculations / provisions, including all assumptions which have been made to complete the calculations.

The period in which this information must be provided to the Blayney Shire Council is 12 months from the date of the consent i.e. 19 December 2019

Approved Plans

2. Development in Accordance with Approved Plans & Documentation

Development is to take place in accordance with:

Plan / Doc No.	Plan/Doc Title	Prepared by	Issue	Date
-	Statement of Environmental Effects	The Bathla Group	-	July 2019
01	Subdivision	The Bathla Group Drawn by VN	Rev 1	July 2019
003	Site Regrading Plan	Orion Consulting	Rev A	14/06/2019
600	Street Tree Plan	Orion Consulting	Rev A	14/06/2019
-	S4.55(1) Application & Statement of Environmental Effects	The Bathla Group	-	17/01/2022

as amended in accordance with any conditions of this consent.

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

Prescribed Conditions

3. Sign – Subdivision Works

A sign is to be erected in a prominent position on any site on which subdivision work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the subdivision work is being carried out.

4. Appointment of Principal Certifying Authority

No work shall commence in connection with this Development Consent until:

- (a) A construction certificate for the building work has been issued by:
 - the consent authority; or
 - an accredited certifier; and
- (b) the person having the benefit of the development consent has:
 - appointed a principal certifying authority for the building work, and
 - notified the principal certifying authority that the person will carry out the building work as an owner builder, if that is the case, and

B1 the principal certifying authority has, no later than 2 days before the building work commences:

- a) notified the Council of his or her appointment, and
- b) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

B2 the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:

- a) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
- b) notified the principal certifying authority of such appointment, and
- c) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and the person having the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

Prior to Issue of a Construction Certificate

5. Engineering Plans

The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to Conditions 45, 46, 51, 52, 9, 20, 22, 21, 23, 24, 25, 26, 55, 30. Further, the works are to comply with *WBC Guidelines for Engineering Works*.

6. Traffic and Pedestrian Management Plan

The applicant is to prepare and implement a Traffic Management Plan that provides necessary direction to traffic or pedestrian movement through or past the work site. The Traffic Management Plan is to be prepared by a suitably qualified person in accordance with the provisions of the relevant Australian Standards and is to be submitted to Council for approval PRIOR to its implementation.

7. Soil and Water Management Plan

The developer is to submit a soil and water management plan for the site in accordance with *WBC Guidelines for Engineering Work*. No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, **or inspection report** has been issued by Council or an accredited certifying authority, certifying that the plan is in accordance with Council's *WBC Guidelines for Engineering Works*. Upon certification, the measures in the Soil and Water Management Plan are to be implemented prior to works commencing.

8. Construction Certificate – Subdivision

Unless the development is deemed as exempt, the applicant is to obtain a Construction Certificate for engineering works pursuant to Part 6 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority, which compliments the detail provided in the development consent, that the proposed works are in accordance with *WBC Guidelines for Engineering Works*, prior to any subdivision works commencing.

Note 1: No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificate or certificates have been obtained.

Note 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this development application.

Note 3: It is the responsibility of the applicant to ensure that the development complies with the provisions of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

Optional note: Dangerous Goods - the Construction Certificate plans and specifications will need to be approved by the Dangerous Goods Branch, NSW Industrial Relations, prior to the commencement of any work.

9. Design New Road to Engineering Standard

The Proposed Road is to be designed in accordance with *WBC Guidelines for Engineering Works* as an Urban Cul-de-sac

10. Security Deposits

Payment is to be made to Council of a bond of \$3000.00 for security deposit on the existing sewer main adjacent to the proposed On Site Detention Basin in proposed Lot 10.

Note: The bond held on the sewer main is fully refundable upon completion of all works and upon inspection by Council to ensure that any damage to Council infrastructure has been repaired. The bond will not be refunded in the event that damage done to Council's infrastructure is not repaired to its satisfaction.

11. Long Service Levy

Prior to the issue of a Construction Certificate, the applicant is to satisfy Council that the amount of the long service levy payable under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986* in respect of the erection of the building has been duly paid or, if the levy is to be paid by instalments pursuant to Section 43 of that Act, the first instalment of that long service levy has been duly paid.

12. Landscape Plan

The applicant is to provide Council with an amended landscape plan for the proposed street trees in accordance with Part F7.7 Public Domain Landscaping & Street Trees, of the Blayney Development Control Plan, 2018.

The amended plan must include details of street tree species, planting detail and planting locations.

The plan is to be approved by Council's Infrastructure Services Director, prior to the commencement of works.

13. Dust Management Plan

Prior to the issue of a Construction Certificate, a Dust Management Plan prepared by suitably qualified professional must be submitted to and approved by the Blayney Shire Council.

The Dust Management Plan must detail methods of dust suppression during construction of the subdivision; a consultation strategy to engage and inform adjoining and proximate land owners and tenants prior to construction commencing and during construction; and contact details for the principal contractor during construction.

The Dust Management Plan must be prepared in accordance with current applicable legislation and best practice industry guidelines.

14. Noise Management Plan

Prior to the issue of a Construction Certificate, a Noise Management Plan prepared by a suitably qualified professional must be submitted to and approved by the Blayney Shire Council.

The Noise Management Plan must detail methods of mitigating potential adverse noise impacts on adjoining and proximate land owners and tenants during construction.

The Noise Management Plan must be prepared in accordance with current applicable legislation and best practice industry guidelines.

Prior to Works Commencing

15. Public liability insurance

Prior to the commencement of any works on Council or Roads and Maritime Services (RMS) controlled land including a public road, the applicant is to affect Public Liability Insurance to the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate or final inspection report for the works. Documentary evidence of the currency of the cover is to be provided to Council prior to the commencement of works within the road reserve.

16. On-Site toilet

A temporary onsite toilet is to be provided and must remain throughout the project or until an alternative facility meeting Council's requirements is available onsite.

17. Commencement of Work & Appointment of PCA

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

18. Protection of Public Places

A fence must be erected between the work and Plumb Street, and must be kept in place until after the completion of works if the works:

- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- b) could cause damage to adjoining lands by falling objects, or
- c) involve the enclosure of a public place or part of a public place.

Note 1: Any such hoarding, fence or awning is to be removed when the work has been completed.

Note 2: Any external lighting required by this condition is to be designed and positioned so that at no time will any light be cast upon any adjoining property.

During Construction

19. Engineering Inspections

The applicant is to arrange an inspection of the development/subdivision works by Council's Engineering Department, at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.

A	Road Construction	<ul style="list-style-type: none"> * Following site regrading, and prior to installation of footway services; * Excavation and trimming of subgrade; * After compaction of sub-base; * After compaction of base, and prior to sealing; * Establishment of line and level for kerb and gutter placement; * Subsoil Drainage; * Road pavement surfacing; * Pavement test results (compaction, strength). * Footpath and kerb ramp construction.
B	Drainage	<ul style="list-style-type: none"> * After laying of pipes and prior to backfill; * Pits after rendering openings and installation of step irons. * On Site Detention Basin construction
D	Sewerage	<ul style="list-style-type: none"> * After laying of pipes and prior to backfill; * Main - air pressure testing; * Manhole - water test for infiltration, exfiltration.
G	Erosion and Sediment Control	<ul style="list-style-type: none"> * Prior to the installation of erosion measures.
H	All Development & or Subdivision Works	<ul style="list-style-type: none"> * Practical completion.
I	Road Openings	<ul style="list-style-type: none"> * Upon completion of works.

20. Intersection Improvements

The intersection of Plumb Street and the Proposed Road is to be reconstructed, to include:

- (b) kerbing and guttering and sealing of the road shoulder at the intersection to ensure that the proposed new road and associated kerb returns seamlessly tie in with the existing infrastructure in Plumb Street.

Works are to be carried out in accordance with the provisions of *WBC Guidelines for Engineering Works*. Full details of proposed works are to be submitted to and approved by Council prior to issue of the Construction Certificate.

21. Interallotment Drainage

The developer is to construct inter allotment drainage to drain all lots not draining naturally to a public road. The drainage system is to include grated inlet pits with a minimum 100 mm diameter pipe connection to all such lots. All drainage works are to comply with the provisions of AS/NZS 3500 and *WBC Guidelines for Engineering Works*.

