



16 May 2024

Dear Councillor,

Your attendance is requested at an Ordinary Council Meeting of the Blayney Shire Council to be held in the Chambers, Blayney Shire Community Centre on Tuesday, 21 May 2024 at 6.00pm for consideration of the following business -

- (1) Livestreaming Video and Audio Check
- (2) Acknowledgement of Country
- (3) Recording of Meeting Statement
- (4) Apologies for non-attendance
- (5) Disclosures of Interest
- (6) Public Forum
- (7) Mayoral Minute
- (8) Confirmation of Minutes - Ordinary Council Meeting held on 16.04.24
- (9) Matters arising from Minutes
- (10) Reports of Staff
 - (a) Executive Services
 - (b) Corporate Services
 - (c) Infrastructure Services
 - (d) Planning and Environmental Services
- (11) Closed Meeting

Mark Dicker
General Manager

Meeting Calendar 2024

May

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
6.00pm	21 May 2024	Council Meeting	Community Centre
8.30am	22 May 2024	Orange 360 Board Meeting	Orange
10.00am	22 May 2024	Audit, Risk and Improvement Committee Meeting	Community Centre
10.00am	23 May 2024	Central NSW Joint Organisation Board Meeting	Lithgow

June

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
10.00am	7 June 2024	Traffic Committee Meeting	Community Centre
6.00pm	25 June 2024	Council Meeting	Community Centre
8.30am	26 June 2024	Orange 360 Board Meeting	Orange

July

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
6.00pm	23 July 2024	Council Meeting	Community Centre
8.30am	24 July 2024	Orange 360 Board Meeting	Orange

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HELD ON TUESDAY 21 MAY 2024

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LIVE STREAMING OF COUNCIL MEETINGS

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

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

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

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

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

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

01) MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 16 APRIL 2024**Department:** Executive Services**Author:** General Manager**CSP Link:** 2. Build the Capacity and Capability of Local Governance and Finance**File No:** GO.ME.3**Recommendation:**

That the Minutes of the Ordinary Council Meeting held on 16 April 2024, being minute numbers 2404/001 to 2404/018 be confirmed.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY
CENTRE, ON 16 APRIL 2024, COMMENCING AT 6.00PM**

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

Acting General Manager (Mr J Hogan), Acting Director Corporate Services (Mrs T Irlam), Director Planning & Environmental Services (Mr A Muir) and Administration Officer (Mrs N Smith)

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

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

Councillor/ Staff	Interest	Item	Pg	Report	Reason
Cr Ferguson	Non-Pecuniary (Significant)	3	12	Blayney Rotary Lookout Project	Cr Ferguson is a member of the Rotary Club of Blayney
Cr Somervaille	Non-Pecuniary (Significant)	3	12	Blayney Rotary Lookout Project	Cr Somervaille is a member of the Rotary Club of Blayney
Cr Ewin	Non-Pecuniary (Significant)	3	12	Blayney Rotary Lookout Project	Cr Ewin is a member of the Rotary Club of Blayney
Cr Somervaille	Non-Pecuniary (Less than Significant)	7	64	Minutes of Financial Assistance Committee	Cr Somervaille is a member of the Blayney A&P Association who are an applicant for financial assistance in Item 6

Cr Ferguson	Pecuniary	7	64	Minutes of the Financial Assistance Committee	Cr Ferguson provided quotation for one of the applications being F1
Cr Somerville	Non-Pecuniary (Less than Significant)	11	102	Draft Blayney Showground Master Plan	Cr Somerville is a member of the Blayney A&P Association, a user of the Showground

CONFIRMATION OF MINUTES

MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 19 MARCH 2024

2404/001

RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 19 March 2024, being minute numbers 2403/001 to 2403/016 be confirmed.

(Newstead/Pryse Jones)

CARRIED

MATTERS ARISING FROM THE MINUTES

Nil

EXECUTIVE SERVICES REPORTS

QUESTIONS TAKEN ON NOTICE AT THE PREVIOUS COUNCIL MEETING HELD 19 MARCH 2024

2404/002

RESOLVED:

That the questions taken on notice at the Ordinary Council Meeting held on 19 March 2024 and subsequent response be received and noted.

(Newstead/Somerville)

CARRIED

The Mayor indicated that as he, along with Cr Somerville and Cr Ewin, had declared an interest in this item, it would be necessary to elect a Chair from the floor. The Mayor moved Cr Reynolds be appointed Chairperson which was seconded by Cr Somerville. On being put to the vote, Cr Reynolds was appointed Chairperson for this item. The Mayor, Cr Somerville and Cr Ewin vacated the Chambers and Cr Reynolds assumed the Chair.

BLAYNEY ROTARY LOOKOUT PROJECT

2404/003

RESOLVED:

That Council:

1. Subject to receiving all of the funding identified within this report endorse the Blayney Lookout project to be undertaken with an estimated expenditure \$157,560
2. Fund delivery of the project through;
 - a) \$120,000 contribution from Blayney Rotary
 - b) \$18,000 under the Local Small Commitments Allocation Program
 - c) \$19,560 from the Blayney Village Enhancement Program

3. Schedule delivery of the project in the 2024/25 Operational Plan

(Pryse Jones/Gosewisch)

CARRIED

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

QUARTERLY OUTSTANDING RESOLUTION REPORT

2404/004

RESOLVED:

That Council note the Outstanding Resolution Report to March 2024.

(Gosewisch/Pryse Jones)

CARRIED

CORPORATE SERVICES REPORTS

REPORT OF COUNCIL INVESTMENTS AS AT 31 MARCH 2024

2404/005

RESOLVED:

That Council;

1. Note the report indicating Council's investment position as at 31 March 2024.
2. Note the certification of the Responsible Accounting Officer.

(Reynolds/Somerville)

CARRIED

REVIEW OF COUNCIL POLICIES

2404/006

RESOLVED:

That Council;

1. Adopt the Borrowings Policy and it be updated to Council's Policy Register.
2. Endorse the following policies and they be placed on public exhibition for a period of not less than 28 days.
Noting that should no submissions be received that they be adopted and updated to Council's Policy Register:

Policy Name
Restricted and Unrestricted Cash Policy
Social Media Policy

(Somerville/Ewin)

CARRIED

The Mayor, Cr Ferguson, having declared an interest left the meeting.
The Deputy Mayor, Cr Somervaille, assumed the Chair.

MINUTES OF THE FINANCIAL ASSISTANCE COMMITTEE
MEETING HELD 2 APRIL 2024

MOTION:

That Council;

1. Receive the minutes of the meeting held 2 April 2024.
2. Engage with event organisers to investigate the possibility of changing the route for ANZAC Day marches to minimise traffic management costs borne under the Community Financial Assistance Program.
3. In light of the now many applications that sit outside the policy guidelines, Council to undertake a review of existing policies and guidelines for all community funding programs – Financial Assistance, Tourism, Flagship and any other relevant funding programs. Report to Council no later than July 2024.
4. That Council does not support No.5, Millthorpe Soccer Club but does supports F2. Blayney Eco Hub, subject to DA approval.
5. Approve the recommendations for 2023/24 – Round 2 of the Community Financial Assistance Program, excluding applications No.5 Millthorpe Senior Soccer Club reducing the Financial Assistance Committee resolved in the amount of \$13,516.

No.	Applicant	Project	Grant Recomm- ended
5	Millthorpe Senior Soccer	Training equipment supply	\$3,088
F2	Blayney Eco Hub Inc.	Establish a community garden and education, installation of 3 water tanks and 10 garden beds for community use	\$10,000

(Reynolds / Newstead)

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

AMENDMENT:

That Council;

1. Receive the minutes of the meeting held 2 April 2024.
2. Engage with event organisers to investigate the possibility of changing the route for ANZAC Day marches to minimise traffic management costs borne under the Community Financial Assistance Program.
3. In light of the now many applications that sit outside the policy guidelines, Council to undertake a review of existing policies and guidelines for all community funding programs – Financial Assistance, Tourism, Flagship, Schedule of S356 donations. Report to Council no later than July 2024.

4. That Council does not support No.5, Millthorpe Soccer Club or number F2 Blayney Eco Hub.
5. Approve the recommendations for 2023/24 – Round 2 of the Community Financial Assistance Program, excluding applications No.5 and No F2.

No.	Applicant	Project	Grant Recomm- ended
5	Millthorpe Senior Soccer	Training equipment supply	\$3,088
F2	Blayney Eco Hub Inc.	Establish a community garden and education, installation of 3 water tanks and 10 garden beds for community use	\$10,000

(Pryse Jones/Gosewisch)
CARRIED

The amendment became the substantive motion and was put.

2404/007 RESOLVED:

That Council;

1. Receive the minutes of the meeting held 2 April 2024.
2. Engage with event organisers to investigate the possibility of changing the route for ANZAC Day marches to minimise traffic management costs borne under the Community Financial Assistance Program.
3. In light of the now many applications that sit outside the policy guidelines, Council to undertake a review of existing policies and guidelines for all community funding programs – Financial Assistance, Tourism, Flagship, Schedule of S356 donations. Report to Council no later than July 2024.
4. That Council does not support No.5, Millthorpe Soccer Club or number F2 Blayney Eco Hub.
5. Approve the recommendations for 2023/24 – Round 2 of the Community Financial Assistance Program, excluding applications No.5 and No F2.

No.	Applicant	Project	Grant Recomm- ended
5	Millthorpe Senior Soccer	Training equipment supply	\$3,088
F2	Blayney Eco Hub Inc.	Establish a community garden and education, installation of 3 water tanks and 10 garden beds for community use	\$10,000

(Pryse Jones/Gosewisch)
CARRIED

The Mayor, Cr Ferguson, returned to the meeting and took the Chair.

TERMS OF REFERENCE - AUDIT, RISK & IMPROVEMENT COMMITTEE**2404/008****RESOLVED:**

That Council ;

1. Receive the Audit, Risk and Improvement Committee Terms of Reference report.
2. Endorse the draft Audit, Risk and Improvement Committee Terms of Reference document, to take effect from 1 July 2024, for public exhibition over a period not exceeding 28 days.
3. Approve extending the tenure of the Independent Member and current Chair, Donna Rygate, to 22 November 2026 subject to an application for reappointment.

(Pryse Jones/Reynolds)

CARRIED**INFRASTRUCTURE SERVICES REPORTS****2404/009****ROAD CLOSURE - BLAKE STREET MILLTHORPE****RESOLVED:**

That Council extend temporary regulation of traffic on Blake Street, Millthorpe between Park and William Streets, and William and George Streets, for a period of 12 months in accordance with section 122 of the Roads Act 1993.

(Gosewisch/Pryse Jones)

CARRIED**2404/010****ROAD CLOSURE - GRAHAM LANE****RESOLVED:**

That Council:

1. Endorse the closure of the portion of Graham Lane, Millthorpe that adjoin Lots 46-48 in DP11125, in accordance with s.38 Roads Act 1993, subject to the applicant funding Council's road closure application fee, all costs associated with the closure and compensation for the market value of the land.
2. Delegate to the General Manager authority to negotiate and execute the terms of the road closure.
3. Delegate to the General Manager authority to negotiate the sale price of the land, subject to Council approval; and
4. Have a further report presented to a future Council meeting to consider any submissions lodged during the notification period and to make a decision on approval for the proposal.

(Somerville/Gosewisch)

CARRIED

DRAFT BLAYNEY SHOWGROUND MASTERPLAN 2024

2404/011 RESOLVED:

That Council;

1. Endorse the Draft Blayney 2024 Showground Masterplan.
2. Place on public exhibition for a period of 28 days the Draft Blayney 2024 Showground Masterplan.

(Ewin/Pryse Jones)

CARRIED

MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 5 APRIL 2024

2404/012 RESOLVED:

That Council;

1. Receive and note the minutes of the Blayney Traffic Committee Meeting, held on Friday 5 April 2024.
2. Endorse the closure of Trunkey St Newbridge for the Newbridge Winter Solstice Festival, to be staged on 22 June 2024 on Trunkey Street Newbridge as a Class 2 event, subject to the conditions detailed in the Director Infrastructure Services' Report.

(Gosewisch/Newstead)

CARRIED

INFRASTRUCTURE SERVICES MONTHLY REPORT

2404/013 RESOLVED:

That Council note the Infrastructure Services Monthly Report for April 2024.

(Gosewisch/Ewin)

CARRIED

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

DEVELOPMENT ASSESSMENT QUARTERLY REPORT

2404/014 RESOLVED:

That the Development Assessment Quarterly Report be received and noted.

(Gosewisch/Pryse Jones)

CARRIED

DELEGATES REPORTS

REPORT OF THE CENTRAL NSW JOINT ORGANISATION BOARD MEETING HELD 29 FEBRUARY 2024

2404/015

RESOLVED:

That Council

1. Note the report of the Central NSW Joint Organisation (CNSWJO) Board Meeting held 29 February 2024;
2. Note the return on investment from Council fees to the CNSWJO is 9.4:1;
3. Support the Simtables Workshop at Council in disaster readiness; and
4. Note the CNSWJO Draft Statement of Budget and Revenue.
(Pryse Jones/Somerville)

CARRIED

CLOSED MEETING

2404/016

RESOLVED:

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

CONTRACT S2 2024 SUPPLY, DELIVERY AND/OR INSTALLATION OF GUARDRAIL AND WIRE ROPE SAFETY FENCING

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

(Newstead/Reynolds)

CARRIED

CONFIDENTIAL MEETING REPORTS

CONTRACT S2 2024 SUPPLY, DELIVERY AND/OR INSTALLATION OF GUARDRAIL AND WIRE ROPE SAFETY FENCING

2404/017

RESOLVED:

That Council accept the tender for and enter into contract with RBK Pty Ltd t/as Top Notch Fencing and Western Safety Barriers Group Pty Ltd for the supply, delivery and/or installation of guardrail and wire rope safety fencing.

(Gosewisch/Ewin)

CARRIED

2404/018 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/Pryse Jones)

CARRIED

AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBERS 2404/17.

There being no further business, the meeting concluded at 8:08pm.

The Minute Numbers 2404/001 to 2404/018 were confirmed on 21 May 2024 and are a full and accurate record of proceedings of the Ordinary Meeting held on 16 April 2024.

Cr S Ferguson
MAYOR

Mr M Dicker
GENERAL MANAGER

02) QUESTIONS TAKEN ON NOTICE AT THE PREVIOUS COUNCIL MEETING HELD 16 APRIL 2024

Department: Executive Services

Author: General Manager

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

File No: GO.ME.3

Recommendation:

That the questions taken on notice at the Ordinary Council Meeting held on 16 April 2024 and subsequent response be received and noted.

Reason for Report:

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

Report:

Item 01

Question 1

Cr Reynolds asked about the Code of Meeting Practice and identified a further error is still in the revised document on Council's website?

Response:

The Code of Meeting Practice has been further updated and corrected.
The updated document is on Council's website.

Item 04

Question 2

Cr Reynolds asked why the Filming Policy was missing from the Council Resolution Report?

Response:

Council will update its website to include a section which will highlight issues to be addressed by those seeking to film within the shire.

Item 07

Question 3

Cr Pryse Jones asked about applications for Financial Assistance and the 'in-kind- labour contribution; what is the calculated hourly rate?

Response:

On the Financial Assistance Program Acquittal form there is reference to 'in-kind' labour being attributed at \$20/hour. This is only a recommendation and is left to the discretion of the applicant to attribute a figure.

Item 08

Question 4

Cr Reynolds asked about the ARIC Terms of Reference and whether Council needs to nominate an alternate delegate?

Response:

The Model ARIC Terms of Reference and the Risk Management & Internal Audit Guidelines for local government in NSW do not include any reference to the nomination of an alternate delegate.

Question 5

Cr Reynolds asked if the current Council delegate for ARIC will continue to end of term or do we need to resolve a non-voting member (and nominate an alternate)?

Response:

The report on Terms of Reference – Audit, Risk and Improvement Committee, at the April 2024 Council meeting notes that a further report will be brought to Council on any proposed changes to the draft ARIC Terms of Reference and for Council to endorse appointment of its non-voting Councillor.

Question 6

Cr Pryse Jones asked who is Council's internal audit coordinator?