22. Footpath in Footway

The construction of a 1.5 metre wide, 100 mm thick concrete footpath within the footway is to occur from Plumb Street across the frontages of Lots 1-28 (being the external loop of the proposed road) with kerb ramps between Lots 2 and 28. All footpath works shall be in accordance with AS1428-2010 and *WBC Guidelines for Engineering Works*.

23. Road and Interallotment Drainage

All road and inter allotment drainage is to be conveyed through the controlled outlet of an On Site Detention Basin to:

- (a) Council's underground drain in Oliver Street, in accordance with *WBC Guidelines for Engineering Works*.

24. Water Connection

Water mains are to be constructed such that there is a separate and distinct water main connection wholly within the boundary of each proposed residential and open space lot, in accordance with the Local Government (Approvals) Regulation 1999 and in accordance with *WBC Guidelines for Engineering Works*.

25. Separate Water Service

The applicant is to ensure that the water service to each lot is contained entirely within the boundary of the individual lot serviced. Any alterations that are necessary are to be at the applicants cost. The applicant is to arrange an inspection with Central Tablelands Water to ensure each property has a separate water supply within their respective boundaries.

26. Sewer Connection

The construction of sewer mains is to occur, such that there is a separate and distinct sewer connection wholly within the boundary of each proposed residential lot, in accordance with the Local Government (Approvals) Regulation 1999 and in accordance with *WBC Guidelines for Engineering Works*.

Note: The developer is to construct a 150 mm sewer riser at each property junction; each riser is to be constructed so that riser cap finishes 150 mm above the finished surface level of each allotment created.

27. Access to Manholes

Access to any sewer manholes on the subject land is not to be obstructed in any way.

Note: Any alterations to the existing manhole/s or adjustments in height to the existing manhole/s are to be at the applicant's cost.

28. Relocate Utility Services

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

29. Maintain sewer access

The existing sewer main servicing Lots 15, 16, 17 & 18 of DP 847682 shall remain in operation until such time as the proposed sewer main is

constructed. Only once the proposed sewer main is operational shall the superseded section of existing sewer main be removed and disposed of.

30. On site detention basin

The developer is to construct an On Site Detention Basin within Lot 10 including:

- A 1.8m high Colorbond fence and lockable gate bounding the Lot
- A minimum 3.5m wide reinforced concrete, maintenance access and vehicular crossing over the footway adjacent to the proposed ingress/egress point.
- Earth retaining structures (where required)

The works shall be in accordance with *WBC Guidelines for Engineering Works*.

31. Dust Management Plan

The requirements of the Dust Management Plan required under Condition 13 must be implemented at all times.

32. Noise Management Plan

The requirements of the Noise Management Plan required under Condition 14 must be implemented at all times.

33. Earthworks

All materials onsite or being delivered to the site are to be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.

34. Hours for Construction works

Construction works can only be carried out between 7.00 am and 5.00 pm on Monday to Friday, and 8am to 1pm on Saturdays. No construction is to be carried out at any time on a Sunday or a public holiday.

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

35. Excavation Work

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

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

Note: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

36. Utilities

All new utilities must be located underground.

37. Unexpected Finds

If Aboriginal objects, relics or other historical items or the like are located during development works, all works in the area of the identified object, relic or item shall cease and the NSW Office of Environmental Heritage (OEH) or its successor, and representatives from the Local Aboriginal Land Council shall be notified. Where required, further archaeological investigation shall be undertaken. Development works in the area of the find(s) may recommence if and when outlined by the management strategy, developed in consultation with and approved by the OEH.

38. Clean Fill

Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.

39. Unexpected Finds

If Aboriginal objects, relics or other historical items or the like are located during development works, all works in the area of the identified object, relic or item shall cease and the NSW Office of Environmental Heritage (OEH), and representatives from the Local Aboriginal Land Council shall be notified. Where required, further archaeological investigation shall be undertaken. Development works in the area of the find(s) may recommence if and when outlined by the management strategy, developed in consultation with and approved by the OEH.

40. Waste

All waste associated with the subdivision works is to be appropriately collected, stored and disposed of at an approved waste facility.

41. Naturally Occurring Asbestos

If Naturally Occurring Asbestos is identified, and it is likely to be affected by the proposed works, then Clause 432 of the *Work Health and Safety Regulations 2017* (as amended) requires that a site-specific Asbestos Management Plan is prepared in accordance with the regulations and the *Model Asbestos Policy for NSW Councils (2015)* (as amended).

Prior to Issue of Subdivision Certificate
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42. Works as Executed Plan

The applicant is to submit to Council an electronic copy of the works as executed plans for the works required by Conditions 45, 46, 51, 52, 9, 20, 22, 21, 23, 24, 25, 26, 55, 30. in AutoCAD 2000 format. Further, the works are to comply with *WBC Guidelines for Engineering Works*.

43. Electrical and Telecommunications Authorities - subdivision

The developer is to furnish Council with documentary evidence that arrangements have been made, satisfactory to the appropriate electrical authority and the appropriate telecommunications authority, for the provision of street and pathway lighting and/or for the provision of underground electrical power and telecommunication lines, respectively, to serve each lot.

All services must be installed prior to the issue of a Subdivision Certificate.

Note: This information must be submitted before Council will issue the Subdivision Certificate relating to this development.

44. Compliance Certificate – Engineering Works

The applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, **or inspection report** from either Council or an accredited certifying authority, certifying that the engineering work required by conditions 9, 20, 22, 21, 23, 26, 30 has/have been constructed in accordance with the approved plans and *WBC Guidelines for Engineering Works*.

Note: Where Council is the Certifying Authority in relation to engineering works fees will be payable in accordance with Council's Revenue Policy.

45. Creation of an Easement

The development will require the creation of an easement under Section 88B of the Conveyancing Act 1919, to address stormwater drainage. The easement will be in favour of Council, it will have a minimum width of 4 metres and be centrally located.

46. Easement Required - adjacent land

The creation and registration of an easement over the adjoining land is required for:

- (d) an easement to drain stormwater within Lot 28 DP 1050133 and in favour of Council;
- (g) an easement for stormwater drainage:
 - within Proposed Lot 3 and in favour of Proposed Lot 2;
 - within Proposed Lot 4 and in favour of Proposed Lots 2 & 3;
 - within Proposed Lot 5 and in favour of Proposed Lots 2, 3 & 4;
 - within Proposed Lot 6 and in favour of Proposed Lots 2, 3, 4 & 5;
 - within Proposed Lot 7 and in favour of Proposed Lots 2, 3, 4, 5 & 6;
 - within Proposed Lot 8 and in favour of Proposed Lot 7;
 - within Proposed Lot 9 and in favour of Proposed Lots 7 & 8;
 - within Proposed Lot 11 and in favour of Proposed Lots 12, 13 & 14;
 - within Proposed Lot 12 and in favour of Proposed Lots 13 & 14;
 - within Proposed Lot 13 and in favour of Proposed Lot 14;
 - within Proposed Lot 14 and in favour of Proposed Lots 15, 16, 17, 18, 19 & Lots 1, 2, 3, 4 & 5 of DP 252541;