Response:

The Risk Management and Internal Audit Guidelines for local government in NSW outline that the internal audit coordinator must be a council employee, if not part of a shared arrangement. It is proposed that the Director Corporate Services undertake this role.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

03) CENTRAL NSW JOINT ORGANISATION PLACEMAT REPORT**Department:** Executive Services**Author:** General Manager**CSP Link:** 2. Build the Capacity and Capability of Local Governance and Finance**File No:** GR.LR.3

Recommendation:

That Council note the Central NSW Joint Organisation PlaceMat report.

Reason for Report:

For Council to note the outcomes of a project undertaken by the Central NSW Joint Organisation (CNSWJO).

Report:**Background**

Council may recall from the previous delegate report that the CNSWJO has been progressing regional strategic support for IP&R. The first round of this work was completed at the end of 2022 and Council received a PlaceMat and report at that time.

Community Strategic Plan (CSP) workshops with State Agencies were arranged in conjunction with Regional NSW and CNSWJO staff and delivered in Orange in the second half of 2023.

The intent of the workshop was to provide an opportunity for our region's Integrated Planning & Reporting (IP&R) practitioners and other Council representatives to hear from State Government agencies about matters that will inform the development of the next local Community Strategic Plan, including:

- a. State agency priorities and plans for the next 5 years;
- b. Data collected or held by the agency that may assist Councils in their community planning;
- c. Opportunities for State agencies to partner with local Councils (including to inform Delivery Program activities); and
- d. Where Councils can find additional information related to the agency's work.

A secondary purpose of the workshop was to help establish or cement relationships between State agencies that operate in the Central West and local Councils across this region, as well as providing an opportunity for Council practitioners to network with their peers, all of whom are undertaking the same IP&R tasks within the same timeframes.

Council will be aware that State agency engagement with the IP&R Process is typically poor, and this project has been a step forward in addressing this ongoing issue. Ongoing advocacy and facilitation in this regard is recommended.

A key output from this program has been “Our PlaceMat”. The PlaceMat purpose is to provide a tool that stimulates conversation with the community about their aspirations in line with the mandatory Community Engagement Strategy, particularly for the Community Strategic Plan.

Why call it Our PlaceMat?

The PlaceMat is designed to be opened up and laid on the kitchen table to enable conversations in community about their place. Opened up it is an A3 size and could be used as a traditional placemat for the table!

About the data in Our Placemat

The data sets for the PlaceMat were developed through a subcommittee of the CNSWJO from across the region. It is important to note that the data sets were chosen to inform community about the priorities that are important to them.

Further, some communities have particular challenges where the input data into these public sites is poor. For example, if a community did not have a good response to the census its ABS data will be poor. If Council has concerns regarding specific data sets then it may be worth digging deeper into the underlying issues with the data and consider what Council can do to manage this. CNSWJO advise they would welcome any feedback in this regard with a view to providing advocacy and other support.

All data sets are publicly available and rely on their sources’ timeframes for renewal. This can be notoriously slow. Classic examples of this problem in the PlaceMats are median house prices and Electric Vehicles. Please request where data has been sourced from including links for those interested in exploring the data sets to a greater degree. Central West RDA were engaged to update the data sets.

The data will become more meaningful as the program is repeated and Council will be able to see change and over time, including trends.

Benchmarking

The PlaceMat benchmarks against other Councils in CNSWJO and then a regional placemat benchmarks against NSW. This enables informed conversations about the potential differences in one communities’ data with a neighbour.

The subcommittee’s view was that this was more immediate and therefore appropriate to CSP than comparisons with NSW which includes the very different metrics generated in Sydney. It is always tricky, and Council may have a view and is encouraged to share this with the CNSWJO.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

1 Central NSW JO PlaceMat

2 Pages

Attachments (separate document)







Nil

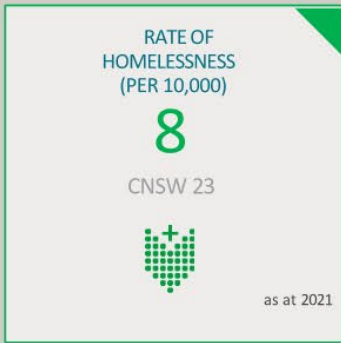
HOW TO READ THIS DOCUMENT

The data included has been collated under four themes which reflect the quadruple bottom line: community, economy, urban and natural environment, and community leadership.

Blayney has been compared to the same data for the Central NSW region as a whole, including the 10 local government areas of Bathurst, Cabonne, Cowra, Forbes, Lachlan, Lithgow, Oberon, Orange, Parkes and Weddin.

The data included for Blayney is reflected as follows:

-  Indicates Blayney's data is comparable with the region as a whole (or a comparison is not useful).
-  Blayney's data shows a **higher result** which is **positive** compared to the regional average.
-  Blayney's data shows a **lower result** which is **positive** compared to the regional average.
-  Blayney's data shows a **higher result** which is **negative** compared to the regional average.
-  Blayney's data shows a **lower result** which is **negative** compared to the regional average.
-  Data boxes flagged with a **green** or **red** triangle highlight the data that deviates by more than 10% from the CNSW average.



SOURCING THE DATA

This Snapshot relies on data from a number of sources. These data sets are updated with varying frequency. The most recent and up-to-date data is included in the summary (and the date of its publication is provided in each data cell). This means that some data is older than others. The primary sources of data used in this Snapshot include:

- Australian Bureau of Statistics
- NSW Bureau of Crime Statistics and Research
- Transport for NSW road safety statistics
- SnapshotClimate.com.au
- NSW Health
- NSW Electoral Commission
- Destination NSW
- Local councils

FOR EXAMPLE: This data tile demonstrates the rate of homelessness per 10,000 in Blayney is **lower** compared to the rate of homelessness per 10,000 in the other 10 LGAs within the CNSWJO which is a **positive** result.



BLAYNEY AT A GLANCE

- 7,588 population
- 42.7 average age
- \$934 median weekly income
- 4.3% unemployment rate
- \$385,000 average house price

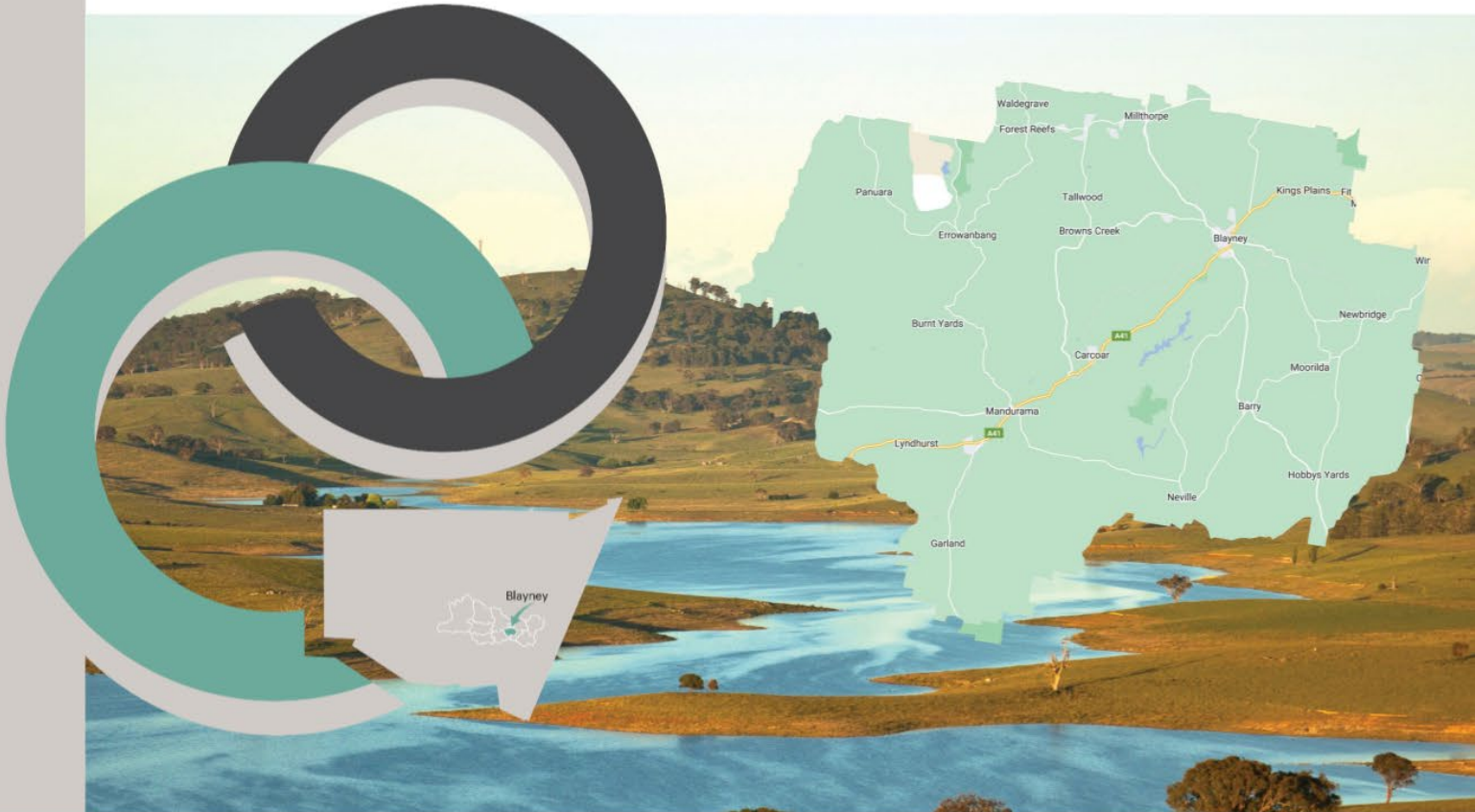
BLAYNEY NSW

OUR STATISTICAL SNAPSHOT 2023

ABOUT THIS SNAPSHOT OF BLAYNEY

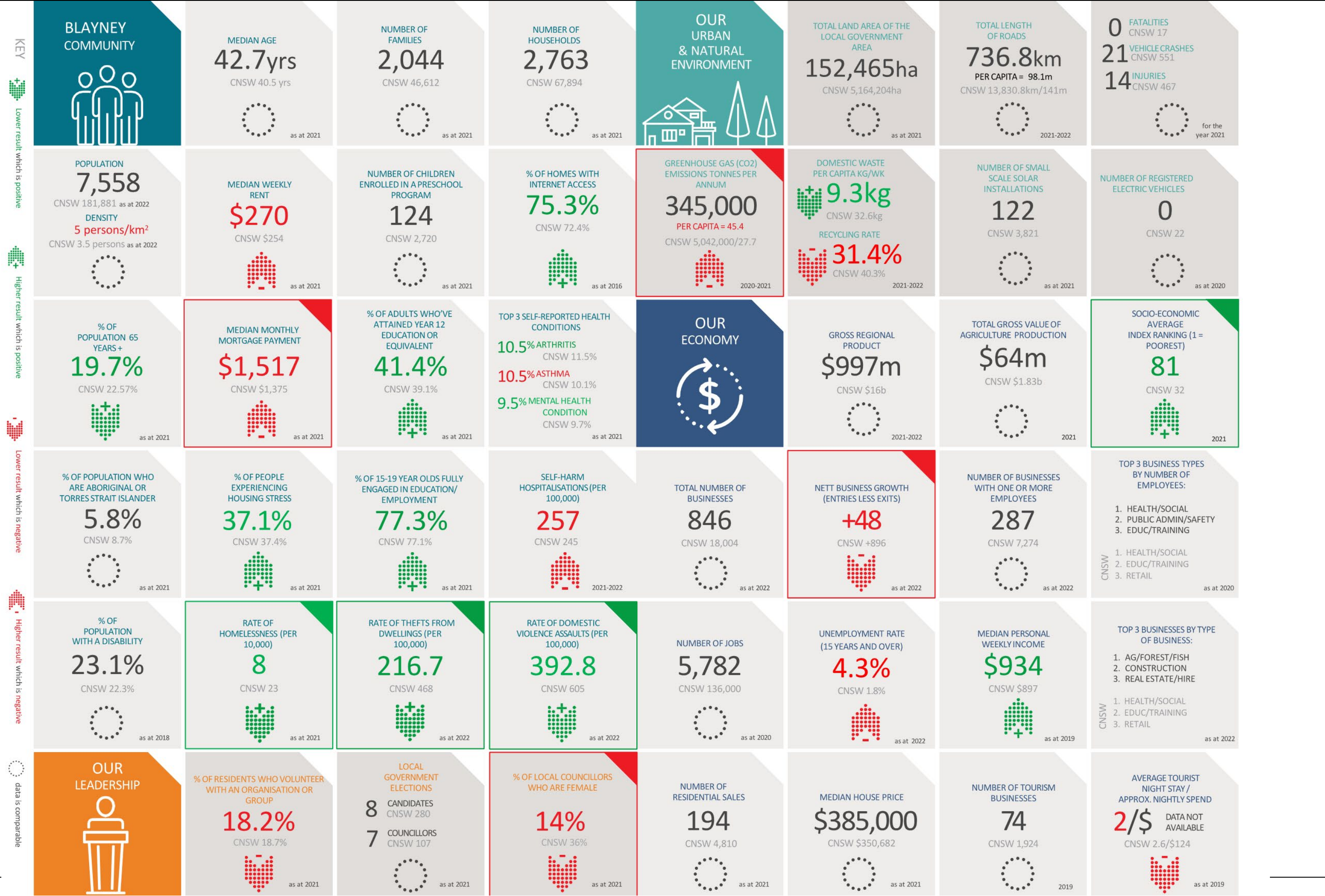
This Snapshot provides a non-exhaustive summary of information about the Blayney Local Government Area at a point in time. It helps our local community, government and other decision-makers to understand where some of the opportunities and challenges exist in the local area.

It is intended that this Snapshot will be updated with contemporary data ahead of each local government election (usually every four years) and will be available to local communities to inform the review and development of each Community Strategic Plan. Information on how to read this document is provided on the back page.



Central NSW Joint Organisation (CNSWJO) provides strong cohesive leadership that aligns all tiers of government to deliver our region's community derived strategic priorities. CNSWJO has co-ordinated this project.

Our member councils Bathurst Regional Council, Blayney Shire Council, Cabonne Council, Cowra Shire Council, Forbes Shire Council, Lachlan Shire Council, Lithgow City Council, Oberon Council, Orange City Council, Parkes Shire Council, and Weddin Shire Council all have unique strengths and weaknesses which shape their individual opportunities and challenges, as demonstrated in the following data Snapshot of Blayney.



04) ORANGE360 FUNDING AGREEMENT 2024 - 2026**Department:** Executive Services**Author:** Manager Tourism and Communications**CSP Link:** 3. The Local and Visitor Economy**File No:** RC.PG.2

Recommendation:

That Council:

1. Note the Orange 360 Annual Report.
2. Approve the execution of a 2-year Funding Agreement between Council and TDO Limited trading as Orange360 for \$71,650.84 p.a. (CPI indexed annually).
3. Endorse Cr Michelle Pryse Jones as the nominated Council representative and delegate on the Orange360 Board for the remaining term of Council (September 2024).

Reason for Report:

Council's current agreement with TDO Limited (trading as Orange360) is nearing expiration and Orange360 are seeking a new funding agreement for the next 2 years.

Report:

Orange360, a not-for-profit organisation funded by Orange City, Blayney Shire, Cabonne Councils, and industry memberships drive sustainable tourism growth and economic prosperity across the wider Orange Region through innovative destination marketing, industry development and advocacy.

Orange360 is dedicated to enhancing the visitor experience, fostering industry growth, and advocating for the long-term growth of our region by attracting increased visitation and showcasing the unique offerings of our vibrant region.

Orange360 revenue is generated by the member Council contributions, grants, partnerships and tourism operator memberships. Currently 46 tourism operators in Blayney Shire are financial members of Orange360, which includes two Village Committees.

The two-year agreement is proposed (instead of 4 years as per previous agreements) to align with the other member Councils and with the Orange Region Destination Management Plan 2022 - 2026. The funding amount is calculated from the initial 2020 agreement of \$60,000 p.a. which has been indexed by CPI annually.

The Key Performance Indicators have been updated in the new agreement to be reflective of the strategic objectives and regional targets of the Orange Region Destination Management Plan 2022 - 2026. It is noted the measurements are reflective across the wider Orange Region, not individual LGAs.

Key Performance Indicators		
Strategic Objective	Regional Target(s)	Measurement
Grow the value of the visitor economy	<ul style="list-style-type: none"> - Increase visitor spend - Increase in visitor length of stay - Increase in visitation numbers 	<ul style="list-style-type: none"> - Tourism Research Australia data - Visitor data for example, Localis - Industry occupancy data
Create a visitor ready and unified industry	<ul style="list-style-type: none"> - Increased industry engagement, communication and networking - Improvement in customer satisfaction 	<ul style="list-style-type: none"> - Industry attendance and engagement with events and activities - Industry engagement in newsletter (open rates and click throughs)
Encourage visitor dispersal across locations and experiences	<ul style="list-style-type: none"> - Increase visitation to towns and villages 	<ul style="list-style-type: none"> - Visitor spend data in Blayney LGA - Village representation in seasonal campaigns - Audience engagement with village specific content
Strengthen support from industry	<ul style="list-style-type: none"> - Increase and retain industry members 	<ul style="list-style-type: none"> - Number of members - New membership attracted - Retention rates of members

The Blayney Shire Council Community Strategic Plan includes the strategic objective to have: *Growing and connected tourism networks that add value to the vision and appeal of our heritage villages and tourism product within the Shire* with the strategy to work with and support Orange360.

Strong visitor economy growth has been achieved through the collaboration of the 3 Local Government Areas (LGAs) and well executed destination marketing services coordinated by Orange360.

Destination branding with Orange360 provides scale and allows Blayney Shire Council to reach a bigger market than what would be achievable on its own. Blayney Shire can not only leverage the financial input from neighbouring LGAs and industry members but also appeal to a broader market by having more tourism product and services to attract and accommodate visitors.

Both Orange and Cabonne LGAs tourism product strengths align with the strengths of Blayney Shire. Those strengths being wine, food, beverage and agritourism and emerging strengths of nature, arts, culture, heritage, events, boutique accommodation, and sport and recreation (Orange Region Destination Management Plan 2022 – 2026).

The current Orange360 Strategic Plan is included as attachment 1 and is currently under review, due to be endorsed at the June Orange360 Board Meeting.

Risk/Policy/Legislation Considerations:

In accordance with the Local Government Act, s.356 Council may, in accordance with a resolution of the Council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

Orange360 is reliant on funding from all three Councils which puts Blayney Shire Council at risk if another member Council does not contribute. To minimise this risk the agreement includes terms that if either Cabonne or Orange City Council don't commit to their funding agreements for the proposed amounts, Blayney Shire Council may unilaterally terminate or vary its funding obligations with one month's notice in writing to Orange360.

Tourism businesses who do not sign up as members of Orange360 limit their access to regional marketing campaigns with Orange360. A lack of Orange360 members by Blayney Shire operators devalues the input from Council with less experiences to promote and include in campaigns. This will continue to be a focus for Orange360 in partnership with Council's Manager Tourism and Communications.

The return on investment to Blayney Shire could not be achieved if Council resolved to not allocate this funding to undertake destination brand and marketing campaigns. Council would need to strongly consider how it would find the resources required to complete destination marketing successfully and break into the already busy tourism marketing space.

Budget Implications:

The proposed contribution \$71,650.84 has been included in the draft Operational Plan for 2024/25.

Enclosures (following report)

Nil

Attachments (separate document)

- | | | |
|---|--------------------------|----------|
| 1 | Orange360 Strategic Plan | 5 Pages |
| 2 | Orange360 Annual Report | 32 Pages |

3 Orange360 Service Level Agreement

7 Pages

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.

05) REPORT OF COUNCIL INVESTMENTS AS AT 30 APRIL 2024**Department:** Corporate Services**Author:** Chief Financial Officer**CSP Link:** 2. Build the Capacity and Capability of Local Governance and Finance**File No:** FM.AU.1

Recommendation:

That Council;

1. Note the report indicating Council's investment position as at 30 April 2024.
2. Note the certification of the Responsible Accounting Officer.

Reason for Report:

For Council to endorse the Report of Council Investments as at 30 April 2024.

Report:

This report provides details of Council's Investment Portfolio as at 30 April 2024.

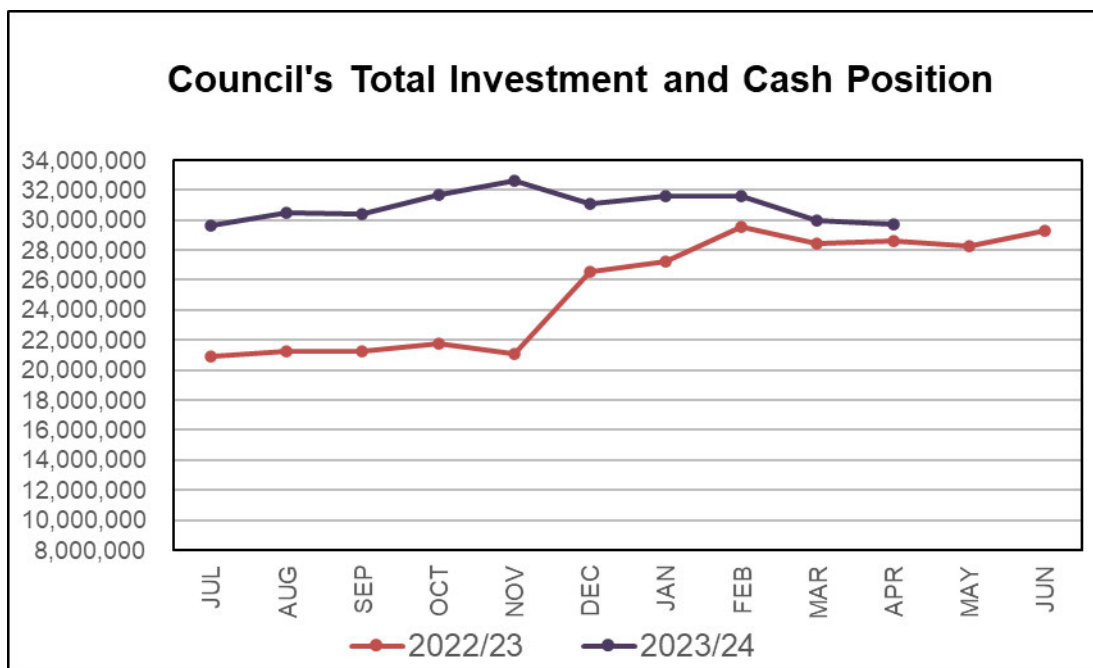
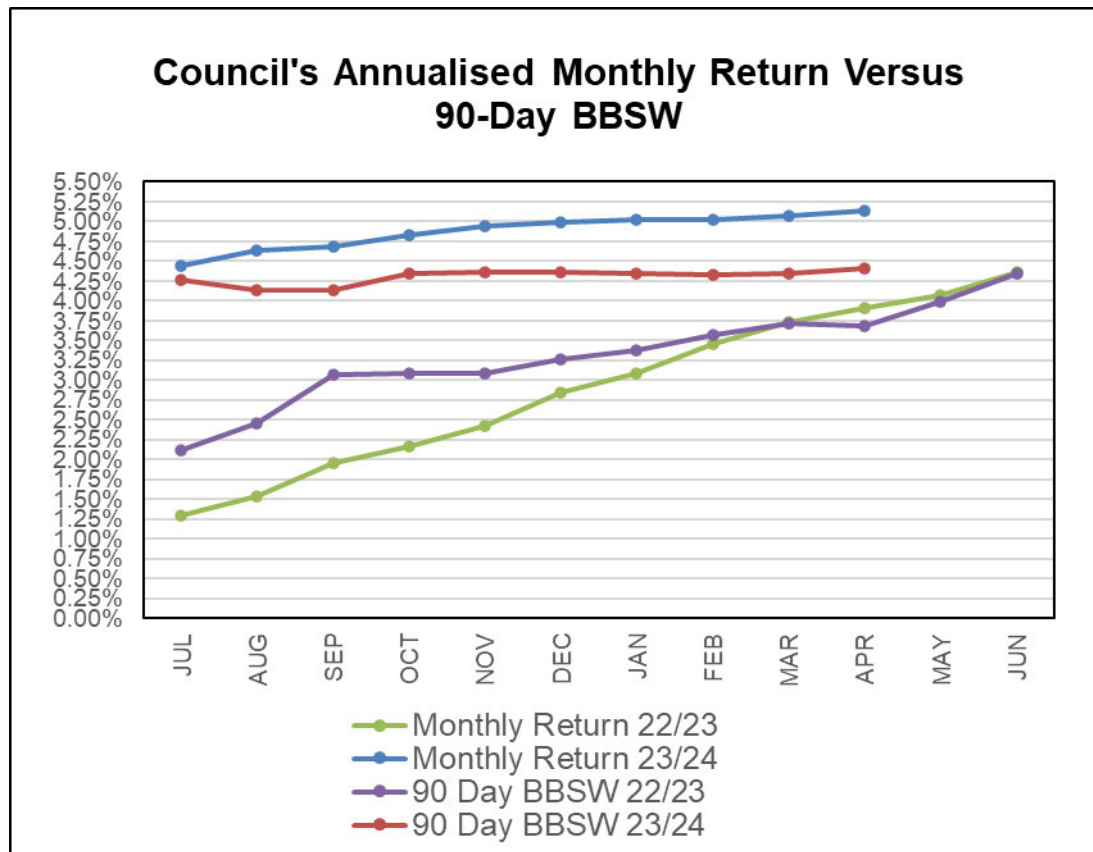
Council's total investment and cash position as at 30 April 2024 is \$29,748,150. Investments earned interest of \$126,169 for the month of April 2024.

Council's monthly net return on Term Deposits annualised for April was 5.14% which outperformed the 90-day Bank Bill Swap Rate of 4.41%.

Council withdrew two investments that matured during the month. One to assist with cashflow management. The other deposit withdrawn on 30 April was reinvested on 1 May due to a poor rate offering with that institution.

Creditor payments were substantial again in April totalling \$2,677,474. This was offset by cash inflows from early payment of rates of \$1,218,252 and grant funding of \$204,166. In May it is anticipated that additional cash inflows will result from 4th quarter instalment rates.

Rate offerings for longer deposit periods appear to be increasing following forecasts of RBA rate cuts likely to be later than predicted. The 10-day BBSW increasing from March to April is an indication that inflation is going to be more difficult to bring under control than originally expected.



Register Of Investments and Cash as at 30 April 2024					
Institution	Method	Rating	Maturity	Amount \$	Interest Rate
NAB	Direct	A1+/AA-	07/05/2024	500,000	4.700%
CBA	Direct	A1+/AA-	14/05/2024	500,000	4.920%
NAB	Direct	A1+/AA-	21/05/2024	500,000	4.900%
Westpac	Direct	A1+/AA-	28/05/2024	500,000	4.840%
Westpac	Direct	A1+/AA-	04/06/2024	500,000	5.040%
Auswide Bank Ltd	IAM	A2/BBB+	11/06/2024	500,000	5.370%
NAB	Direct	A1+/AA-	11/06/2024	500,000	5.500%
Westpac	Direct	A1+/AA-	18/06/2024	500,000	5.450%
Macquarie Bank	IAM	A1/A+	25/06/2024	500,000	5.250%
Westpac	Direct	A1+/AA-	02/07/2024	500,000	5.420%
CBA	Direct	A1+/AA-	09/07/2024	500,000	5.300%
IMB Bank Ltd	Direct	A2/BBB+	16/07/2024	500,000	5.000%
Macquarie Bank	IAM	A1/A+	16/07/2024	500,000	5.100%
ING Bank	Curve	A1/A	23/07/2024	500,000	5.200%
Westpac	Direct	A1+/AA-	30/07/2024	500,000	5.050%
ING Bank	Curve	A1/A	30/07/2024	500,000	5.200%
NAB	Direct	A1+/AA-	06/08/2024	500,000	5.150%
Westpac	Direct	A1+/AA-	06/08/2024	500,000	5.150%
CBA	Direct	A1+/AA-	13/08/2024	500,000	5.170%
CBA	Direct	A1+/AA-	20/08/2024	500,000	4.900%
NAB	Direct	A1+/AA-	20/08/2024	500,000	5.200%
CBA	Direct	A1+/AA-	27/08/2024	500,000	5.090%
Westpac	Direct	A1+/AA-	03/09/2024	500,000	5.050%
Bank of Queensland	Curve	A2/BBB+	10/09/2024	500,000	5.350%
ING Bank	Curve	A1/A	10/09/2024	500,000	5.050%
NAB	Direct	A1+/AA-	17/09/2024	500,000	5.310%
IMB Bank Ltd	Direct	A2/BBB+	24/09/2024	500,000	5.150%
Bank of Queensland	Curve	A2/BBB+	01/10/2024	500,000	5.150%
Westpac	Direct	A1+/AA-	08/10/2024	500,000	5.280%
CBA	Direct	A1+/AA-	15/10/2024	500,000	4.850%
CBA	Direct	A1+/AA-	15/10/2024	500,000	5.150%
ING Bank	Curve	A1/A	22/10/2024	500,000	5.350%
CBA	Direct	A1+/AA-	29/10/2024	500,000	5.250%
MyState Bank Ltd	Curve	A2/BBB+	05/11/2024	500,000	5.400%
B & A Bank	IAM	A2/BBB+	12/11/2024	500,000	4.990%
Westpac	Direct	A1+/AA-	12/11/2024	500,000	5.320%
Reliance Bank	Direct	Unrated	19/11/2024	500,000	5.200%
Macquarie Bank	IAM	A1/A+	26/11/2024	500,000	5.220%
Defence Bank Ltd	Curve	A2/BBB	03/12/2024	500,000	5.300%
NAB	Direct	A1+/AA-	10/12/2024	500,000	5.060%
NAB	Direct	A1+/AA-	10/12/2024	500,000	5.100%
ING Bank	IAM	A1/A	17/12/2024	500,000	5.230%
CBA	Direct	A1+/AA-	14/01/2025	500,000	4.830%
B & A Bank	Curve	A2/BBB+	21/01/2025	500,000	5.000%
NAB	Direct	A1+/AA-	28/01/2025	500,000	5.150%
CBA	Direct	A1+/AA-	04/02/2025	500,000	4.810%

Register Of Investments and Cash as at 30 April 2024					
Institution	Method	Rating	Maturity	Amount \$	Interest Rate
NAB	Direct	A1+/AA-	11/02/2025	500,000	5.050%
NAB	Direct	A1+/AA-	25/02/2025	500,000	5.050%
Reliance Bank	Direct	Unrated	04/03/2025	500,000	5.050%
ING Bank	IAM	A1/A	11/03/2025	500,000	5.140%
Westpac	Direct	A1+/AA-	22/04/2025	500,000	5.170%
Total Investments				25,500,000	5.135%
Commonwealth Bank - At Call Account ⁽¹⁾				1,883,542	4.350%
Commonwealth Bank Balance - General ⁽¹⁾				2,293,578	4.200%
Reliance Bank ⁽¹⁾				71,030	0.000%
Total Cash and Investments				29,748,150	
Benchmarks:		BBSW 90 Day Index ⁽¹⁾			4.409%
		RBA Cash Rate ⁽¹⁾			4.350%

1. % Interest rates as at end of reporting period.