- within Proposed Lot 15 and in favour of Proposed Lots 16, 17, 18, 19 & Lots 1, 2, 3, 4 & 5 of DP 252541;
- within Proposed Lot 16 and in favour of Proposed Lots 17, 18, 19 & Lots 1, 2, 3, 4, & 5 of DP 252541;
- within Proposed Lot 17 and in favour of Proposed Lots 18, 19 & Lots 2, 3, 4 & 5 of DP 252541;
- within Proposed Lot 18 and in favour of Proposed Lot 19 & Lots 3, 4 & 5 of DP 252541;
- within Proposed Lot 19 and in favour of Proposed Lots 20, 21, 22, 23, 24 & Lots 4, 5, 6, 7, 8, 9, 10, 11 & 12 of DP 252541;
- within Proposed Lot 20 and in favour of Proposed Lots 21, 22, 23, 24 & Lots 5, 6, 7, 8, 9, 10, 11 & 12 of DP 252541;
- within Proposed Lot 21 and in favour of Proposed Lots 22, 23, 24 & Lots 6, 7, 8, 9, 10, 11 & 12 of DP 252541;
- within Proposed Lot 22 and in favour of Proposed Lots 23, 24 & Lots 7, 8, 9, 10, 11 & 12 of DP 252541;
- within Proposed Lot 23 and in favour of Proposed Lots 24 & Lots 8, 9, 10, 11 & 12 of DP 252541;
- within Proposed Lot 24 and in favour of Lots 9, 10, 11 & 12 of DP 252541 & Lots 14 & 15 of DP847682;
- within Proposed Lot 25 and in favour of Proposed Lots 24, 26, 27, 28, Lots 11 & 12 of DP 252541 & Lots 14, 15, 16 & 17 of DP 847682;
- within Proposed Lot 26 and in favour of Proposed Lots 27, 28 & Lots 15, 16 & 17 of DP 847682;
- within Proposed Lot 27 and in favour of Proposed Lots 28 & Lots 16 & 17 of DP 847682;
- within Proposed Lot 28 and in favour of Lots 17 of 847682;
- within Proposed Lot 30 and in favour of Proposed Lot 29;
- within Proposed Lot 31 and in favour of Proposed Lots 29 & 30;
- within Proposed Lot 32 and in favour of Proposed Lots 29, 30 & 31;
- within Proposed Lot 35 and in favour of Proposed Lots 36 & 37;
- within Proposed Lot 36 and in favour of Proposed Lot 37;

47. Section 7.11 Contributions (Type A - Residential)

Contributions are to be paid to Council towards the provision or improvement of amenities or services (residential subdivision/works) under the *Blayney Local Infrastructure Contributions Plan 2013* (see Council's web site). The contributions to be paid are currently \$6,434.50. per new lot created/per new dwelling. The amount payable would be recalculated on the basis of the contribution rates that are applicable at the time of payment. Evidence of payment of the contributions is to be provided to the Principle Certifying Authority prior to the issue of the Subdivision Certificate.

48. Sewerage Headworks

The applicant shall contribute \$2,932.00 per new lot created/per new dwelling, towards sewer head works pursuant to Section 305 of the Water Management Act, 2000, and the Development Servicing Plan (Section 64), before the Subdivision Certificate is issued. The amount applicable will be

dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

49. Water Headworks

The applicant shall contribute towards water head works to Central Tablelands Water (CTW) pursuant to Section 305 of the Water Management Act, 2000, and the Development Servicing Plan (Section 64), before the Subdivision Certificate is issued. The amount applicable will be dependent upon the date on which payment is made and will be as per CTW's adopted fees and charges for the financial year in which payment is made.

50. Road Inspection Fee

Payment of \$14.00 per lineal metre is to be made for the inspection of the road during construction. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

51. Dedication of Land

The developer is to undertake dedication of certain land, that being (c) transfer to Council of Lot 10 as drainage reserve, under the *Blayney Local Infrastructure Contributions Plan 2013*.

52. Dedication of Road Widening

The dedication as public road is required of that part of the subject land so indicated on the approved plans.

53. Road Construction Bond

The developer is to lodge a bond with Council equal to 5% of the total subdivision civil construction costs at practical completion, to be held by Council for a minimum period of six (6) months. The bond must be lodged with Council prior to the issue of the Subdivision Certificate.

54. Street Signs

The developer is to make a payment to Council for the provision of each street sign. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

55. Easement for Sewer

The final plan of survey is to show an easement for sewer over all lots affected and in favour of Council. For sewer mains of 300mm or greater diameter, the easement is to be 5 metres wide with the main centrally located.

56. Subdivision Certificate Required

The applicant is to submit the original plan of subdivision and two (2) copies for Council's endorsement. The applicant is to obtain a Subdivision

Certificate from Council pursuant to Section 6.3 of the *Environmental Planning and Assessment Act 1979*, as amended.

Note: Council will only consider issuing a Subdivision Certificate in relation to this subdivision when it is satisfied that all conditions of development consent have been complied with and the appropriate fee paid.

57. Road naming

Prior to the issue of a Subdivision Certificate, a Road Naming Application form is to be completed and submitted with a plan of the whole development defining the stage being released - including future road extensions.

58. Restriction of the use of the land

Prior to the issue of a Subdivision Certificate a restriction on the development of the land must be created under Section 88B of the *Conveyancing Act 1919*.

The restriction must require that each lot may only be developed with a single storey dwelling and no part of any dwelling is located within 4m of the rear of any new lot. The restriction must be to the benefit of the Blayney Shire Council.

59. Landscaping – Street Trees

Prior to the issue of a Subdivision Certificate, street tree planting must be undertaken in accordance with Condition 12.

60. National Broadband Network

Prior to the issue of a Subdivision Certificate, the owner of the land must enter into an agreement with:

- A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Prior to the issue of a Subdivision Certificate, the owner of the land must provide written confirmation from:

- a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an

area where the National Broadband Network will not be provided by optical fibre.

61. Boundary Fencing

Prior to the issue of the Subdivision Certificate evidence must be provided that the costs associated with the installation of any agreed new boundary fences shall be borne by the developer.

Ongoing Matters

Nil.

Advisory Notes

Notice of Commencement.

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

Telstra Corporation Limited

Note 1: Dial Before You Dig

Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to prevent damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or panning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.

18) PLANNING PROPOSAL TO AMEND THE BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 - PP1: BLAYNEY AND BROWNS CREEK ROAD

Department: Planning and Environmental Services

Author: Director Planning and Environmental Services

CSP Link: 5. The Natural Environment

File No: PL.TE.1

Recommendation:

That Council

1. Endorse the amendment to the Blayney Local Environmental Plan 2012 changing the R1 General Residential zone in the Town of Blayney and the Zone R5 Large Lot Residential area near Browns Creek Road as outlined in this report.
2. In exercising its delegation under Section 3.36 of the Environmental Planning and Assessment Act 1979, as endorsed by NSW Department Planning and Environment, forward required documentation to Parliamentary Counsel for opinion to amend the Blayney Local Environmental Plan 2012.

Reason for Report:

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

Report:

Background

At the Ordinary Meeting of 17 May 2021, **Resolution Number 2105/011**, Council resolved to forward a Planning Proposal (PP) to the Minister for Planning & Environment (DPE) seeking to amend the BLEP2012.

The subject Planning Proposal, PP1: Blayney & Surrounds relates to the areas of the Town of Blayney and the Zone R5 Large Lot Residential area along Browns Creek Road as follows:

- PP1A: Dual Occupancy Subdivision in Zone R1 General Residential (Town of Blayney only)

To allow for Torrens Title subdivision of dual occupancies (both attached and detached) below the Minimum Lot Size of 450m² in Zone R1 General Residential for the Town of Blayney. The proposal will introduce a new Clause to the BLEP that will provide an exception to the Minimum Lot Size set out in Clause 4.1 and associated Lot Size Map (LSZ_004B) for dual occupancies.

This would be limited to Zone R1 General Residential in the Town of Blayney and allow subdivision down to 300m² (whether detached or attached). This does not require any change to the exiting Lot Size Map for Blayney with subdivision of all other land uses in Zone R1 General Residential areas retaining a Minimum Lot Size of 450m².

- PP1B: Minimum Lot Size for Zone R5 Large Lot Residential (Browns Creek Road area only)

To amend the Lot Size map LSZ_004/004B so that the subject area is decreased from the current Minimum Lot Size of 20ha to a new size of 5ha with the potential to decrease this to 2ha based on a 5 ha average for the subdivision. It is noted, some areas as identified in the Blayney Settlement Strategy 2020 will retain a 20ha Minimum Lot Size.

Gateway Determination

Council on 1 October 2021 received correspondence from DPE that it could proceed to community consultation, after having received a response from East Australian Pipeline Pty Ltd (APA). No response had been received from Department Planning and Environment – Mining, Exploration and Geoscience (DPEMEG), and this was to be obtained during the community consultation.

No objection was raised by APA or DPEMEG and the responses are provided for Councils information.