Summary of Investment Movements - April 2024		
Financial Institution	Amount \$	Commentary
Macquarie Bank	(522,616)	Term deposit withdrawn 02/04/2024
MyState Bank	(523,632)	Term deposit withdrawn 03/04/2024
B & A Bank	500,000	New term deposit 03/04/2024
CBA	(521,341)	Term deposit matured 09/04/2024
CBA	500,000	Term deposit reinvested 09/04/2024
NAB	(522,488)	Term deposit matured 16/04/2024
NAB	500,000	Term deposit reinvested 16/04/2024
WBC	(522,375)	Term deposit matured 23/04/2024
WBC	500,000	Term deposit reinvested 23/04/2024
Macquarie Bank	(515,715)	Term deposit withdrawn 30/04/2024

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%	61%	15,500,000
A- Category	40%	17%	4,500,000
BBB+ Category	25%	16%	4,000,000
BBB Category	5%	2%	500,000
BBB- Category and below: Local ⁽²⁾ ADI's	10%	4%	1,000,000
BBB+ / BBB / BBB- & below categories combined	25%	22%	
2. ADI's located within the Local Government Area			25,500,000

Individual Institution Limit	Rating	Policy Maximum \$	Current Holding \$
Auswide Bank	A2/BBB+	1,000,000	500,000
Bank of Queensland	A2/BBB+	1,000,000	1,000,000
Bendigo & Adelaide Bank	A2/BBB+	1,000,000	1,000,000
CBA	A1+/AA-	8,000,000	5,000,000
Defence Bank Ltd	A2/BBB	500,000	500,000
IMB Bank Ltd	A2/BBB+	1,000,000	1,000,000
ING Bank	A1/A	3,000,000	3,000,000
Macquarie Bank	A1/A+	3,000,000	1,500,000
MyState Bank Ltd	A2/BBB+	1,000,000	500,000
NAB	A1+/AA-	8,000,000	5,500,000
Reliance Bank	Unrated	1,000,000	1,000,000
Westpac	A1+/AA-	8,000,000	5,000,000
Total Investments			25,500,000

Summary of Restricted, Allocated and Unrestricted Cash & Investments			
	Actual 30/06/2023 \$ 000's	Actual 30/04/2024 \$ 000's	Forecast ⁽¹⁾ 30/06/2024 \$ 000's
External Cash Restrictions	20,329	20,693	9,958
Internal Cash Allocations	8,751	6,292	5,330
Total Restricted, Allocated Cash & Investments	29,080	26,985	15,288
Unrestricted Cash	191	2,763 ⁽²⁾	4,959 ⁽²⁾
Total Restricted, Allocated and Unrestricted Cash & Investments	29,271	29,985	20,247

⁽¹⁾ Balances are informed by the Long Term Financial Plan and based on the best available information at time of preparation.

⁽²⁾ Unrestricted cash is forecast to be higher as of 30 June 2024 as a result of Council substituting funding dedicated from general revenue for the current year capital works program with approved grant funded programs. It is not anticipated that Council will be afforded this opportunity with future grant funding under these programs.

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 (2021) and Council Policy.

Risk/Policy/Legislation Considerations:

The Responsible Accounting Officer must table a written report to Council on money invested pursuant to s.625 of the Local Government Act (1993). Investments made are in accord with the framework established within Council's Investment Policy.

Budget Implications:

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

Enclosures (following report)

Nil

Attachments (separate document)

Nil

06) QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2024**Department:** Corporate Services**Author:** Chief Financial Officer**CSP Link:** 2. Build the Capacity and Capability of Local Governance and Finance**File No:** FM.BU.1

Recommendation:

1. That the Quarterly Budget Review Statement for the quarter ending 31 March 2024 be received.
2. That the supplementary votes of \$78k nett proposed in the Quarterly Budget Review Statement be adopted, resulting in a decrease to capital expenditure of (\$35k), an increase to operating expenditure of \$953k and an increase in income of \$996k.

Reason for Report:

For Council to endorse the Quarterly Budget Review Statement (QBRs) for the quarter ending 31 March 2024.

Report:

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

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

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

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

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

The attached report provides a detailed review of Council's 2023/24 Budget Review covering the March 2024 quarter.

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 QBRs report includes a certification by the Responsible Accounting Officer that outlines that the projected financial position as at 30 June 2024 is satisfactory having regard to the projected estimates of income, expenditure and targeted levels of restricted and unrestricted cash. However, it is acknowledged that this position will not be sustainable into the future with Council forecasting ongoing operating deficits in the General Fund and declining levels of cash throughout the 10 years forecast in the Long Term Financial Plan. Action undertaken to date to address the ongoing financial sustainability of Council is also detailed on Page 3 of the attached QBRs.

Risk/Policy/Legislation Considerations:

Clause 203 of the Local Government (General) Regulation 2021 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 \$43k will increase the projected Net Operating Result before Capital Items to (\$1.76m) forecast deficit. For General Fund, net variations of (\$39k) will decrease the projected Net Operating Result before Capital Items to (\$1.97m) deficit. For

Sewer Fund, net variations of \$82k will increase the projected Net Operating Result before Capital Items to \$215k surplus.

Operational income variations of \$996k include the following significant variations:

- Increase in commercial waste disposal fees of \$200k.
- Increase in interest and investment revenue of \$750k to allow for higher than anticipated investment returns and cash levels due to significant grants and contributions received in advance.

Operational expenditure variations of \$953k include the following significant variations:

- Increase of \$200k for additional contractor expenses relating to increased volume of commercial waste disposal offset by additional commercial waste income.
- Recognise increased depreciation expense relating to annual indexation following assessment of the fair value.
- Reduction of (\$27k) for building maintenance and utility costs.
- Additional increase in cyber and IT compliance costs of \$11k.
- Reallocate an additional \$50k for finalisation of the Blayney Flood Study from the stormwater renewals allocation.

Other minor budget variations to operational income and expenditure are detailed on page 11 of the attached QBRS.

Capital expenditure variations of (\$35k) include the following significant variations:

- Redistribution of funding under Resources for Regions Round 8:
 - KGO parking & pedestrian integration \$150k
 - Heritage Park amenities upgrade (\$150k)
- Allocation of \$64k from heavy patching program for finalisation of works on Neville Road.

Other budget variations to capital expenditure are detailed on page 18 of the attached QBRS.

Enclosures (following report)

Nil

Attachments (separate document)

1 March 2024 Quarterly Budget Review Statement 26 Pages

07) DRAFT 2024/25 - 2027/28 DELIVERY PROGRAM AND 2024/25 OPERATIONAL PLAN**Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 2. Build the Capacity and Capability of Local Governance and Finance**File No:** CM.PL.4

Recommendation:

That Council:

1. Note on 14 May 2024 the NSW Independent Pricing and Regulatory Tribunal (IPART) approved the Blayney Shire Council application to implement a Special Variation.
2. Endorse the draft 2024/25 - 2027/28 Delivery Program and 2024/25 Operational Plan which includes 2 scenarios for the increase to general rate income;
 - a) Scenario 1 – Base Case being 5.7% rate peg, and
 - b) Scenario 2 – Sustainability SV 10% approved by IPART.
3. Place the draft 2024/25 - 2027/28 Delivery Program and 2024/25 Operational Plan on public exhibition for a period of 28 days.
4. Place the draft 2024/25 – 2033/34 Long Term Financial Plan on public exhibition for a period of 28 days.

Reason for Report:

For Council to consider and endorse the draft 2024/25 - 2027/28 Delivery Program (DP) and 2024/25 Operational Plan (OP) for public exhibition, pursuant to s.405 of the Local Government Act.

Report:

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

The Delivery Program details the principal activities it will undertake to achieve the objectives established in the Community Strategic Plan, within the resources available under the Resourcing Strategy.

Council must prepare a new Delivery Program after each ordinary election of councillors to cover the principal activities of the council for a 4 year period and roll it over on an annual basis to maintain this timeframe.

The Operational Plan spells out the individual projects and activities that will be undertaken in the forthcoming year to achieve the commitments made in the Delivery Program. Council must adopt its annual Operational Plan before the beginning of each financial year, outlining the activities to be undertaken that year, as part of the Delivery Program.

The Operational Plan must also include a detailed annual budget and include the Statement of Council's Revenue Policy which includes the proposed rates, fees and charges.

The Operational Plan has been reviewed and updated to reflect service delivery for the 2024/25 year. The Operational Plan and the four year Delivery Program are presented to Council in one document.

Following endorsement by Council, the draft 2024/25 - 2027/28 Delivery Program and 2024/25 Operational Plan will be placed on public exhibition for a minimum 28 days.

It is highlighted that on 14 May 2024 Council received notification and approval from the NSW Independent Pricing and Regulatory Tribunal (IPART) to implement a Special Variation (SV) to general rate income commencing 1 July 2024.

As part of its notification, IPART has encouraged Council to consult with the community to decide how best to implement the allowed increase. Accordingly, the draft 2024/25 - 2027/28 Delivery Program and 2024/25 Operational Plan presented incorporates 2 scenarios:

- Scenario 1 - Base Case: 5.7%
- Scenario 2 - SV Sustainability Model: 10% as approved by IPART

Council must consider any comments and public submissions prior to adoption at the 25 June 2024 Council meeting, including any further feedback on the Special Variation. It will be at this meeting Council will ultimately decide what increase to general rate income by for 2024/25.

Rates Structure

Following the submission of a Special Variation to rate income to IPART in February 2024 and approval of its application by IPART, Council has proposed the following 2 scenarios:

Scenario 1 (Base Case: 5.7%)

This budget model assumes Council will apply the rate peg of 5.7% for the 2024/25 year, as determined by IPART.

The Base Case model increases Council's overall total rate yield by \$570k. This increase to rate revenue has been applied to the base rate and ad valorem amounts within each rate category to ensure this increase is apportioned evenly across all assessments.

Rating Structure for the 2024/25 Rating Year – Scenario 1: Rate Peg Increase 5.7%						
Name of Category/Sub Category	No. of Assessments	Base Rate	Ad Valorem	Land Value	Total Yield	% Yield from Base Amount
Residential						
Ordinary Rate	1,194	\$390	0.00119146	\$407,747,000	\$951,474	48.94%
Blayney & Carcoar	1,468	\$390	0.00243060	\$246,694,700	\$1,172,136	48.84%
Millthorpe	351	\$390	0.00116101	\$119,811,500	\$275,992	49.60%
Business						
Ordinary Rate	142	\$500	0.00375100	\$32,407,670	\$192,561	36.87%
Blayney	173	\$500	0.00644123	\$25,109,000	\$248,233	34.85%
Business Millthorpe & Carcoar	56	\$500	0.00354285	\$14,756,900	\$80,281	34.88%
Farmland						
Ordinary Rate	707	\$635	0.00134597	\$1,515,829,430	\$2,489,203	18.04%
Mining						
Ordinary Rate	1	\$1,270	0.03906508	\$564,000	\$23,303	5.45%
Gold		\$1,270	0.04606398			
Gold / Copper Combined	1	\$1,270	0.04414077	\$116,400,000	\$5,139,256	0.02%
Total Yield	4,093			\$2,479,320,200	\$10,572,439	

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

Farmland

- An increase of the base rate amount by \$35 to \$635 has been applied. The average rate has increased from \$3,302.33 in 2023/24 to \$3,520.80.

Business

- An increase of the base rate amount by \$25 to \$500 has been applied. The average for the Business sub-categories ranges from \$1,356.06 to \$1,433.60. For reference the averages for the 2023/24 year ranged from \$1,361.87 to \$1,393.76.

Residential

- An increase to the base rate amount by \$20 to \$390 has been applied. The average for the Residential sub-categories range from \$786.30 to \$798.46. For reference the averages for the 2023/24 year ranged from \$751.24 to \$764.04.

Scenario 2 (SV Sustainability Model: 10%)

The budget model assumes that Council will adopt the SV approved by IPART. That is a budget based on the 33.1% Special Variation over a 3 year period (10% rate increase in years 2024/25, 2025/26 and 2026/27).

Rating Structure for the 2024/25 Rating Year – Scenario 2: SV Increase of 10%						
Name of Category/Sub Category	No. of Assessments	Base Rate	Ad Valorem	Land Value	Total Yield	% Yield from Base Amount
Residential						
Ordinary Rate	1,194	\$405	0.00124281	\$407,747,000	\$990,322	48.83%
Blayney & Carcoar	1,468	\$405	0.00253536	\$246,694,700	\$1,220,000	48.73%
Millthorpe	351	\$405	0.00121112	\$119,811,500	\$287,261	49.49%
Business						
Ordinary Rate	142	\$523	0.00393601	\$32,407,670	\$201,823	36.80%
Blayney	173	\$523	0.00668638	\$25,109,000	\$258,367	35.02%
Business Millthorpe & Carcoar	56	\$523	0.00356320	\$14,756,900	\$81,870	35.77%
Farmland						
Ordinary Rate	707	\$660	0.00140135	\$1,515,829,430	\$2,590,828	18.01%
Mining						
Ordinary Rate	1	\$1,320	0.04066333	\$564,000	\$24,254	5.44%
Gold		\$1,320	0.04793790			
Gold / Copper Combined	1	\$1,320	0.04594300	\$116,400,000	\$5,349,086	0.02%
Total Yield	4,093			\$2,479,320,200	\$11,003,811	

The Special Variation Sustainability model increases Council's overall total rate yield in 2024/25 by \$1m. This increase to rate revenue has been applied to the base rate and ad valorem amounts within each rate category to ensure this increase is apportioned evenly across all assessments.

The following actions to rate categories are proposed:

Farmland

- An increase of the base rate amount by \$60 to \$660 has been applied. The average rate has increased from \$3,302.33 in 2023/24 to \$3,664.54.

Business

- An increase of the base rate amount by \$48 to \$523 has been applied. The average for the Business sub-categories ranges from \$1,421.29 to \$1,493.45. For reference the averages for the 2023/24 year ranged from \$1,361.87 to \$1,393.76.

Residential

- An increase to the base rate amount by \$35 to \$405 has been applied. The average for the Residential sub-categories range from \$818.41 to \$831.06. For reference the averages for the 2023/24 year ranged from \$751.24 to \$764.04.

Waste Management Annual Charges

The following waste management service charges for 2024/25 are proposed:

Charge Category and Description	Annual Charge	No. of Properties
Waste Management Levy		
<i>Levy is applied to all properties funding waste disposal services for the Blayney Shire.</i>	\$62	4,198
Domestic Waste Management		
<i>Charge is applied to properties that have a residence within the waste collection area.</i>	\$390	2,699
Domestic Waste Management Availability Charge <i>Charge is applied to properties within the waste collection area that do not have a service but it is available i.e. vacant land.</i>	\$70	369
Commercial (Non-Domestic) Waste Management		
Non-Domestic Waste Management Service Charge <i>Charge is applied to non-domestic properties within the waste collection area.</i>	\$504	334
Non-Domestic Waste Management Availability Charge <i>Charge is applied to properties within the waste collection area that do not have a service but it is available i.e. vacant land.</i>	\$70	92
Non-Domestic Waste Service Management Charge for Charity and Not for Profit Organisations <i>Charge is applied to the above properties for non-domestic properties within the waste collection area.</i>	\$138	15
Extra Services		
Additional Garbage Charge – per red bin	\$358	95
Additional Recycling Charge – per yellow bin	\$146	33
TOTAL YIELD	\$1,554,390	

Changes proposed to Waste Management charge increases are as follows:

- Waste Management Levy \$2 from \$60 to \$62 per year. This charge is for all properties in the Blayney Shire to create an equitable contribution by all residents towards the operation of the Blayney Waste Facility, in particular management and processing of recycling and green waste.
- Domestic Waste Management availability charge from \$68 to \$70.
- Domestic Waste Management service charge by \$14 to \$390.
- Non-Domestic Waste Management service charge by \$20 to \$504.
- Not for profit Non-Domestic Waste Management service charge by \$6 to \$138.
- Extra waste bin by \$14 to \$358 and extra recycle bin by \$6 to \$146.

Sewer Charges

Sewer Charges have been indexed by 4%. The following wastewater (sewerage) service charges for 2024/25 are proposed:

Non Residential					
	Annual Charge (Prior to SDF Factor)	No of Properties	Quarterly Charge before SDF applied	Min. quarterly amount charged	TOTAL YIELD*
20mm Water Service	\$696	162	\$ 174	\$208	
25mm Water Service	\$1060	21	\$ 265	\$208	
32mm Water Service	\$1,728	18	\$ 432	\$208	
40mm Water Service	\$2,708	11	\$ 677	\$208	
50mm Water Service	\$4,220	24	\$1,055	\$208	
80mm Water Service	\$10,796	1	\$2,699		
100mm Water Service	\$16,924	6	\$4,231		
150mm Water Service	\$38,084	2	\$9,521		
Vacant/Unmetered	\$428	57			
Usage Charge (per kl)	\$1.78				
Estimated Total Yield					\$ 488,468

*Estimated yield is based on SDF factor and usage by each service.

Residential			
	Access Charge	No of Properties	Total Yield
Connected	\$832	1,564	\$1,301,248
Vacant (unconnected)	\$428	185	\$79,180
Estimated Total Yield			\$1,380,428

The Future Sewerage Infrastructure Subsidy Charge, introduced in 2020/21, remains fixed at \$55 per assessment. This charge was based on the Sewerage Development Servicing Plan (DSP) which informs Sewerage Developer Charges to be applied to new development. In the plan Council elected to levy Developer Charges lower than the calculated Developer Charges for the 2 service areas, Blayney and Millthorpe. The Developer Charges have been set in consideration of financial, social and environmental factors to determine a Developer Charge which is balanced, fair and meets Council's objectives.