Council also received written authorisation to exercise its delegation for this PP. Blayney Shire Council is therefore, authorised to exercise the functions of the Minister of Planning under Section 3.36 of the Environmental Planning and Assessment Act 1979 that are delegated to it by instrument of delegation dated 14 October 2012 in relation to this PP.

Community Consultation

Council undertook the required consultation in accordance with Section 3.34 and 3.35 of the Environmental Planning & Assessment Act 1979, exhibiting the draft Planning Proposal for 28 days from 21 October 2021.

During this time, 3 submissions were received in relation to the Browns Creek Road component of the PP.

Submission 1

Objects to the change based on steep topography and general constraints of the area including poor road access to the area.

Staff comment

Rather than a blanket 2ha Minimum Lot Size (MLA) across the entire area, the 5ha average will provide opportunity to ensure topography and other site constraints are considered if a Development Application for subdivision is lodged. It is noted 2ha is the minimum, lots may be required to be larger than this to accommodate topography and other site and environmental constraints.

Submission 2 (ANL)

No objection to the proposed PP.

Submission 3 (Nestle)

Objects based on concerns for its property in Browns Creek Road which houses a kennel facility for testing of animal feed products (Animal Training and Boarding Facility approved in DA15/2013)

Staff comment

Council staff met with Nestle in late 2021. It was discussed if a 500m buffer should be included in the Blayney Local Environmental Plan (BLEP) around the Nestle Animal Boarding Facility.

It was concluded by Council staff a buffer in the BLEP is not needed and would be onerous because part E.4 of the Blayney Shire Development Control Plan (DCP) would apply to any future dwelling around the facility (within 500m) and would need to demonstrate no adverse impact on the Nestle facility and or land use conflict situation is created.

Change to the Planning Proposal

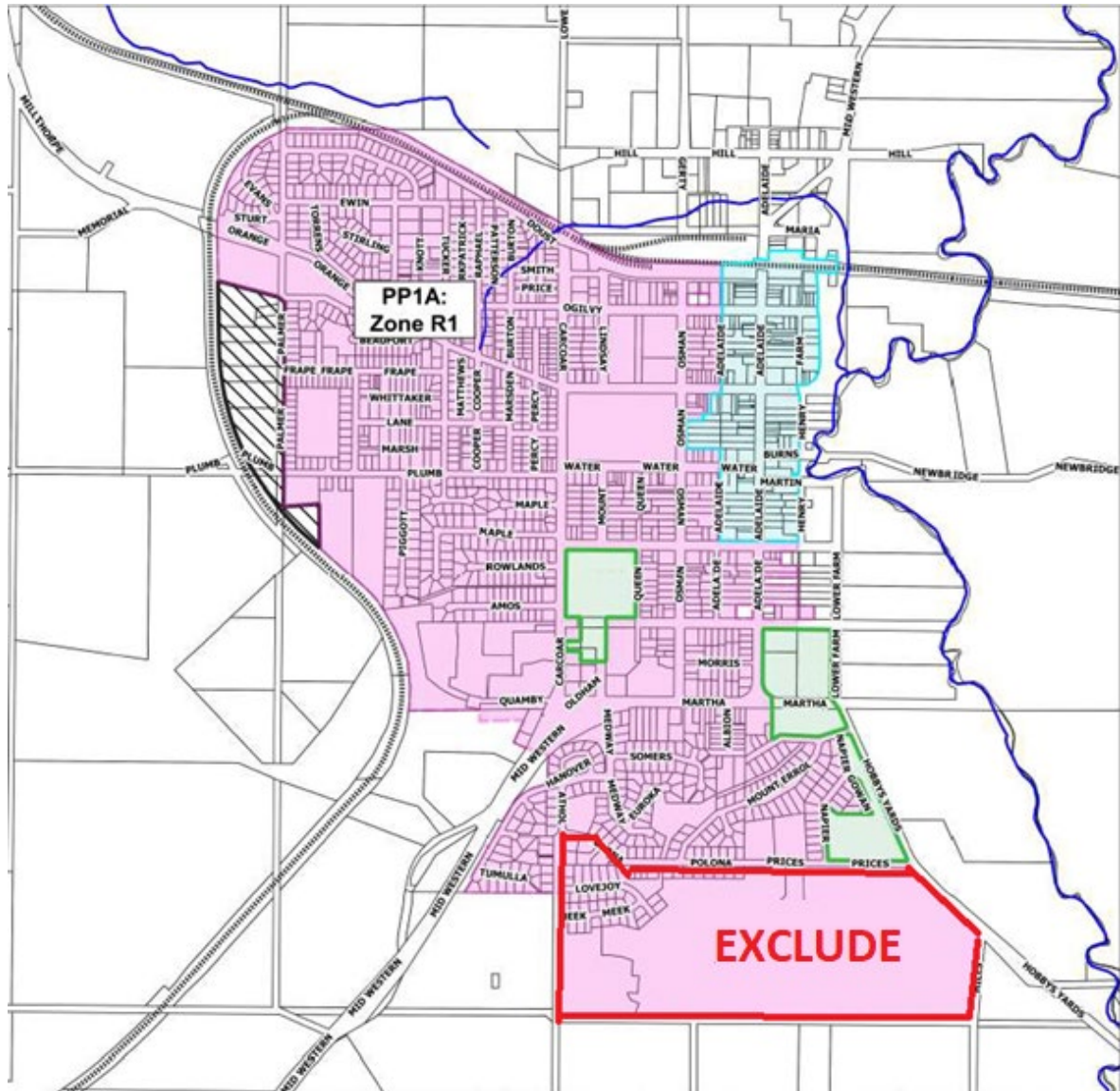
Whilst no submissions were received regarding the proposed Town of Blayney Dual Occupancy subdivision change, staff are proposing a slight change to the PP that was exhibited.

It is proposed to exclude the area south of Polona St and Prices Lane Blayney from this provision.

The justification for exclusion is based upon this area being identified as the main future residential growth area for Blayney. Highlands Estate Stage 2 has recently been completed and there are some large lots in that subdivision, additionally with steep topography which it is considered small 300m² lots would not be appropriate.

The intent of the reduced Minimum Lot Size was to entice smaller free hold Torrens title subdivision (rather than strata or community title), in the existing Blayney township where lots are traditionally just slightly less than 900m² and therefore too small for two x 450m² Torrens title allotments.

Council has discussed the slight change with DPE who have confirmed, Version E of the Planning Proposal can simply be updated to reflect the change prior to finalisation of the PP.



Risk/Policy/Legislation Considerations:

The Planning Proposal, PP1: Blayney & Surrounds is consistent with the Blayney Settlement Strategy 2020, adopted at the Ordinary Meeting of 15 February 2021.

Budget Implications:

Allocation within the 2021/22 operational plan has already been made for IPLAN PROJECTS to prepare the PP. Council staff will be required to facilitate the completion of the PP.

Enclosures (following report)

1 Planning proposal 11 Pages

3 Submissions 4 Pages

This matter is considered to be confidential under Section 10A(2) (e) of the Local Government Act, as it deals with information that would, if disclosed, prejudice the maintenance of law.

Attachments (separate document)

2 Version E 32 Pages



PP-2021-3581/IRF21/3851

Ms Rebecca Ryan
General Manager
Blayney Shire Council
PO Box 62
Blayney NSW 2799

Attention: Mark Dicker – Director Planning and Environmental Services

Dear Ms Ryan

Planning proposal PP-2021-3581– planning proposal document to satisfy condition 1- proceed to community consultation - Blayney and Browns Creek.

I refer to your correspondence in relation to planning proposal PP-2021-3581 for amendment to Blayney LEP 2012 by including dual occupancy subdivision provisions for zone R1 General Residential land in Blayney and amendment to minimum lot size for land around Browns Creek Road, Blayney and Browns Creek.

I wish to advise that information provided by Council including an amended planning proposal Version E dated 17 September 2021 satisfies condition 1(b, c, d and e) of the Gateway determination dated 21 July 2021. Council may now proceed to community consultation.

It is noted that Council is consulting with DPIE- Mining, Exploration and Geoscience (DPIE-MEG) and is yet to receive final comments. In this regard consistency with section 9.1 Ministerial Direction 1.3 Mining, Petroleum Production and Extractive Industries remains unresolved at this time. Council is required complete consultation with DPIE-MEG (condition 1a) and amend discussion for relevant 9.1 Direction 1.3 (condition 1f) prior to finalisation of the LEP amendment.

The planning proposal documentation as amended Version E dated 17 September 2021, comments received from APA group, Gateway determination dated 21 July 2021, documents accompanying the planning proposal and a copy of this letter are to be included in the community consultation package.

If you have any questions in relation to this matter, I have arranged for Ms Oyshee Iqbal to assist you. Ms Iqbal can be contacted on 5852 6824.

Yours sincerely

1 October 2021

Wayne Garnsey
Manager, Western Region
Local and Regional Planning
Department of Planning, Industry and Environment

Level1, 188 Macquarie Street Dubbo NSW 2830 | PO Box 58 Dubbo NSW 2830 | planning.nsw.gov.au

East Australian Pipeline Pty Limited (EAPL) ABN 33 064 629 009
 Level 1, 121 Wharf Street
 Spring Hill, QLD 4000
 GPO Box 1390, QLD 4001
 APA Group | apa.com.au



30 August 2021

APA Ref: 449847

Claire Johnstone
 Blayney Shire Council
 PO Box 62
 Blayney NSW 2560

EMAIL OUT: C.Johnstone@blayney.nsw.gov.au

Dear Claire,

**RE: Planning Proposal to amend Blayney Local Environmental Plan 2012 - PP1: Blayney & Surrounds
 PP1A: Dual Occupancy Subdivision in Zone R1 General Residential (Blayney only)
 PP1B: Minimum Lot Size for Zone R5 Large Lot Residential (Browns Creek Road)**

Thank you for your email dated 20 August 2021 advising of the abovementioned Planning Proposal.

APA Group (**APA**) is Australia’s largest natural gas infrastructure business and has direct management and operational control over its assets and investments. APA’s gas transmission pipelines span across Australia, delivering approximately half of the nation’s gas usage. APA Transmission owns and operates over 15,000 km’s of high-pressure gas transmission pipelines (**HPGTs**) across Australia.

East Australian Pipeline Pty Limited (**APA**) owns and operates a High Pressure Gas Transmission Pipeline (Young to Lithgow) located within a 20-metre wide easement through the Planning Proposal (PP1B) boundaries north of Browns Creek Road. Refer to Table 1 for details of APA’s pipeline.

Table 1: Transmission pipelines in the area of consideration

Pipeline	Pipeline Licence	Easement Width (m)	Diameter (mm)	Measurement Length (m)
Young to Lithgow Pipeline	17	20	150	140
Note: measurement length is applied to either side of the pipeline.				

APA’s role

As a Licensee under the *Pipelines Act 1967*, APA is required to operate pipelines in a manner that minimises adverse environmental impacts and protects the public from health and safety risks resulting from operation of our high pressure gas transmission pipelines (**HPGTP**). Once a HPGTP is in place, APA is required to constantly monitor both the pipeline corridor and also a broader area within which we are required to consider land use changes and development and to assess what such changes means to the risk profile of the HPGTP.

APA has a number of responsibilities and duties to perform under a complex framework of legislation, standards and controls across Federal, State and Local Government landscapes. In particular, the *Pipelines Act 1967*, cites Australian Standard 2885 (**AS2885**) as a mandatory safety standard for the design, construction, operation and maintenance of transmission pipelines. In discharging our regulative responsibilities, APA needs to continuously review what is happening around its assets, what land use changes are occurring and what development is taking place to ensure it remains in a

APA Group comprises two registered investment schemes, Australian Pipeline Trust (ARSN 091 678 778) and APT Investment Trust (ARSN 115 585 441), the securities in which are stapled together. Australian Pipeline Limited (ACN 091 344 704) is the responsible entity of those trusts. The registered office is H5BC building, Level 19, 580 George Street, Sydney NSW 2000.



position to comply with applicable operational and safety standards and legislation whilst meeting its commercial obligations and imperatives.

Pipeline Risk Profile and the Measurement Length

In managing high pressure transmission pipelines and considering land use changes, APA must focus on that area geographically defined by AS2885 as the Measurement Length (**ML**). The ML area is the heat radiation zone associated with a full-bore pipeline rupture. APA is mandated to consider community safety in the ML due to the high consequences of pipeline rupture to life, property and the economy.

The ML is determined by the diameter and Maximum Allowable Operating Pressure (**MAOP**) of the pipe. APA must consider any changes of land use within the ML area to determine the effect of a new use on the risk profile of the pipeline.

For reference, the ML of the Young to Lithgow Pipeline is 140m. Note that the ML is a radial dimension, and therefore applies to both sides of the pipe.

Sensitive Uses

APA seeks to limit sensitive uses from establishing within the pipeline Measurement Length to retain a high level of compliance with applicable safety standards. AS2885 defines a sensitive use as one which may increase the consequences of failure due to its use by members of the community who may be unable to protect themselves from the consequences of a pipeline failure.

To this end, APA's preferred position is that all land uses listed below be located outside of the ML:

- Child care centres
- Detention facility
- Educational facility
- Function facility
- Health care services
- Hospital
- Hotel
- Place of worship
- Residential care facility
- Retirement facility
- Service station
- Shop
- Shopping centre
- Theatre

Safety Management Study

AS2885 requires a Safety Management Study (**SMS**) to be undertaken whenever the land use classification of land within the ML changes. The purpose of an SMS is to assess the risk associated with a change in land use, including both construction risks and ongoing land use risks. The SMS will also develop appropriate controls to reduce risks to 'as low as reasonably practicable' (**ALARP**).

The SMS process does not preclude development from occurring, but ensures it occurs in a manner which maintains the pipeline integrity and community safety. Typical recommendations of an SMS are improved physical protection of the pipeline through protective slabbing installed below ground and over the pipeline.

The cost of undertaking an SMS including any mitigation measures required are to be borne by the proponent as the 'agent of change'. APA has developed a list of preferred SMS facilitators. This ensures facilitators are both independent and satisfactorily qualified to undertake this assessment.

Easement Management

APA's pipeline and associated easement through the Planning Proposal (PP1B) boundaries. The following details regarding easement management are therefore provided for general information.

To ensure compliance with the safety requirements of AS2885, APA needs to ensure our easement is managed to an appropriate standard. This includes:

- Ensuring the easement is maintained free of inappropriate vegetation and structures.
- Place warning signs at various mandated points along the pipeline route, including any change in property description/boundaries.
- Maintain a constant line of sight between warning signs.
- Undertake physical patrols and inspections of the easement.

APA will not accept outcomes that do not enable us to achieve our safety responsibilities to the surrounding community. Crossings of the pipeline should be at 90 degrees and minimised as much as possible.

Any proposed works within the easement must be approved prior to works occurring, by APA through our Third Party Works Authorisation process. This process will ensure all works are undertaken in a safe manner that does not physically impact on the pipeline. Anyone seeking to undertake works on property containing a pipeline, or are seeking details on the physical location of the pipeline, please contact Dial Before You Dig on 1100 or <https://www.1100.com.au/> or APA directly at APAprotection@apa.com.au.

Roads and services over easement

It is APA's preference that roads being constructed over pipeline easements be avoided wherever possible. The creation of roads over pipeline easements results in the following issues:

- Loss of control over easement area which has been secured through a legally enforceable easement agreement.
- Increased potential for external interference with the pipeline due to other parties utilising the road reservation for infrastructure (water, sewer etc.) over or around the pipeline.
- Increased difficulty accessing the pipeline due to the need for access approval from Council or other roads authorities.
- Increased cost in accessing the pipeline due to the need to make good a road reserve.
- Loss of ability to duplicate or loop the pipeline in the future.

APA will consent, in principle (and subject to detailed assessment), to periodic road or services crossings over the easement on the basis that Council and other utility operators (as relevant) enter into an agreement with APA to maintain our existing easement rights in the area to be covered by road.

The proponent must demonstrate that the number of crossings has been minimised. Crossings are to be as perpendicular as possible to the pipeline to minimise the area of impact.