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

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

Future Sewerage Infrastructure Subsidy Charge			
	Access Charge	No of Properties	Total Yield
Connected – Residential	\$55	1534	\$84,370
Connected – Business	\$55	243	\$13,365
Vacant (Unconnected)	\$55	185	\$10,175
Estimated Total Yield			\$107,910

Other information

The interest rate charged on overdue rates and charges for 2024/25 has been determined by the Office of Local Government at 10.5% being the maximum rate advised by the Office of Local Government.

Included in the 2024/25 Operational Plan is the Schedule of Financial Assistance outlining allocation of proposed funding under the Community Financial Assistance Policy. This schedule has been included to expedite the funding process for recurrent recipients of financial assistance and for greater transparency to the community.

Risk/Policy/Legislation Considerations:

Legislative obligations are disclosed in this report.

Council undertook a strategic financial review to address forecast operating deficits (Net Operating Result before Grants and Contributions for Capital Purposes) reported for years 2022/23 – 2025/26 which commenced in June 2022.

The review outlined 45 recommendations and Council was able to address 25 of these recommendations throughout preparation of the 2023/24 – 2026/27 Delivery Program and 2023/24 Operational Plan however it was apparent that this was not enough to address the ongoing forecast operating deficits.

Following adoption of the 2023/24 – 2026/27 Delivery Plan and 2023/24 Operational Plan Council resolved to engage Morrison Low to undertake a further independent financial assessment and assist Council with commencement of the Special Variation application process.

Following conclusion of the community consultation process Council resolved on 23 January 2024 to proceed with an application to IPART which represents Scenario 2 being 10% for 3 years resulting in a cumulative increase of 33.1%.

Council has received formal notification on 14 May 2024 from IPART notifying approval of Council's Special Variation of 33.1% being a 10% p.a. increase over 3 years.

As part of the Special Variation process Council was required to model proposed income where there was a reasonable expectation that it would be received, which resulted in assumptions made around additional mining rate revenue following approval by the Independent Planning Commission of the McPhillamys Gold Project in March 2023.

Since application to IPART, which included a conservative allowance for additional rating income from 2024/25, Regis has publicly advised of further project delays with the McPhillamys Gold Project which impacts the timing of prior assumptions around mining rates, capital contributions via the voluntary planning agreement and the potential sale of Dungeon Road. These assumptions have now been pushed out a further 12 months to mid-way through 2025/26.

The special variation application was modelled with inclusion of the additional rating income which derived the percentage required. Further delays to commencement of this project or a decision not to proceed is likely to have significant impact on Council's long term financial sustainability.

Council has modelled in the attached 2024/25 – 2033/34 Long Term Financial Plan Scenario 3 should the potential financial impact of the McPhillamys Gold Project not proceeding.

Budget Implications:

The financial implications of this report are detailed in the 2024/25 – 2027/28 Delivery Program and 2024/25 Operational Plan attached.

Council's 2024/25 Draft Operational Plan proposes 2 scenarios:

- Scenario 1 – Base Case model: 5.7%
- Scenario 2 – Special Variation Sustainability model: 10%

A summary of the results of each scenario by fund is detailed below

Fund	Scenario 1 – Base Case 5.7% \$'000	Scenario 2 – Special Variation Sustainability 10% \$'000
General Fund	(1,428)	(1,523)
Sewer Fund	151	151
TOTAL	(1,277)	(1,372)

Whilst it appears above that the Base Case model produces a better result in year 1 compared to the Special Variation Sustainability model it should be noted that the special variation provides for a higher allowance of expenditure relating to Council's infrastructure assets in an attempt to reduce Council's backlog and ensure the assets remain in a satisfactory condition, which extends the life and timing of required renewals.

With the adoption of the SV over years 2 and 3, the Sustainability Special Variation model will provide a more financially sustainable outcome for Council over the life of the Long Term Financial Plan (LTFP), providing other LTFP assumptions made come to fruition.

The 2024/25 Operational Plan should be read in conjunction with the attached 2024/25 – 2027/28 Delivery Plan and 2024/25 – 2033/34 Long Term Financial Plan which demonstrates the long term impacts of the Special Variation Sustainability model which seeks to address the ongoing deficits over the course of the plan.

A further scenario is provided for in the attached 2024/25 – 2033/34 Long Term Financial Plan to highlight the risk of loss of Council's proposed additional mining income from McPhillamys Gold Project, should it not proceed.

Scenario 1 – Base Case Model: 5.7% increase

The Base Case simulates Council's current environment using the service levels and resources in accordance with Council's previous Asset Management Plan, Workforce Management Plans and revised LTFP which was adopted on 23 January 2024. It applies the 5.7% rate peg as determined by IPART.

Operational Income

For the 2024/25 financial year, IPART has determined the rate peg using the new rate peg methodology. The core 2024/25 rate peg for Blayney was determined at 4.50% and takes into account the Emergency Services Levy (ESL) factor to reflect annual changes in each council's ESL contributions. In addition, Council also received a 1.20% population index, which resulted in the general rate peg for 2024/25 of 5.70%. The revised LTFP had previously modeled 3.50% which represents an additional \$220k under the revised Base Case.

Income Statement – 4 Years: Base Case

	Projected Years			
	2024/25 \$'000	2025/26 \$'000	2026/27 \$'000	2027/28 \$'000
INCOME STATEMENT – CONSOLIDATED				
Income from Continuing Operations				
REVENUE				
Rates & Annual Charges	13,644	14,433	15,289	15,703
User Charges & Fees	1,772	1,893	1,922	2,093
Other Revenues	278	286	293	301
Grants & Contributions provided for Operating Purposes	5,907	5,189	5,322	5,456
Grants & Contributions provided for Capital Purposes	7,526	3,131	1,191	10,384
Interest & Investment Revenue	869	833	853	764
Other Income:				
Net gains from the disposal of assets	-	41	6	80
Joint Ventures & Associated Entities	25	25	25	25
Total Income from Continuing Operations	30,021	25,830	24,901	34,806
EXPENSES FROM CONTINUING OPERATIONS				
Employee Benefits & On-Costs	8,249	8,617	8,907	9,219
Borrowing Costs	173	156	139	121
Materials & Contracts	5,771	6,166	6,692	6,447
Depreciation & Amortisation	8,363	8,529	8,699	8,866
Other Expenses	1,211	1,288	1,239	1,264
Net Losses from the Disposal of Assets	5	-	-	-
Joint Ventures & Associated Entities	-	-	-	-
Total Expenses from Continuing Operations	23,772	24,756	25,675	25,917
Operating Result from Continuing Operations	6,249	1,074	(774)	8,890
Net Operating Result before Grants and Contributions provided for Capital Purposes	(1,277)	(2,056)	(1,965)	(1,494)

INCOME STATEMENT – GENERAL	Projected Years			
	2024/25 \$'000	2025/26 \$'000	2026/27 \$'000	2027/28 \$'000
Income from Continuing Operations				
REVENUE				
Rates & Annual Charges	12,020	12,752	13,551	13,905
User Charges & Fees	1,407	1,500	1,486	1,582
Other Revenues	278	286	293	301
Grants & Contributions provided for Operating Purposes	5,907	5,189	5,322	5,456
Grants & Contributions provided for Capital Purposes	7,386	2,989	1,048	4,443
Interest & Investment Revenue	588	559	560	516
Other Income:				
Net gains from the disposal of assets	-	41	6	80
Joint Ventures & Associated Entities	25	25	25	25
Total Income from Continuing Operations	27,612	23,342	22,291	26,308
EXPENSES FROM CONTINUING OPERATIONS				
Employee Benefits & On-Costs	7,904	8,257	8,536	8,834
Borrowing Costs	151	140	129	118
Materials & Contracts	4,795	5,158	5,529	5,341
Depreciation & Amortisation	7,588	7,739	7,893	8,044
Other Expenses	1,211	1,288	1,239	1,264
Net Losses from the Disposal of Assets	5	-	-	-
Joint Ventures & Associated Entities	-	-	-	-
Total Expenses from Continuing Operations	21,654	22,582	23,326	23,602
Operating Result from Continuing Operations	5,958	760	(1,036)	2,706
Net Operating Result before Grants and Contributions provided for Capital Purposes	(1,428)	(2,230)	(2,084)	(1,737)

INCOME STATEMENT – SEWER	Projected Years			
	2024/25 \$'000	2025/26 \$'000	2026/27 \$'000	2027/28 \$'000
Income from Continuing Operations				
REVENUE				
Rates & Annual Charges	1,624	1,680	1,738	1,799
User Charges & Fees	365	392	436	511
Other Revenues	-	-	-	-
Grants & Contributions provided for Operating Purposes	-	-	-	-
Grants & Contributions provided for Capital Purposes	140	141	143	5,941
Interest & Investment Revenue	281	274	293	248
Other Income:				
Net gains from the disposal of assets	-	-	-	-
Joint Ventures & Associated Entities	-	-	-	-
Total Income from Continuing Operations	2,409	2,488	2,610	8,499
EXPENSES FROM CONTINUING OPERATIONS				
Employee Benefits & On-Costs	345	359	371	384
Borrowing Costs	21	16	9	3
Materials & Contracts	976	1,008	1,162	1,106
Depreciation & Amortisation	775	790	806	822
Other Expenses	-	-	-	-
Net Losses from the Disposal of Assets	-	-	-	-
Joint Ventures & Associated Entities	-	-	-	-
Total Expenses from Continuing Operations	2,118	2,173	2,349	2,315
Operating Result from Continuing Operations	291	315	261	6,184
Net Operating Result before Grants and Contributions provided for Capital Purposes	151	173	118	243

The mining rate category continues to contribute a substantial amount to Council's rate base, accounting for 49% of total rating income. This percentage is likely to increase following approval of the McPhillamys Gold Project by the Independent Planning Commission in March 2023.

However, the timing of the granting of a mining lease has resulted in deferral of the additional mining rates, previously forecast in 2024/25, to 2025/26. This results in a reduction in operating income of \$454k in 2024/25. Due to the uncertainty around receipt of this income, Council should be wary of associated risks and financial implications of the reliance on this income to help fund Council operations. With assumptions of income from this project over the life of the LTFP, there will be a significant risk to the long term financial sustainability of Council should it not materialise.

Domestic Waste annual charges proposed above have been determined to ensure there is no subsidy from General Fund (rates) and are reflective of the forecast reasonable cost to provide this service. Commercial (Non-Domestic) Waste annual charges proposed above have been determined to be cost neutral and have no financial impact on the General Fund.

As reported above, the Sewer Fund has forecast surpluses over the Delivery Program as a result of increases outlined earlier in the report.

Grants & Contributions

Council was successful in obtaining \$8.17m under Resources for Regions Round 9 (R4R9) of which \$4.75m is budgeted in 2024/25 to fund the following Road Safety Projects:

Project	\$
Browns Creek Road	600k
Hobbys Yards Road	2.00m
Richards Lane	2.15m

Council was also successful in obtaining a further \$310k under Local Roads and Community Infrastructure Phase 4b which will fund heavy patching works on Forest Reefs Road from Cowriga Creek to Carcoar Road intersection.

Council has submitted an application under the Bridge Renewal Program for replacement of the Coombing St crossing in Carcoar as a result of significant flood damage. Pending approval this will increase the budget allocation from \$200k to \$1m for this project.

Operating Expenditure

Council's operational expenditure for the 2024/25 Financial Year includes provision of a 4.5% increase to salaries and wages which is 0.5% higher than originally forecast.

Other variations to operating expenditure include:

- Increase in external audit fees of \$14k,
- Increase in software/hardware licenses and subscriptions of \$35k,

- Additional contribution towards priority weeds of \$10k
- Increase in depreciation expense of \$370k to account for indexation of Infrastructure assets, following assessment of a material increase in their fair value as at 30 June 2023.

Council is currently reviewing tender submissions for management of its aquatic and leisure facility CentrePoint. The new management is scheduled to commence from 1 July 2024 however as the tenders are still under assessment at the time of preparation the budget has been modelled on current arrangements. It is noted there is a possibility that Council may need to allocate (more or less) funding dependent on the outcome which should be known before the 25 June 2024 Council meeting.

Capital Expenditure

The fleet renewal program continues with replacements of \$1.6m scheduled to take place in the 2024/25 year and includes 3 rollers, 4 trucks, 2 mowers and a number of light vehicles.

Budgeted works on Council's infrastructure related assets include:

- Road rehabilitation totalling \$4.8m including Browns Creek Road, Hobbys Yards Road and Richards Lane.
- Replacement of Coombing St bridge, Carcoar totalling \$1m and an additional \$484k on culvert renewals across the Shire.
- New heritage pavement for Millthorpe Village from Victoria to Montgomery St totalling \$281k.
- A further \$2.3m to fund routine heavy patching, gravel resheeting, reseals, footpaths, stormwater and kerb and gutter renewal works throughout the shire.

Network asset renewals at the Sewerage Treatment Plant total \$540k and include:

- Lining and replacement of sewer mains - increased to \$450k to address a backlog following acceptance of joint contract.
- Step screen replacement \$90k

Scenario 2 – Special Variation Sustainability model: 10% increase

The Special Variation Sustainability scenario allows for everything identified in Scenario one with some notable additions that aid Council's long term financial sustainability:

- Increase in Council's rating income to 10% (\$430k) up from the 5.7% rate peg allowed in Scenario 1.
- Increased allowance for repairs and maintenance to maintain Council's infrastructure assets to a satisfactory condition of \$501k.
- Increased forecast allowance for capital expenditure for existing assets to address Council's infrastructure asset backlog:
 - Council Buildings & Public Halls \$582k
 - Stormwater Network \$127k

The Special Variation Sustainability scenario seeks to further address Council's ongoing forecast operating deficits with a reduction forecast shown in the 2024/25 – 2027/28 Delivery Plan and 2024/25 – 2033/34 Long Term Financial Plan.