Australian Pipeline Database

The pipeline industry, led and coordinated by the Australian Pipelines and Gas Association, has established the Australian Pipeline Database. This is a GIS based database that identifies all high pressure pipelines including the owner of the asset and subsequent contact details. This database is available under license, free of charge to government planning authorities. The database also allows Planning Authorities to export pipeline information for use within their own GIS systems.

The use of this data will assist Planning Authorities determine if strategic or statutory planning proposals are approximately a HPGTP and liaise with the Pipeline Licensee accordingly. The Database can be accessed from the following link: <https://maps.landpartners.com.au/apd/>

Planning Proposal Background

The details that form of the basis of this letter, follow review of the Planning Proposal PP1 – Blayney and Browns Creek Road prepared by Blayney Shire Council c/- iPLAN Projects, Version C, dated 5 May 2021.

The Planning Proposal seeks to amend the minimum allotment size (from 20Ha to a reduced minimum lot size of 2Ha with an average of 5Ha) for subdivision along Browns Creek Road, west of the Town of Blayney. APA's Young to Lithgow Pipeline is located within a 20-metre wide easement through the Planning Proposal (PP1B) boundaries north of Browns Creek Road.

Historical Development Approvals

APA wishes to take this opportunity to provide advice to Council regarding two (2) historical development approvals for subdivision within the PP1B Boundaries that APA is aware of. These being the follows:

- Approval in March 2015 for a 21-lot subdivision at 653 Browns Creek Road, Browns Creek (DA No. 2006/89/1).
- Approval in July 2015 for a 16-lot subdivision at 404 Browns Creek Road, Browns Creek (DA No. 2012/39).

APA acknowledges that at the time of these applications, the State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) was either not in effect or ISEPP Clause 55 (now Clause 66C) did not require pipeline operator input prior to Council determination on the application. While APA does not seek to unpick the approved developments, APA considers the opportunity to provide comment during the development assessment process would have ensured a better outcome in terms of the integrity of our pipelines, security of gas supply, and safety of the community.

APA notes the lot registration for the approved subdivision (DA No. 2006/89/1) has occurred over APA's pipeline easement. APA anticipates similar title registration notification for approved subdivision (DA No. 2012/39) to occur. APA would welcome from Council a copy of the Development Approval to enable APA to manage the development impact and be in a position to discuss further with the proponent.

APA Urban Planning Position

Please note APA will not accept the easement to be located in the rear of residential properties (lots that are less than 2Ha in size). New estates typically locate APA's easement within linear open space held in a single title, which is APA's preferred position. APA's Site Planning and Landscape National Guidelines are available on APA's [website](#). This document will assist with landscape design outcomes for development where involving APA's pipeline easement. Building envelopes should be identified on all relevant subdivision plans outside of APA's easement.

Comments

On the basis of the information provided, APA does not object to the Planning Proposal to amend Blayney Local Environmental Plan 2012, subject to the following comments:

1. APA's preferred approach for the pipeline easement is to be treated as a linear open space corridor as this outcome provides the greatest protection to the pipeline whilst providing the opportunity for significant open space, attractive landscaping, and active travel. APA's Site Planning and Landscape National Guidelines are available on APA's [website](#). This document will assist with landscape design outcomes for development where involving APA's pipeline easement.
2. APA would welcome from Council a copy of the Development Approval (DA No. 2012/39) to enable APA to manage the development impact and be in a position to discuss further with the proponent.
3. APA welcomes consideration of APA's pipeline within Section 2.3.5 of the Planning Proposal. To expand on this consideration for future Development Applications lodged with Council. APA has attached a suite of standardised Development Control Plan (DCP) controls for development in proximity to APA's High Pressure Transmission Pipelines across New South Wales. APA would welcome Council's inclusion of these standardised pipeline planning controls within the Blayney DCP 2018 to ensure consistent development outcomes.

APA thanks Blayney Shire Council for the opportunity to provide comment on the proposed amendment to the Blayney Local Environmental Plan 2012 and looks forward to providing further input at the Development Application stage.

Please contact Ben Setchfield on 07 3223 3385 or email planningnsw@apa.com.au to further discuss the contents of this correspondence.

Yours faithfully,

Ben Setchfield
Senior Urban Planner
Infrastructure Planning and Approvals

Att APA Pipeline Mapping Extract
Att Draft Standardised DCP Pipeline Planning Controls

APA Pipeline Mapping Extract



Draft Standardised DCP Pipeline Planning Controls

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APA Group ACN 083 009 278
 Level 1, 121 Wharf Street
 Spring Hill, QLD 4000
 GPO Box 1390, QLD 4001
 APA Group | apa.com.au



1. Standardised Development Control Plan Provisions

1.1 High Pressure Gas Pipeline Infrastructure

Objectives

- a) Development of sensitive uses are either located outside of the pipeline measurement length or provide appropriate risk mitigation.
- b) Development does not compromise the safe operation and maintenance of the high pressure gas pipeline.

Controls

- 1) A Safety Management Study is required in accordance with Australian Standard 2885 for Pipelines – Gas and Liquid Petroleum.
- 2) Development where occupants are unable to protect themselves or have restricted movement are not located within the pipeline Measurement Length as listed below, without prior consultation with the relevant pipeline operator.
 - Childcare centre
 - Detention facility
 - Educational establishment
 - Function Facility
 - Health care service
 - Hospital
 - Hotel
 - Place of Worship
 - Residential care facility
 - Retirement facility
 - Service Station
 - Shop
 - Shopping Centre
 - Theatre
- 3) Development is not located on or in the pipeline easement without prior written confirmation from the relevant pipeline operator.
- 4) Any new road / service crossings for a development should be consolidated and perpendicular to the pipeline.
- 5) The pipeline easement should be located within a linear open space corridor with uses limited to active travel and landscaping. Applicants should seek written confirmation from the relevant pipeline operator to confirm proposal is acceptable.
- 6) Where linear open space is impractical for industrial or commercial developments, the pipeline should be located within the front setback.
- 7) Development does not create additional lots (less than 2ha) over the pipeline easement. All lots that include the pipeline easement should ensure the building location envelope is of sufficient size to accommodate the likely buildings to be constructed on the lot.
- 8) Development does not involve works within 20 metres of the pipeline or 20 metres of the pipeline easement boundaries for a high pressure gas pipeline, without prior written confirmation from the relevant pipeline operator.

APA Group comprises two registered investment schemes, Australian Pipeline Trust (ARSN 091 678 778) and APT Investment Trust (ARSN 115 585 441), the securities in which are stapled together. Australian Pipeline Limited (ACN 091 344 704) is the responsible entity of those trusts. The registered office is HSBC building, Level 19, 580 George Street, Sydney NSW 2000.

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always
powering
ahead



Daniel Drum
Senior Town Planner
Blayney Shire Council
91 Adelaide Street
Blayney NSW 2799

Our ref: DOC21/1039559
Your ref: PP-2021-3581

Emailed: via Planning Portal

30 November 2021

Dear Mr Drum,

Subject: Planning Proposal – Blayney Township & Near Browns Creek Rd.

Thank you for the opportunity to provide advice on the above matter. This is a response from the NSW Department of Regional NSW – Mining, Exploration and Geoscience (MEG) – Geological Survey of NSW (GSNSW).

We understand the rezoning comprises two areas (PP1A & PP1B) and seeks to amend the Blayney LEP 2012 to allow for:

- PP1A - Dual occupancy subdivision in Zone R1 (General Residential) in the town of Blayney.
- PP1B - Change the minimum lot size from 20ha to 2ha in R5 (Large Lot Residential) areas near Browns Creek Rd.

MEG-GSNSW has no concerns regarding PP1A amendment.

MEG-GSNSW notes that the western portion of the subject R5 (Large Lot Residential) zone near Browns Creek Rd is located within the transition area (buffer zone) of an identified resource referred to as 'Brown Creek Gold Mine'. The identified resource area is currently covered by mining titles held by Australian Native Landscapes (ANL) Pty Ltd who operate the site re-processing stockpiles of limestone and granite to produce horticultural products including decorative and construction aggregates. Furthermore, the western portion of the R5 zone is also located within the Cowriga Creek Potential Resource Area.