Income Statement – 4 Years: Special Variation

INCOME STATEMENT – CONSOLIDATED	Projected Years			
	2024/25 \$'000	2025/26 \$'000	2026/27 \$'000	2027/28 \$'000
Income from Continuing Operations				
REVENUE				
Rates & Annual Charges	14,055	15,668	17,451	17,920
User Charges & Fees	1,772	1,893	1,922	2,093
Other Revenues	278	286	293	301
Grants & Contributions provided for Operating Purposes	5,907	5,189	5,322	5,456
Grants & Contributions provided for Capital Purposes	6,526	3,131	1,191	10,384
Interest & Investment Revenue	863	818	798	739
Other Income:				
Net gains from the disposal of assets	-	41	6	80
Joint Ventures & Associated Entities	25	25	25	25
Total Income from Continuing Operations	29,426	27,050	27,008	36,998
EXPENSES FROM CONTINUING OPERATIONS				
Employee Benefits & On-Costs	8,249	8,617	8,907	9,219
Borrowing Costs	173	156	139	121
Materials & Contracts	6,272	6,678	7,215	7,152
Depreciation & Amortisation	8,363	8,529	8,699	8,866
Other Expenses	1,211	1,288	1,239	1,264
Net Losses from the Disposal of Assets	5	-	-	-
Joint Ventures & Associated Entities	-	-	-	-
Total Expenses from Continuing Operations	24,272	25,268	26,198	26,622
Operating Result from Continuing Operations	5,154	1,782	809	10,376
Net Operating Result before Grants and Contributions provided for Capital Purposes	(1,372)	(1,348)	(382)	(8)

	Projected Years			
	2024/25 \$'000	2025/26 \$'000	2026/27 \$'000	2027/28 \$'000
INCOME STATEMENT – GENERAL				
Income from Continuing Operations				
REVENUE				
Rates & Annual Charges	12,431	13,988	15,713	16,121
User Charges & Fees	1,407	1,500	1,486	1,582
Other Revenues	278	286	293	301
Grants & Contributions provided for Operating Purposes	5,907	5,189	5,322	5,456
Grants & Contributions provided for Capital Purposes	6,386	2,989	1,048	4,443
Interest & Investment Revenue	582	544	505	491
Other Income:				
Net gains from the disposal of assets	-	41	6	80
Joint Ventures & Associated Entities	25	25	25	25
Total Income from Continuing Operations	27,017	24,562	24,397	28,499
EXPENSES FROM CONTINUING OPERATIONS				
Employee Benefits & On-Costs	7,904	8,257	8,536	8,834
Borrowing Costs	151	140	129	118
Materials & Contracts	5,295	5,670	6,052	6,046
Depreciation & Amortisation	7,588	7,739	7,893	8,044
Other Expenses	1,211	1,288	1,239	1,264
Net Losses from the Disposal of Assets	5	-	-	-
Joint Ventures & Associated Entities	-	-	-	-
Total Expenses from Continuing Operations	22,154	23,094	23,849	24,307
Operating Result from Continuing Operations	4,863	1,468	548	4,192
Net Operating Result before Grants and Contributions provided for Capital Purposes	(1,523)	(1,521)	(500)	(251)

	Projected Years			
	2024/25 \$'000	2025/26 \$'000	2026/27 \$'000	2027/28 \$'000
INCOME STATEMENT – SEWER				
Income from Continuing Operations				
REVENUE				
Rates & Annual Charges	1,624	1,680	1,738	1,799
User Charges & Fees	365	392	436	511
Other Revenues	-	-	-	-
Grants & Contributions provided for Operating Purposes	-	-	-	-
Grants & Contributions provided for Capital Purposes	140	141	143	5,941
Interest & Investment Revenue	281	274	293	248
Other Income:				
Net gains from the disposal of assets	-	-	-	-
Joint Ventures & Associated Entities	-	-	-	-
Total Income from Continuing Operations	2,409	2,488	2,610	8,499
EXPENSES FROM CONTINUING OPERATIONS				
Employee Benefits & On-Costs	345	359	371	384
Borrowing Costs	21	16	9	3
Materials & Contracts	976	1,008	1,162	1,106
Depreciation & Amortisation	775	790	806	822
Other Expenses	-	-	-	-
Net Losses from the Disposal of Assets	-	-	-	-
Joint Ventures & Associated Entities	-	-	-	-
Total Expenses from Continuing Operations	2,118	2,173	2,349	2,315
Operating Result from Continuing Operations	291	315	261	6,184
Net Operating Result before Grants and Contributions provided for Capital Purposes	151	173	118	243

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

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

- The draft 2024/25 – 2027/28 DP/OP attached has been prepared in accordance with the following:
 - having considered the recommendations as detailed in the Financial Sustainability Review and further Independent Financial Assessment during preparation of the application to IPART for a Special Variation,
 - the current resource capabilities of Council and the impact of significant funding received by Council to deliver valuable services to the community,
 - Using the most up to date forecasts and assumptions at the time of preparation including assumptions for factors that are outside Council's control,
- To the best of my knowledge and belief, this draft 2024/25 – 2027/28 DP/OP:
 - present fairly the Council's operating result and financial forecast for the year,
 - present fairly the operating result and financial forecast for each of Council's declared business activities for the year,
 - That the detailed schedule of capital works reflects projects identified and prioritised in Council's current asset management plans and roads strategy.

Enclosures (following report)

Nil

Attachments (separate document)

- | | | |
|----------|--|----------|
| 1 | 2024/25 - 2033/34 Draft Long Term Financial Plan | 61 Pages |
| 2 | Draft 2024/25 - 2027/28 Delivery Program and
2024/25 Operational Plan | 96 Pages |

08) REVIEW OF RECORDS MANAGEMENT POLICY**Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 2. Build the Capacity and Capability of Local Governance and Finance**File No:** GO.PO.1

Recommendation:

That Council:

1. Endorse the Records Management Policy and it be placed on public exhibition for a period of not less than 28 days.
2. Note that should no submissions be received that it be adopted and updated to Council's Policy Register.

Reason for Report:

For Council to adopt the Records Management Policy.

Report:

Council has undertaken a review of Records Management Policy.

The objectives of the policy are to define a framework for Council to:

- manage records efficiently and effectively;
- meet accountability requirements and community expectations; and
- comply with legislative and policy requirements relating to record keeping practices

The policy has been amended due to the changing standards of State Records NSW and Museums of History NSW Act. An outline of amendments follows:

- The inclusion of the term 'information'
- Updated definition of a State Record
- Inclusion of physical files and other information sources
- New section for creation and capture of records
- Expansion of what Retention and Disposal Authorities Council will use
- Inclusion of reference to Museums of History NSW Act 2022

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

As part of Council's commitment to transparency and openness, public notice is recommended to be given prior to the policy adoption process.

Risk/Policy/Legislation Considerations:

Council's endorsement of the policy will demonstrate Council's commitment to maintenance of a records frameworks and will assist statutory compliance.

Budget Implications:

Nil

Enclosures (following report)

1 Draft Records Management Policy

6 Pages

Attachments (separate document)

Nil



Records Management Policy

Policy	11B
Officer Responsible	Director Corporate Services
Last Review Date	XX/XX/2024

Strategic Policy

OBJECTIVES

The objectives of this policy are to define a framework for Council to:

- manage records efficiently and effectively;
- meet accountability requirements and community expectations; and
- comply with legislative and policy requirements relating to record keeping practices.

1. BACKGROUND

The purpose of this policy is to provide a framework for the management of Blayney Shire Council's (BSC) corporate records in accordance with relevant legislation, standards and codes approved by State Records.

State legislation requires that full and accurate records of all activities and decisions of BSC are created, managed, retained and or disposed of appropriately. This policy sets out the principles and responsibilities to promote information accessibility and accountability while ensuring the protection of the rights and interests of council, staff, customers and the community.

BSC has implemented the IT Vision Software (Synergysoft) as the official Electronic Document Management System (EDMS).

2. DEFINITIONS

Access: Right, opportunity, means of finding, using or retrieving information.

Archives: Those records which are no longer required for current use, but have been selected for permanent retention because of their evidential or informational value.

Capture: A deliberate action which results in the registration of a record into a recordkeeping system.

Disposal Schedule: A systematic listing of records created by an organisation in accordance with an approved retention/disposal authority that plans the life of these records from the time of their creation to their disposal.

Electronic/Digital Records: Records communicated and maintained by means of electronic equipment.

Migrating/Migration: The process of moving records from one system to another, while maintaining the records' authenticity, integrity, reliability and useability.

Record: Something created and kept as evidence of agency or individual functions, activities and transactions.

State Records: Any records made ~~and kept~~ or received ~~and kept~~, by any person in the course of the exercise of official functions in a public office, or for any purpose of a public office, or for the use of a public office.

Vital Records: Records and information that are essential for the ongoing business of the Council and without which the council could not continue to function effectively including those records needed to operate and re-establish council functions in the event of a disaster.

3. RESPONSIBILITIES

3.1. General Manager

Under the State Records Act, the General Manager is responsible for ensuring that BSC complies with the regulations and requirements of the *State Records Act 1998*.

3.2. Director Corporate Services

The Director Corporate Services functions as BSC's Corporate Records Manager (CRM) for the purposes of the Records ~~and Information -~~ Management Program. The CRM is accountable for the management of the program as well as ensuring BSC's compliance with the *State Records Act 1998* standards.

3.3. Records Supervisor

The Records Supervisor reports directly to the Director Corporate Services and is responsible for the implementation and efficient operation of BSC's Records ~~and Information -~~ Management Program and the provision of services to users.

3.4. Directors and Managers

Directors and Managers are responsible for ensuring that staff respond to correspondence and action tasks in a timely manner and for ensuring that members of staff who have access to confidential information are instructed regarding their rights and obligations when dealing with such matters.

3.5. Information Technology (IT) Staff

IT Staff are responsible for ensuring that Council programs and systems operate in support of Council records ~~and information~~ management through the management of data integrity including back-ups, internal audits procedures, maintenance of Council's hardware and the prevention of data loss during any decommission of systems.

3.6. Staff

All staff are accountable for compliance with this policy and related policies, ~~procedures, programs, management plans~~ standards and guidelines. Staff members are responsible for capturing and creating business records ~~and registering them into SynergySoft~~ in accordance with Council procedures.

These records will include:

- decisions
- oral decisions and commitments, including telephone discussions
- meetings
- interviews / discussions with customers (internal and external)
- other events
- business activities in which they take part.

All staff will:

- Capture information by ensuring accurate registration into the EDMS (SynergySoft), [and/or physical files](#) in accordance with protocols;
- Handle records and information sensibly and with care and respect so as to avoid damage to the records and prolong their life (Hardcopy records in particular);
- Not alienate, relinquish control over, damage, alter or destroy records of Council;
- Access only the official records that they are authorised to access
- Identify vital records in consultation with the Records Supervisor.

3.7. **Contractors [and Outsourced Functions](#)**

Contractors [and external service providers](#) must manage records that they create on behalf of BSC according to the terms of their contract. Access to records held by the contractor such as performance of services, information collected from members of the public or information provided to the contractor by BSC may be subject to access applications under the *Government Information (Public Access) Act 2009*.

4. **MANAGING RECORDS AND INFORMATION**

4.1. **Records [and Information](#) Management Program**

The *State Records Act 1998* s.12(2) requires that BSC maintains a Records Management Program. This program is an organisation wide program that covers the full range of BSC records and information.

The objectives of the program are to:

- Have full and complete information and records of all Council operations to support business activities
- Ensure that information and records are useable and accessible for as long as they are required
- Regularly monitor information management activities; and
- Have information management systems and practices that comply with external requirements and standards.

4.2. **Migration**

When purchasing or implementing new systems, an assessment must be undertaken to identify the types of records that will be created or stored within that system and consultation must take place with the Records Supervisor to determine the appropriate management of those records.

In the event that software or system is de-commissioned, a robust migration plan must be put in place to protect Council records from loss including transfer, appropriate metadata and format readability.

4.3. Creation and Capture of Records

Records form an important component of business reliability and accountability. BSC has implemented the ITVision Software (Synergysoft) as the official Electronic Document Management System (EDMS). All records created and/or received by Council must be saved into SynergySoft, except where a business area still maintains physical records.

This includes the creation and/or receipt of records within or from other Council information sources for example Council's website, procurement portal and social media.

Business areas that have not yet transitioned to digital recordkeeping have the same obligations to capture records in a physical format.

4.3.4.4. Storage and Security of Records

All records will be stored appropriately to allow for their retrieval and use for the life of their retention. This includes preservation of both digital and physical record formats.

Access to records will be restricted to protect their integrity, privacy and confidentiality.

Employees must not alienate, relinquish control over, damage or destroy BSC's records.

4.4.4.5. Archiving, Disposal and Destruction of Records

Local government records are governed by ~~a specific disposal authority~~authorities, the general retention and disposal Authority: local government records (GA39), which ~~has~~have been approved under the *State Records Act 1998*.

Blayney Shire Council records will be protected, maintained and accessible for duration of their required retention. Archiving and Disposal of records will be undertaken in accordance with the relevant retention and disposal authorities issued under the *State Records Act 1998*.

5. ACCESS TO COUNCIL RECORDS AND INFORMATION

Access to Council Records will be in accordance with relevant legislation and Council Policy. The public will not be permitted access to the Records Management Section, storerooms or staff work areas.

6. RELATED COUNCIL DOCUMENTS AND POLICIES

- 01B Code of Conduct
- 02C Complaints Management Policy
- 02G Access to Information Policy
- [08G Information Security Policy](#)
- 11C Privacy Management Plan

7. RELEVANT LEGISLATION AND STANDARDS

- Government Access (Public Access) Act 2009
- [Local Government Act 1993](#)
- [Museums of History NSW Act 2022](#)
- Ombudsman Act 1976
- Privacy and Protection of Personal Information Act 1998
- State Records Act 1998
- Standards issued under the State Records Act 1998
 - Standard: No. 12 Standard on records management
 - Standard: No. 11 Standard on the physical storage of state records

Adopted:	Date: 17/01/2000 & 13/11/2000	Minute: 12 & 647
Last Reviewed:	14/05/2007	Minute: 07/094
	10/12/2012	1212/004
	25/06/2018	1806/011
	20/05/2019	1905/012
	XX/XX/2024	
Next Reviewed:	18/08/2027	

09) MINUTES OF THE DISABILITY INCLUSION WORKING GROUP
MEETING HELD 9 MAY 2024

Department: Corporate Services

Author: Director Corporate Services

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

File No: GO.CM.4

Recommendation:

That Council receive the minutes of the Disability Inclusion Working Group meeting held 9 May 2024.

Reason for Report:

For Council to endorse the minutes of the Disability Inclusion Working Group meeting held 9 May 2024.

Report:

The Disability Inclusion Working Group held its meeting 9 May 2024.

The Disability Inclusion Working Group is responsible for:

- advising and making recommendations to Council on matters relating to access issues, with particular emphasis on issues for people with disabilities as defined by the Disability Discrimination Act.
- monitoring and developing strategies to maintain Council's commitment to improving access for all community members to a range of services implementing the Disability Inclusion Action Plan.
- providing advice and monitoring the implementation of relevant Council programs and policies. Such programs and policies include but are not limited to Disability Inclusion Action Plan.

Of significance from the meeting were following matters:

- Review of access compliance for Council Office entrance and rectification work.
- Discussion of Millthorpe Masterplan.

The minutes of the meeting held are tabled below:

**MINUTES OF THE BLAYNEY SHIRE COUNCIL DISABILITY INCLUSION
WORKING GROUP MEETING
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY
CENTRE, ON 9 MAY 2024, COMMENCING AT 5:00 PM**

Present: Bruce Reynolds (Alternate Councillor and Chairperson) – via Teams; Anton Franze (Director Corporate Services - Secretariat); Jacob Hogan (Acting General Manager) – via Teams; Allison Farr (Member) – via Teams; Gregory Hooper (Member); Iris Dorsett (Member); Jenny McMahon (Member); Lyndall Harrison (Member).

ACKNOWLEDGEMENT OF COUNTRY

APOLOGIES

Michelle Pryse Jones (Council Delegate)

DISCLOSURES OF INTEREST

Nil

CONFIRMATION OF MINUTES

**MINUTES OF THE PREVIOUS MEETING HELD 8 FEBRUARY
2024**

2405/001

RESOLVED

That the Minutes of the Disability Inclusion Working Group meeting held 8 February 2024 be received.

(Dorsett/McMahon)

CARRIED

MATTERS ARISING FROM THE MINUTES

Nil

REPORTS

OUTSTANDING RECOMMENDATIONS REPORT

2405/002

RESOLVED

That the Disability Inclusion Working Group note the Outstanding Recommendations Report.

(Dorsett/McMahon)

CARRIED

ACCESS COMPLIANCE OF COUNCIL OFFICE ENTRANCE

2405/003

RESOLVED

That the Disability Inclusion Working Group note the report on Access Compliance of Office Entrance and proposed rectification work.

(Farr/McMahon)

CARRIED

MILLTHORPE MASTERPLAN
RESOLVED
2405/004 That the Disability Inclusion Working Group provide feedback on the Millthorpe Masterplan.
(Hooper/Harrison)
CARRIED

FOOTPATH NETWORK AND RAMPS
RESOLVED
2405/005 That the Disability Inclusion Working Group note the report on Footpath Network and Ramps.
(Dorsett/McMahon)
CARRIED

ACCESSIBLE CAR PARKING SPACES
RESOLVED
2405/006 That the Disability Inclusion Working Group note the report on Accessible Car parking spaces.
(McMahon/Dorsett)
CARRIED

NEXT MEETING: 1 AUGUST 2024 (TBC)

There being no further business, the meeting concluded at 6.14pm

Risk/Policy/Legislation Considerations:

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

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

Budget Implications:

Activities of the Disability Inclusion Working Group and implementation of the Disability Inclusion Action Plan are incorporated into project planning and within the budget constraints of operational and capital projects.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

10) INFRASTRUCTURE SERVICES MONTHLY REPORT**Department:** Infrastructure Services**Author:** Director Infrastructure Services**CSP Link:** 1. Maintain and Improve Public Infrastructure and Services**File No:** GO.ME.1

Recommendation:

That Council note the Infrastructure Services Monthly Report for May 2024.

Reason for Report:

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

Report:**Topical Matters**Expressions of Interest – Road Naming

Council sought to expand and diversify the names on the pre-approved names list, contained within Council's Road, Pathway and Bridge Naming Policy (25F).

For the period of 23 February 2024 to 30 April 2024, Council sought expressions of interest for names to be nominated by the community with supporting information for consideration.

At the closing date, Council had received five submissions which contained over 30 nominations for road names.

Council officers are now undertaking a review of the names against the policy and Geographical Names Board requirements, with the aim to make a recommendation to Council at the July 2024 ordinary Council meeting.

Major ContractsBelubula Way Bridge (REPAIR, R4R9)

Linemarking completed since previous report. This project is now complete.

Four Mile Creek Road Bridge (FCB2A)

IFC design awaiting review/stamping. Pre-casting of beams underway. Physical commencement on site is due for July 2024.

Major WorksForest Reefs/Tallwood Road Intersection (R4R8)

Majority of road sealed except for minor patch and driveways, which are scheduled for completion week ending 19th of May. Linemarking, signage, and miscellaneous finishing works are only outstanding. Expected project completion is end of May 2024.

Unwin & Stabback Street (LRCl)

Unwin Street: Road works are complete. Some private works (for driveways) remaining.

Stabback Street: Drainage works have been completed. Boxing out of the road for kerb preparation almost complete. Bitumen seal is programmed for the end of June.

Reseal of both projects will be undertaken next financial year in once there is conforming road surface temperature.

Minor Road WorksMaintenance works

Since the previous report, pothole patching has been performed on the following roads: Belubula Way, Long Swamp Road, Spring Terrace Road, Carcoar Road, Neville Road, Browns Creek Road, Tallwood Road and Wattersons Lane.

Pothole patching has also generally been performed in the following towns/areas: Lyndhurst, Neville and Blayney.

Maintenance grading has been undertaken on the following roads: Wilsons Lane, Ferndale Lane, Warburtons Lane, Caloola Road, Millamolong Road, Wells Lane, Wattersons Lane, Hagars Lane, Ovington Lane, Meadows Lane, Boondaroo Road, Carcoar Dam Road, Old Lachlan Road, Nixons Lane, North Lane and Calvert Lane.

Heavy Patching Program 2023/24

Urban heavy patching works on Gowan Place and Napier Street are now complete.

Any unspent funds will remain in Council's General Fund. There is currently no capacity to commence additional projects this financial year.

FootpathsTrunkey Street, Newbridge (R4R8)

Works are completed up to the Stringybark Craft Shop. Following consultation with the Gladstone Hotel the scope for the contractor has been finalised. Commencement is anticipated by the end of May with completion projected for this financial year.

Belubula River Walk – Stage 4 (SCCF4)

Base layer works for Stillingfleet Street is underway. Anticipated to be completed by the end of May.

Plumb/Palmer/Orange Road, Blayney (SCCF5)

Additional drainage works will be completed in the coming weeks for Plumb Street. The footpath has been completed from Piggot Place to Starr Place. Footpath works for completion include the remainder of Plumb Street and Palmer Street (Plumb Street to Frape Street).

Open Spaces & FacilitiesMaintenance works

The Parks team have been undertaking line marking and irrigation repairs for fields for winter sports. Damage to Redmond Oval from heavy rains last month has been restored to the point it can now be reopened for community events.

Work has been underway to prepare the Blayney Showground arena for upcoming events.

The frequency of mowing is decreasing and the team are instead undertaking pruning of street trees.

King George Oval Upgrades (R4R8, SCCF4, SCCF5)

Carpark works are mostly complete with the exception of wheel stop installation and bollard/gate installation near the old netball court. Project completion is projected for the end of May.

Construction of the accessible viewing areas have commenced, with both platforms poured and cured. Foot stop and seat installations are outstanding.

Carrington Park Toilet Refurbishments (R4R8)

Linemarking has been installed. Last item to mark completion is bollard installation and is to be completed in coming weeks.

Heritage Park New Toilets (R4R8)

Fabrication of the building is being finalised. Site commencement is currently anticipated for the week ending 30 May 2024.

Sewer Treatment Plant (STP)Programmed Works

Cleaning and CCTV inspections of the sewer network are underway by contracted delivery, supported by the STP team.

The STP team have been working with a specialist technician and equipment suppliers to troubleshoot persistent service interruption of pump station telemetry. This has been resolved and all services are back online.

Competitive pricing is being sought for the installation of aerators for the STP (all materials and replacement components have been procured and are onsite). Soft target of next installation in June if pricing pans out.

Recycled Water Treatment Plant

Feedback has been received from the Department regarding Council's application. They have recommended that Council withdraw their s.60 application.

The Department has provided significant technical feedback and would like Council to submit two separate applications;

1. Application for RWTP commissioning and irrigation of Napier & King George Oval
2. Application for RWTP standpipe commissioning, sale of water and use as construction water/dust suppression

Council is seeking advice from consultants on the information and control measures requested as part of these applications.

Risk/Policy/Legislation Considerations:

Information report only.

Budget Implications:

Work detailed is undertaken within existing budget allocations.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

11) LAND ACQUISITION ERROWANBANG ROAD - MIDWESTERN HIGHWAY - DP1000547**Department:** Infrastructure Services**Author:** Director Infrastructure Services**CSP Link:** 1. Maintain and Improve Public Infrastructure and Services**File No:** RD.AD.12

Recommendation:

That Council approve;

1. The compulsory acquisition of Lot 1 in DP 1000547 registered 10 June 1999; and
2. The making of an Application to the Minister for Local Government and the Governor for approval of such compulsory acquisition; and
3. Upon acquisition, the land to be classified as “operational land” under s.31 of the Local Government Act (1993); and
4. The execution by the Mayor and General Manager under Council seal, if required, on all documents associated with the compulsory acquisition for Lot 1 DP 1000547.

Reason for Report:

Council's approval is required to make application to the NSW Office of Local Government for the compulsory acquisition and transfer of Lot 1 DP 1000547 associated with the relocation of the intersection of Errowanbang Road, with the Mid Western Highway. The project for the relocation of the intersection arose through Council's successful lobbying of the former NSW Roads and Traffic Authority (RTA) due to poor safety record of the intersection and an increased number of accidents and near misses.

Report:

A report was presented to Council at the 19 September 2016 Ordinary Meeting of Council, regarding the acquisition and transfer of lands associated with the Road Realignment Safety Improvement Project for the Errowanbang Road/Mid-Western Highway intersection, undertaken between 1996 and 1998.

Council was then and remains the owner of Lot 1 DP 1000547 (Lot 1) as it was public road. As Lot 1 was already owned by Council it was not included in the acquisition.

It appears that Lot 1 is land under Old System Title. As Lot 1 is to be transferred to an adjoining landowner as compensation for land compulsorily acquired, Land Registry Services (LRS) requires Council to bring the title under the Real Property Act.

The process for such title conversion (from Old System Title to Real Property Act title) is for Council to acquire Lot 1 from itself by compulsory acquisition and Gazettal approved by the Governor. Upon Gazettal of the acquisition, a Primary Application can be made to LRS to bring Lot 1 under the provisions of the Real Property Act following which Lot 1 can be transferred to the adjoining landowner.

The acquisition of Lot 1 by Council from itself can occur by use of power under the Roads Act (s.41) and the Land Acquisition (Just Terms Compensation) Act (s.29). No compensation is payable by Council for the compulsory acquisition of Lot 1.

It is a requirement for the application for compulsory acquisition to OLG to proceed that the Council resolution needs to authorise making an application for compulsory acquisition to the Minister/Governor (as per the OLG's "Guidelines for the Compulsory Acquisition of Land by Councils" and set out on the Application form itself).

Council's legal representatives have therefore advised of specific wording of a Council resolution required to complete the compulsory acquisition.

It is recommended that Council adopt the recommendation to approve the acquisition.

Risk/Policy/Legislation Considerations:

Council is acquiring from itself Lot 1, which is a piece of public road that is no longer required for public road, for transfer to an adjoining landowner as compensation as part of the road realignment project.

Budget Implications:

The acquisition of lands and the associated costs were within existing budget allocations and further expenditure is only expected for legal costs associated with the finalisation of the acquisition of Lot 1.

Enclosures (following report)

1 Land Acquisition DP1000547

1 Page

Attachments (separate document)

Nil

PLAN FORM 2

Plan Drawing only to appear in this space

DP1000547

SIGNATURE SEALS AND STATEMENTS of intention to dedicate public roads or to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

Crown Lands Office Approval

PLAN APPROVED
Authorised Officer
Land District
Paper No.
Field Book

Council Clerk's Certificate

I hereby certify that -
(a) the requirements of the Local Government Act 1919 (other than the requirements for the registration of plans); and
(b) the requirements of Part 3 Division 2 of the Motor Vehicle Act 1987 or Part 5 Division 2 of the Motor Vehicle Board (Cooperation) Act 1987
have been complied with by the applicant in relation to the
proposed
(insert "new road", "subdivision" or "consolidated lot") set out herein
Subdivision No. 5/99
Date 3/3/99
(Signature)
Council File No. R15-9
This part of certificate to be deleted where the application is only for a consolidated lot or the opening of a new road where the lot to be subdivided is wholly outside the area of operations of the Motor Vehicle Board and the Motor Vehicle Cooperation Act.
1 Delete if inapplicable.

SURVEYOR'S REFERENCE: 0866/2008

CHECKLIST

10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 160 170 180 190 200 210 220 230 240 250 260 270 280 290 300 310 320 330 340 350 360 370 380 390 400

WARNING: CREASING OR FOLDING WILL LEAD TO REJECTION

Registered 10.6.1999
CA: N° 5/99 OF 31.3.1999
Title System: TORRENS & OLD SYSTEM
Purpose: ROADS ACT, 1993
Ref Map: PARISH
Last Plan: DP 38114

PLAN OF ROAD PROPOSED TO BE CLOSED UNDER THE ROADS ACT 1993

Lengths are in metres. Reduction Ratio 1:1250

LGA: BLAYNEY

Locality : CARCOAR

Parish: SHAW

County: BATHURST

This is sheet 1 of my S.O. in sheets. (Delete if inapplicable)

Surveyors (Practice) Regulation 1996

DAVID ALFRED BROOKS

or R.M. Todd Pty. Ltd. PO Box 893, Bathurst
a surveyor registered under the Surveyors Act 1929
I hereby certify that the survey represented in this plan is accurate, has been made in accordance with the Surveyors (Practice) Regulation 1996 and was completed on 5.3.1999.

The survey relates to Lot 1

Datum L: X - Y (DP 838452)

Zone: Urban

(Signature) D.A. Brooks
Surveyor registered under the Surveyors Act 1929

Plans used in preparation of survey/compilation

- DP 38114
- DP 108739
- DP 250798
- DP 838452
- R119-1603
- R21157-1603
- DP 8016234

PANEL FOR USE ONLY for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.

LOT 1 IS PROPOSED TO BE CLOSED UNDER THE ROADS ACT 1993

REQUISITION'S NOTED BY ME 24-5-93.

12) PROPOSED ROAD CLOSURE - LOT 4 DP 1238468

Department: Infrastructure Services

Author: Director Infrastructure Services

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

File No: RD.AD.11

Recommendation:

That Council:

1. Endorse the closure of the old Newbridge Road alignment being Lot 4 DP1238468, in accordance with s.38 Roads Act 1993.
2. Exhibit public notification of Council's intention to classify the land as operational land.
3. Have a further report presented to a future Council meeting to consider any submissions lodged during the notification period and to make a decision on approval for the proposal.

Reason for Report:

Council approval is required for the closure of road reserve.

Report:

Councillors may recall the Confidential Report (**Resolution No. 1712/025**) presented to the December 2017 ordinary meeting of Council, in regard approving the acquisition of lands for the construction of the Pte W.W Wilson Bridge over Evans Plains Creek and related approach works for the new alignment on Newbridge Road.

A further report was tabled at the June 2019 ordinary meeting of Council to make application to the Office of Local Government to proceed with compulsory acquisition of land in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 (**Resolution No. 1906/104**)

As part of the agreement between Council and the landowner, it was agreed that 2,671m² (being road reserve surplus to Council needs) would be incorporated back into the landowner's property as part of the compensation for the acquisition.

The road closure process had not previously commenced, however needs to progress to enable the transfer of the land as compensation to the landowner.

It is recommended that Council endorse the road closure to allow this land matter to progress to completion.

Risk/Policy/Legislation Considerations:

Road closure would occur in accordance with Division 3 of the Roads Act 1993.

Budget Implications:

The acquisition of lands and the associated costs were within existing budget allocations and further expenditure is only expected for legal costs associated with the finalisation of the acquisition and land transfer.

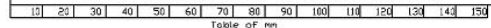
Enclosures (following report)

- | | | |
|----------|--------------------------|--------|
| 1 | Deposited Plan DP1238468 | 1 Page |
|----------|--------------------------|--------|

Attachments (separate document)

- | | | |
|----------|----------------------|---------|
| 2 | Section 30 Agreement | 3 Pages |
|----------|----------------------|---------|

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



13) DA2023/29 - BOUNDARY ADJUSTMENT AND ADDITION TO AN EXISTING CENTRE-BASED CHILDCARE - 2 GEORGE ST & 56 VICTORIA ST MILLTHORPE

Department: Planning and Environmental Services

Author: Director Planning and Environmental Services

CSP Link: 5. Protect Our Natural Environment

File No: DB.AB.1942

Recommendation:

That Council consent to Development Application 29/2023 for a Boundary Adjustment and Addition to an Existing Centre-Based Childcare Facility at Lot 2 DP 1274914 and Lot 3 Section G DP 3361, 2 George Street and 56 Victoria Street, Millthorpe subject to the recommended conditions of consent.

Reason for Report:

This report seeks to determine Development Application 29/2023 for a Boundary Adjustment and Addition to an Existing Centre-Based Childcare Facility at Lot 2 DP 1274914 and Lot 3 Section G DP 3361, 2 George Street and 56 Victoria Street, Millthorpe. Consent will be recommended subject to conditions.

The application was notified to adjoining landowners during 13/04/2023 – 27/04/2023 and 14/08/2023 – 28/08/2023, under the *Blayney Shire Council Community Participation Plan 2020* and during these periods, five (5) submissions were received. Consequently, the application is reported to Council for determination.

Report:

Proposed Development

Council's consent is sought for a boundary adjustment and addition to an Existing Centre-Based Childcare Facility at the subject property. The proposed development seeks the following:

- Boundary Adjustment between Lot 2 DP1274914 and Lot 3 Section G DP 3361, 2 George Street and 56 Victoria Street, Millthorpe to facilitate the proposed addition to the Existing Centre Based Childcare Facility;
- Addition to an Existing Centre-Based Childcare Facility (149m², including the verandah), which includes a learning area, bathroom, staff room (staff amenities) and storeroom. The building is constructed of brick form (heritage red face brick), colorbond cladding (monument colour finish) and colorbond roof (surfmist colour finish). The building will be used to educate 4–5-year-old students, with 2 educators.

Student and Staff Numbers

The proposed addition will cater for an additional 20 students, with a total increase to 56 students for the whole facility. This is an increase of 20 students from the original approved centre based childcare facility of 38 students (DA60/2016). Currently 11 staff members are employed for the whole facility and the proposal will increase staff members to 12 persons.

Operating Hours

The operating hours for the whole facility are from 7:30am – 6:00pm, Monday to Friday. The proposed addition will be used between the hours of 9:00am – 4:30pm. Outside these hours, the facility will use the existing building when attendance is lower. Typically, the 4–5-year-old students attend during school hours, from 9:00am – 3:00pm.

Carparking

The DCP requires 1 space per 10 children, plus 1 per 2 staff, therefore a total of 12 spaces are required. The proposed development provides 10 onsite carparking spaces and 2 off street kerbside spaces (that form part of the original DA60/2016). A Traffic Impact Assessment accompanies the application and supports the carparking arrangements. Therefore, the proposed development complies with the *DCP Part D: Commercial and Community Buildings and Design, D.4.7 Off Street Car Parking*.

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

Section 1.7 of the EP&A Act 1979 identifies that Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994 have effect in connection with terrestrial and aquatic environments. Having regard to the relevant provisions and based on an inspection of the subject property, it is considered that the proposed development is not likely to have a significant effect any threatened species, population or ecological communities or their habitats.

Section 4.15 Evaluation

Matters for Consideration – General

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

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

Clause 1.7 Maps

Land zoning:	R1 General Residential
Lot size:	Lot 2 DP 1274914 – 1124m ² Lot 3 Section G DP3361 – 1487.12m ²
Heritage:	Millthorpe Heritage Conservation Area
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. A search of Council's records indicates that the subject property is not affected by any of the foregoing covenants, instruments, agreements, or plans.