Browns Creek Gold Mine and Cowriga Creek Potential Resource Area are identified in the Blayney Shire Mineral Resource Audit (MRA). MRA is part of an ongoing mapping program to assist councils with land use planning. MRA is conducted in accordance with Ministerial Direction 1.3 - Mining, Petroleum Production and Extractive Industries under Section 9.1(2) of the *Environmental Planning and Assessment Act 1979*. MRA mapping for Blayney Shire has been previously supplied to Council and re-supply and/or updates can be provided upon request.

MEG-GSNSW acknowledges the planning proposals intention to retain the current 20ha lot size over some of the western portion of PP1B. MEG-GSNSW notes that by retaining the 20ha lot size there should be less residential intensification within the transition area and potential resource area and therefore reduced potential for land use conflict in the future. Accordingly, MEG-GSNSW currently has no concerns to raise regarding the proposal.



Furthermore, Exploration Licence (EL) 5922 held by Lachlan Fold Belt Resources (LFB) covers a large regional area including the planning proposal area. Accordingly, MEG-GSNSW recommends consultation with LFG and ANL to ensure that they are aware of the proposal.

Queries regarding the above information should be directed to the MEG-Land Use team at landuse.minerals@geoscience.nsw.gov.au.

Yours sincerely,

Malcolm Drummond
Senior Geoscientist - Land Use Assessment
for
Steven Palmer
Manager, Land Use Assessment
Geological Survey of NSW – Mining, Exploration & Geoscience

19) EMPLOYMENT ZONE REFORMS AND CHANGES TO THE BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012

Department: Planning and Environmental Services

Author: Director Planning and Environmental Services

CSP Link: 5. The Natural Environment

File No: PL.TE.1

Recommendation:

That Council

1. Note the employment zones reform being progressed by the NSW Government to the Standard Instrument Principal Local Environmental Plan.
2. Endorse the Return Translation Detail outlining the proposed amendments to the Blayney Local Environmental Plan 2012.
3. Delegate to the General Manager authority to finalise the Return Translation Detail document including any minor typographical or editorial changes prior to public exhibition.
4. Delegate to the General Manager authority to finalise the amendments to the Blayney Local Environmental Plan 2012.

Reason for Report:

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

Report:

The Department of Planning and Environment announced in 2021 of its intention to replace the existing business and industrial zones across the state with five new employment zones and three supporting zones in the Standard Instrument Principal Local Environmental Plan.

The Standard Instrument currently contains eight business zones and four industrial zones, introduced fifteen years ago. Since then, considerable changes to the nature and operation of businesses has occurred. These include the growth of online retailers and local centres, increased reliance on freight and logistics services, flexible working arrangements and multi-use businesses.

As part of the transformation process, Council staff have reviewed the proposed zones and provided the Employment zones team with a completed 'Return Translation Detail' (attached) document which details changes to the permissibility of local land uses, additional permitted uses, local provisions, and mapping amendments.

Blayney Shire currently has 5 employment related zones;

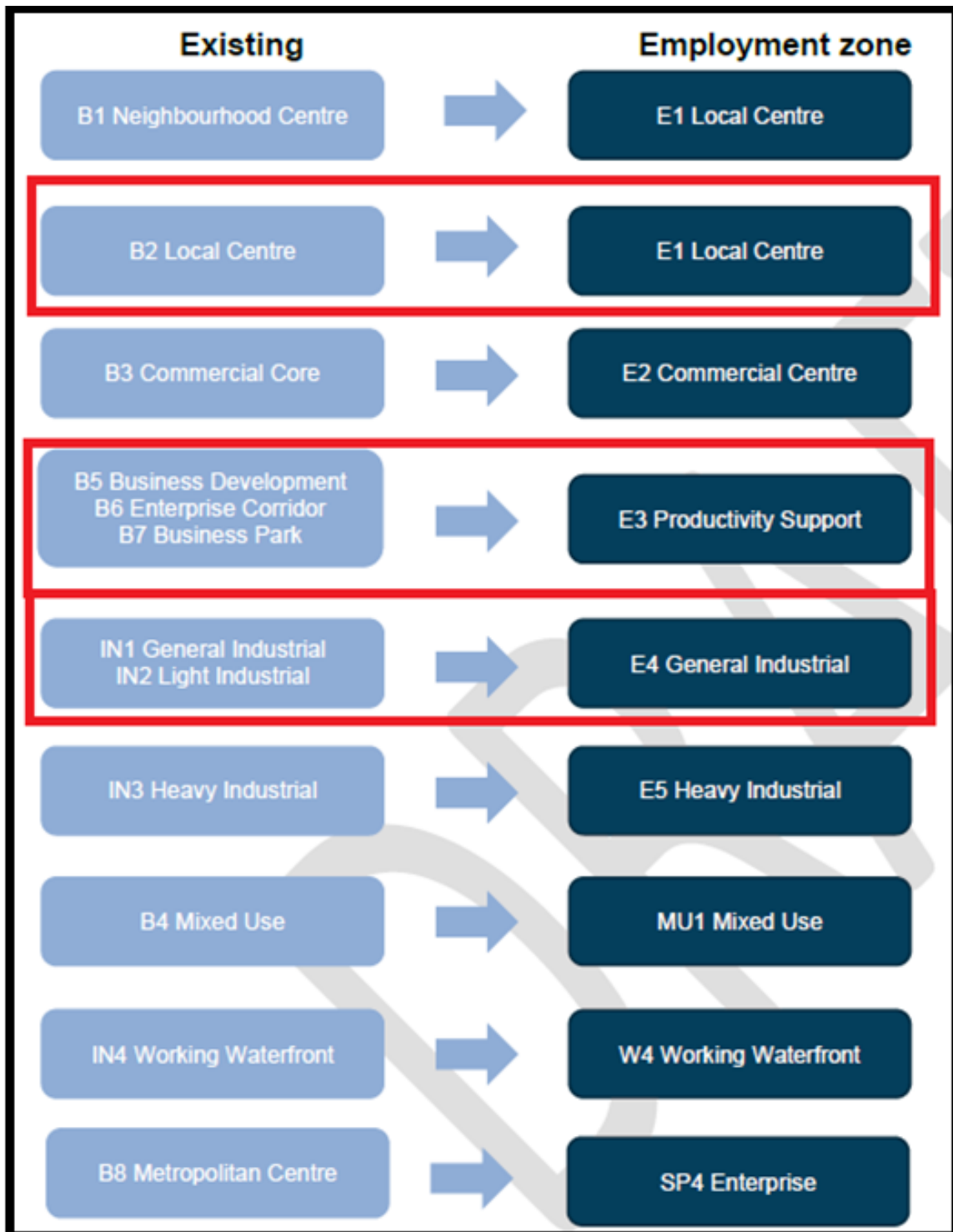
- B2 Local Centre
- B5 Business Development
- B6 Enterprise Corridor
- IN1 General Industrial
- IN2 Light Industrial



Current BLEP 2012 employment zones

Under the changes, Blayney Shire the 5 current zones will be condensed into 3 new zones;

- E1 Local Centre
- E3 Productivity Support
- E4 General Industrial



Other Changes

DPE have also asked Councils to use the opportunity to “health check” the land use tables (what is permissible and not permissible) in each of the proposed 3 new zones. Staff are proposing several changes as per below regarding permissibility in the new E3 and E4 zones.

The justification for the proposed changes is to prohibit accommodation related uses within the E3 zone which is in the industrial area. Those uses sought to be included as permitted are uses currently not permissible but considered appropriate for the industrial area

- **E1 Local Centre**

No change

- **E3 Productivity Support**

Land use	Permit with consent	Prohibit
BACKPACKERS ACCOMMODATION		✓
BED AND BREAKFAST ACCOMMODATION		✓
GROUP HOMES		✓
INDUSTRIES		✓
SENIOR HOUSING		✓
CREMATORIA	✓	
EXHIBITION HOMES	✓	
EXHIBITION VILLAGES	✓	
HIGHWAY SERVICE CENTRES	✓	
HOME BASED CHILD CARE	✓	
TRUCK DEPOTS	✓	

- **E4 General Industrial**

Land use	Permit with consent	Prohibit
WHOLESALE SUPPLIES	✓	

Next steps

- A self-repealing State Environmental Planning Policy (SEPP) Explanation of Intended Effect (EIE) will be exhibited by DPIE in April 2022 for a six-week period.
- The SEPP EIE will outline each council's proposed LEP amendment.
- DPIE is building a web platform so that communities can readily identify their local changes and make a specific submission on the proposed translation and associated detail relevant to their local areas.
- Submissions in their entirety as well as summaries will be shared with councils following exhibition to enable finalisation of the policy between DPIE and Council second half of 2022.
- It is intended to amend all LEPs before December 2022.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

- | | | |
|---|--|----------|
| 1 | Employment zones reform translation – Return
Translation Detail | 15 Pages |
|---|--|----------|

Attachments (separate document)

Nil



Employment zones reform translation – Return Translation Detail

Blayney LEP 2012

BLAYNEY LEP 2012 | VERSION 1.0

Employment zones reform

Preliminary translation of Blayney LEP 2012 land use tables



1. Confirmation of zone selection

Zone E1 Local Centre		
Confirm zone is correct Y/N	Entire zone not appropriate or Specific zone incorrectly applied to an area	Council comment
Yes		Confirmed

Zone E3 Productivity Support		
Confirm zone is correct Y/N	Entire zone not appropriate or Specific zone incorrectly applied to an area	Council comment
Yes		Confirmed

Zone E4 General Industrial		
Confirm zone is correct Y/N	Entire zone not appropriate or Specific zone incorrectly applied to an area	Council comment

BLAYNEY LEP 2012 | Return Translation Detail for Council to fill in - Preliminary Translation Version 1.0 | 2

Employment zones reform

Preliminary translation of Blayney LEP 2012 land use tables



Yes		Confirmed
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Employment zones reform

Preliminary translation of Blayney LEP 2012 land use tables

2. Local zone objectives

Zone E1 Local Centre			
Local objective ¹	DPIE recommendation (retain delete or amend)	Council comment	Amended or new local objective (where applicable)
To preserve Adelaide Street as the retail and commercial centre of the Town of Blayney to support the needs of Blayney.	Retain	We wish to retain this objective.	Objective to be retained

Zone E3 Productivity			
Local objective ¹	DPIE recommendation (retain delete or amend)	Council comment	Amended or new local objective (where applicable)
To provide for residential uses, but only as part of a mixed use development.	Delete	We wish to delete this objective.	Objective to be deleted

Zone E4 Productivity			
Local objective ¹	DPIE recommendation (retain delete or amend)	Council comment	Amended or new local objective (where applicable)
NA	NA	NA	NA

BLAYNEY LEP 2012 | Return Translation Detail for Council to fill in - Preliminary Translation Version 1.0 | 4

Employment zones reform

Preliminary translation of Blayney LEP 2012 land use tables



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Employment zones reform

Preliminary translation of Blayney LEP 2012 land use tables



3. Permitted with or without consent – **Acknowledged – these will be updated in your land use table**

Zone E1 Local Centre		
Land uses	Permitted without consent	Permitted with consent
Building identification signs		✓
Business identification signs		✓
Home businesses		✓
Home industries		✓
Home occupations		✓
Recreation areas		✓
Roads	✓	

Zone E3 Productivity Support		
Land uses	Permitted without consent	Permitted with consent
Building identification signs		✓
Business identification signs		✓

BLAYNEY LEP 2012 | Return Translation Detail for Council to fill in - Preliminary Translation Version 1.0 | 6

Employment zones reform



Preliminary translation of Blayney LEP 2012 land use tables

Home industries		✓
Roads	✓	

Zone E4 General Industrial		
Land uses	Permitted without consent	Permitted with consent
Building identification signs		✓
Business identification signs		✓
Roads	✓	

Employment zones reform

Preliminary translation of Blayney LEP 2012 land use tables



4. Other land uses

Zone E1 Local Centre			
Land use	Permitted without consent	Permitted with consent	Prohibited

Zone E3 Productivity Support			
Land use	Permitted without consent	Permitted with consent	Prohibited
Backpackers accommodation			✓ Council does not consider this an appropriate land use in the zone. Will be prohibited through Tourist and Visitor Accommodation group term
Bed and breakfast accommodation			✓ Council does not consider this an appropriate land use in the zone. Will be prohibited through Tourist and Visitor Accommodation group term
Group homes			✓ Council does not consider this an appropriate land use in the zone.
Senior housing			✓ Council does not consider this an appropriate land use in the zone.

BLAYNEY LEP 2012 | Return Translation Detail for Council to fill in - Preliminary Translation Version 1.0 | 8

Employment zones reform



Preliminary translation of Blayney LEP 2012 land use tables

Crematoria		<p>✓ The land use is currently not permitted in the zone, however the E3 zone is considered an appropriate zone for this use.</p> <p>Acknowledged</p>	
Exhibition homes		<p>✓ The land use is currently not permitted in the zone, however the E3 zone is considered an appropriate zone for this use.</p> <p>Acknowledged</p>	
Exhibition villages		<p>✓ The land use is currently not permitted in the zone, however the E3 zone is considered an appropriate zone for this use.</p> <p>Acknowledged</p>	
Highway service centres		<p>✓ The land use is currently not permitted in the zone, however the E3 zone is considered an appropriate zone for this use.</p> <p>Acknowledged</p>	
Home based child care		<p>✓ The land use is currently not permitted in the zone, however the E3 zone is considered an appropriate zone for this use.</p> <p>Acknowledged</p>	
Industries			<p>✓ Council does not consider this an appropriate land use in the zone.</p>

BLAYNEY LEP 2012 | Return Translation Detail for Council to fill in - Preliminary Translation Version 1.0 | 9

Employment zones reform



Preliminary translation of Blayney LEP 2012 land use tables

Truck depots		✓ The land use is currently not permitted in the zone, however the E3 zone is considered an appropriate zone for this use. Acknowledged	
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Zone E4 General Industrial			
Land use	Permitted without consent	Permitted with consent	Prohibited
Wholesale supplies		✓ The land use is currently not permitted in the zone, however the E4 zone is considered an appropriate zone for this use. Acknowledged	

Employment zones reform

Preliminary translation of Blayney LEP 2012 land use tables



5. Pond-based aquaculture – Acknowledged – we will update the land use table

Pond-based aquaculture		
Zone	Permitted with consent	Prohibited
Zone E1 Local Centre		✓
Zone E3 Productivity Support		✓
Zone E4 General Industrial	✓	

Employment zones reform

Preliminary translation of Blayney LEP 2012 land use tables



6. Tank-based aquaculture – No R4 zone in Blayney.

Tank-based aquaculture		
Zone	Permitted with consent	Prohibited
R4 – High Density Residential		

Employment zones reform

Preliminary translation of Blayney LEP 2012 land use tables



7. Local distribution premises

Local distribution premises		
Zone	Permitted with consent or prohibited	Justification
RU1		PHB
RU2		PHB
RU3		PHB
RU5		PHB
R1		PHB
R5		PHB
SP2		PHB
RE1		PHB
C2		PHB

Employment zones reform

Preliminary translation of Blayney LEP 2012 land use tables



8. Local provisions – N/A

Local Provisions			
Local provision clause ¹	DPIE recommendation	Council comment	Amended local provision (if applicable)

9. Schedule 1 – Additional permitted uses - N/A

Schedule 1		
Site*	Schedule 1 provision ¹	Reason for removal

10. Other zone or land use matters to be considered N/A

<Zone>	
Land use	Proposed change

Employment zones reform

Preliminary translation of Blayney LEP 2012 land use tables



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Matters to be dealt with in closed committee

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

20) CONTRACT 6/2021 - DESIGN AND CONSTRUCTION OF BLAYNEY SHIRE BRIDGES (PORTION B)

This matter is considered to be confidential under Section 10A(2) (di) (dii) 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; AND commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council.

21) CONTRACT 6/2021 - DESIGN AND CONSTRUCTION OF BLAYNEY SHIRE BRIDGES (PORTION C)

This matter is considered to be confidential under Section 10A(2) (di) (dii) 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; AND commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council.

22) CNSWJO - PANEL CONTRACT FOR LINE MARKING

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.