Part 2 – Permitted or prohibited development**Clause 2.6 Subdivision – consent requirements**

Clause 2.6 identifies that land to which BLEP 2012 applies may be subdivided, but only with development consent.

Clause 2.3 Zone objectives and Land Use Table

Clause 2.3(2) of BLEP provides that the Council shall have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The proposed development is defined as a Centre-Based Childcare Facility and is permissible under the R1 General Residential zone subject to development consent from Council. The objectives of the R1 General Residential zone are:

- *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 development is consistent with the objectives of the zone and enables other land uses that provide facilities and services to meet the day to day of the needs of the residents of Millthorpe.

Part 4 – Principal development standards

Clause 4.1 Minimum subdivision lot size

Clause 4.1 seeks to minimise the cost to the community of fragmented and isolated development of rural land, and providing, extending and maintaining public amenities and services; ensure that the character and landscape setting of an area is protected and enhanced by any development; to ensure that development is undertaken on appropriately sized parcels of land commensurate with available services (including any associated sewerage system) and responds to any topographic, physical or environmental constraints; and to protect drinking water catchments from over-development that may impact on water quality and quantity in the catchment and drinking water systems.

Clause 4.1 applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan. The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land. The subject property is affected by a Minimum Lot Size (MLS) of 450m². The proposed subdivision complies with the MLS requirements.

Part 5: Miscellaneous Provisions

Clause 5.10 Heritage conservation

Clause 5.10 seeks to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings, and views. The subject property is located in the Millthorpe Heritage Conservation Area and no Heritage Items adjoin the property. The application was referred to Council's Heritage Advisor for review and the following commentary was provided:

Siting

The need for the new and additional facility is appreciated and the location, setbacks and reduction of the adjoining site are acceptable in the heritage context, as being generally consistent with similar issues in the HCA.

Staff comment: The proposed development is suitable for the subject property.

Character

The adoption of a design style which is uncharacteristic of the existing centre, the adjoining buildings and the general building character in the village is unusual. The rare skillion roofed structures in the village are lean-to sheds

while the majority of contemporary buildings have pitched roofs and are similar to the existing centre on the subject site.

Staff comment: The proposed development is located behind the main building on the subject property and cannot be viewed directly from George or Victoria Street. The adjoining property along the southwestern boundary views a profile of an existing colorbond fence (1.8m high), a blank wall (colorbond) and a roof line which appears to look like one side of a pitched roof (colorbond), therefore, appearing overall to look like an outbuilding (shed/garage) and reducing the visual impact on the adjoining property. Additional landscaping will be required along the northeast and northwest boundaries to reduce visual impact on the adjoining properties.

Scale

The skillion roofed style and levels of the site produce a height on one part of the building which is uncharacteristic of traditional buildings in the HCA where the convention is for roofs to peak in the centre of their form.

Staff comment: The proposed development is located behind the main building on the subject property and cannot be viewed directly from George or Victoria Street. The adjoining property along the southwestern boundary views a profile of an existing colorbond fence (1.8m high), a blank wall (colorbond) and a roof line which appears to look like one side of a pitched roof (colorbond), therefore, appearing overall to look like an outbuilding (shed/garage) and reducing the visual impact on the adjoining property. Additional landscaping will be required along the northeast and northwest boundaries to reduce visual impact on the adjoining properties.

Bulk

The contemporary approach to the design where the exterior is a simple reflection of the internal uses and needs is common in contemporary design but not common in the village or heritage areas. The rectangular shape of the building and the front verandah are accepted.

Staff comment: The proposed development is located behind the main building on the subject property and cannot be viewed directly from George or Victoria Street. The proposed development is suitable for the subject property.

Materials

The contemporary design leads naturally to the selection of some contemporary materials such as longline steel cladding and powder coated aluminium windows while the use of red brick and timber lining boards can be interpreted as being a response to the heritage setting. The north-east and southeast elevations combine two materials which assist in modelling the character of the walls in a contemporary manner. The need to depart from the materials utilised in the existing building has not been justified and is not supported in heritage impact terms.

Staff comment: The proposed development is located behind the main building on the subject property and cannot be viewed directly from George or Victoria Street. The proposed mix of materials and location of the subject property limits the impacts on the Millthorpe Heritage Conservation Area.

Details

The contemporary design provides for a skillion roof in place of what would otherwise be a traditional post supported verandah with complementary balustrading. This detail has not been justified is not supported in terms of heritage impacts.

Staff comment: The proposed development is located behind the main building on the subject property and cannot be viewed directly from George or Victoria Street. The proposed mix of materials and location of the subject property limits the impacts on the Millthorpe Heritage Conservation Area.

Colour

The report supports the use of Monument colour on the basis that there are other elements in vicinity which utilise black and colours similar to Monument. The comparable with traditional materials and their colours while the white roof is uncharacteristic in the HCA where metal roofs are generally Shale Grey or Windspray as these reflect the earlier galvanised iron. The colour Monument is uncharacteristic of the HCA, will conflict with the context – period and style and is not supported. The brick is acceptable.

Staff comment: The proposed colorbond roof (Surfmist colour finish) is not appropriate and a condition of consent will apply to ensure that the roof is either Shale Grey or Windspray colour finish. The proposed colorbond “longline” wall cladding (Monument colour finish) is not appropriate and a condition of consent will apply to ensure that the wall cladding is either Windspray or Basalt colour finish.

Landscape

The planting provided as mitigation for the loss of the existing trees appears to be a row of screen plants at the front of the George Street elevation for screening two new car spaces. The car access would also appear to require removal of a couple of sundry plants near the entry path. The extent of landscape planting is insufficient to suit the site and screening purpose and is worthy of further consideration.

Staff comment: A proposed landscaping plan will be required to be submitted and approved by Council prior to the issue of a Construction Certificate to include additional landscaping along the north east and north west boundaries.

The following minor variations are recommended for consideration to ensure that the proposal is sympathetic with the heritage significance of the Millthorpe HCA:

Character

Consider providing the new pavilion with a hipped roof having a pitch to match the existing Early Learning Centre so that a clear relationship is evident between the two buildings and with the buildings in the vicinity and more widely in the village. The use of a pitched corrugated roof in Windspray comparable with the Early Learning Centre will meet this criterion.

Staff comment: The proposed development is located behind the main building on the subject property and cannot be viewed directly from George or Victoria Street and will have minimal impact on surrounding heritage

significant buildings and limits the impacts on the Millthorpe Heritage Conservation Area.

Materials

Consider the new boundary fence as lapped and capped hardwood timber palings or capped corrugated steel fencing in Shale Grey or Windspray or another acceptable fence colour. Consider the use of a contemporary Weathertex board wall cladding to interpret in a contemporary manner the cladding on the Early Learning Centre.

Staff comment: The existing fences surrounding the properties are colorbond, therefore, it is considered appropriate for the proposed fencing to be a colorbond finish.

Details

Consider use of lateral corrugated steel wall cladding in Windspray or Basalt or a contemporary Weathertex weatherboard wall cladding. Consider the use of timber posts to support the verandah deck. Consider the specification of roofing with traditional rolled flashings, unperforated quad gutters in a selected colour and circular downpipes to be the colour of the adjoining walls.

Staff comment: The proposed development is located behind the main building on the subject property and cannot be viewed directly from George or Victoria Street. The proposed colorbond roof (Surfmist colour finish) is not appropriate and a condition of consent will apply to ensure that the roof is either Shale Grey or Windspray colour finish. The proposed colorbond “longline” wall cladding (Monument colour finish) is not appropriate and a condition of consent will apply to ensure that the wall cladding is either Windspray or Basalt colour finish.

Colour

Consider the use of colorbond Shale grey or Windspray roofing and wall cladding. Consider the use of powder coated windows to match the selected wall colour.

Staff comment: The proposed development is located behind the main building on the subject property and cannot be viewed directly from George or Victoria Street. The proposed colorbond roof (Surfmist colour finish) is not appropriate and a condition of consent will apply to ensure that the roof is either Shale Grey or Windspray colour finish.

Landscape

Clarify on the drawings the trees to be removed and the trees being retained. Provide additional planting to the side of the entry path and to the existing green verge area in front of the existing car spaces and to the fence line along the new north-western boundary. The number and species should be indicated for clarity during construction and certification.

Staff comment: A proposed landscaping plan will be required to be submitted and approved by Council prior to the issue of a Construction Certificate to include additional landscaping along the northeast and northwest boundaries.

Part 6 – Additional local provisions**Clause 6.2 Stormwater management**

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

Referral to Council's Engineering Department has been undertaken for the assessment of the management of stormwater. A proposed easement for stormwater (3m wide) is located on the northeast boundary of 56 Victoria Street and within 2 George Street. The easement will burden 56 Victoria Street and benefit 2 George Street for the purposes of managing the stormwater created from the proposed development. Conditions of consent will apply. This clause has been considered and addressed.

Clause 6.8 Essential services

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

Essential services are available to the subject property, including the supply of water, the supply of electricity, the disposal of sewage, stormwater drainage / conservation and suitable vehicle access. Referral to Council's Engineering Department has been undertaken for the assessment of the management of stormwater. Conditions of consent will apply.

State Environmental Planning Policy (Resilience and Hazards) 2021

State Environmental Planning Policy (Resilience and Hazards) 2021 (replaces State Environmental Planning Policy 55 – Remediation of Land (SEPP55)) requires that a consent authority must not consent to the carrying out of development of land unless it has considered whether the land is contaminated; is satisfied that the land is suitable in its contaminated state for the development that is proposed, and if the land requires remediation to be made suitable for the proposed development it is satisfied that the land will be remediated before the land is used for that purpose.

An inspection of the site shows no evidence that the land has historically been used for anything other than residential and commercial land use. Consequently, having regard to all available information it is safe to conclude that there is no evidence of previous contaminating land uses that would require further investigation.

SEPP (Transport and Infrastructure) 2021

State Environmental Planning Policy (Transport and Infrastructure) 2021 (replaces State Environmental Planning Policy (Educational Establishments and Childcare Facilities) 2017). The relevant provisions for the SEPP are addressed in the Statement of Environmental Effects submitted with the application. In summary, the proposal is consistent with the design quality principles of Context, Built form, Adaptive Learning Spaces, Sustainability,

Landscape, Amenity and Safety and the following matters for consideration under the Childcare Planning Guideline.

The proposed development complies with Part 3: Matters for Consideration as addressed in the Statement of Environmental Effects submitted with the application. In summary, the proposal is consistent with the provisions and objectives of Part 3 of the Policy.

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

Not applicable to this application.

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

Blayney Shire Development Control Plan 2018

Part D: Commercial, Community & Industrial Development

Clause DCP	Comment	Compliance
D2.1 Site Selection and Land Use Conflicts	<p><i>Whilst Council will consider all applications for commercial and community use(s) on their merits in any zone where the particular land use is permitted under BLEP2012, the development application must ensure that the chosen site and building design will:</i></p> <p><i>1) Avoid, or minimise/mitigate any potential impacts on other land uses in the vicinity of the site having regards to:</i></p> <p><i>a) The land use zone and the desired development outcomes for each settlement/area; and</i></p> <p><i>b) Environmental impacts in Part G – Environmental Management & Hazards, including but not limited to Part G2: Buffers to Sensitive Land Uses (noting that Buffers may increase the required setbacks for buildings or activities.</i></p> <p><i>2) Address Part D5: Site Planning, Earthworks & Utilities.</i></p>	<p>The subject property is located in a R1 General Residential Zone under the <i>Blayney Local Environmental Plan 2012 (BLEP)</i> and contains an existing centre based childcare facility (2 George Street, Millthorpe) and dwelling house (56 Victoria Street, Millthorpe). The surrounding land use is characterised by established residential development.</p> <p>The proposed development has been designed to minimise potential impacts on the surrounding residential development, this has been achieved via the proposed built form design, landscaping and operational procedures associated with the development.</p>
D2.2 General Building Setbacks	<p><i>1) Road Frontages: Setbacks to road frontages (other than rear lanes) should:</i></p> <p><i>a) Reinforce the desired built form pattern, street character and function and not dominate</i></p>	<p>The proposed development is located behind the existing building fronting 2 George Street, Millthorpe. No rear lane is adjoining the subject property.</p>

	<p><i>the street whilst allowing variability where it can be justified;</i></p> <p><i>b) Respond to the level of pedestrian activity required for any proposed retail frontage(s);</i></p> <p><i>c) Respond to adjacent development and adjacent building setbacks;</i></p> <p><i>d) Minimise impacts on adjacent lots;</i></p> <p><i>e) Provide areas to service these uses whilst minimising the impact of large parking, utility, or storage areas on street character/activity;</i></p> <p><i>f) Accommodate (where appropriate) outdoor dining areas, disabled access and landscaped setbacks; and</i></p> <p><i>g) Provide adequate sight distances for vehicle and pedestrian safety, particularly on corner lots.</i></p> <p><i>2) Rear Lanes: If a lot has frontage to a rear lane then setbacks from the rear lane should consider adjacent building setbacks/impact and encourage access for service and delivery vehicles and parking at the rear of the site by accommodating potential vehicle turning circles on-site, and sight-lines.</i></p> <p><i>3) Side & Rear Setbacks: Side and rear setbacks must meet the National Construction Code ('NCC') requirements and may depend on the fire rating of the building materials</i></p>	<p>Side and rear setbacks comply with the NCC.</p>
D2.3 Setbacks – Zone B2 Local Centre		Not applicable to the subject application.
D2.4 Setbacks – Zone B5 Business Development		Not applicable to the subject application.
D2.5 Setbacks – Zone RU5 Village & Zone B6 Enterprise Corridor		Not applicable to the subject application.

<p><i>D2.6 Building Height & Bulk</i></p>	<p><i>The applicant must demonstrate how the proposed building height and bulk will:</i></p> <ol style="list-style-type: none"> <i>1) Minimise visual impacts of larger buildings;</i> <i>2) Integrate with the existing/desired scale and street character for the relevant land use zone and location with consistent street frontage heights (including parapets/roof lines);</i> <i>3) Be sympathetic to heritage buildings and conservation areas (where applicable);</i> <i>4) Be sympathetic to and, if necessary, provide a transition in height to adjacent buildings;</i> <i>5) Minimise overshadowing of the living spaces and private open spaces of adjacent dwellings and any community facilities (e.g., school yards, churches etc.).</i> <i>6) Use building height and massing to reinforce key corner sites and 'gateways' to the town;</i> <i>7) Maintain the dominant building façade/heights to main streets and setback additional height behind this street frontage height.</i> 	<p>The proposed development is located behind the existing building fronting 2 George Street, Millthorpe and is not visible from the George or Victoria Street.</p> <p>The proposed development has been designed to minimise potential impacts on the surrounding residential development, this has been achieved via the proposed built form design, landscaping and operational procedures associated with the development.</p> <p>The proposed building is located along the southwestern boundary of the subject property (setback 900mm and 978mm) and the built form is a modern design with a mixture of materials, including colorbond cladding and face brick, therefore, providing a transition in height and bulk to the adjoining views.</p> <p>The adjoining properties to the southwestern and east are ancillary outbuildings (shed/garages), therefore, not impacting the adjoining residential private open space areas.</p>
<p><i>D2.7 Building Design</i></p>	<ol style="list-style-type: none"> <i>1) Variation: Building elevations (especially for larger buildings or those facing public spaces or vacant land) should provide variations ('articulation') in building or wall setbacks (including projections or recesses), roof lines, openings (doors and windows), and building materials and colours to provide visual interest and reduce the perceived bulk and scale of the building.</i> <i>2) Blank Walls: Large expansive</i> 	<ol style="list-style-type: none"> <i>1) The proposed development is located behind the existing building fronting 2 George Street, Millthorpe and is not visible from the George or Victoria Street.</i> <i>2) The proposed development does not include large expansive blank walls visible from the public space.</i> <i>3) Not applicable to the subject application.</i>

	<p><i>blank walls are not preferred unless the applicant can demonstrate the majority of the wall would not be visible from a public space (e.g. it abuts the wall of an adjacent building with limited or no openings) and it meets the requirements of the National Construction Code.</i></p> <p><i>3) Activation/Safety: Activation of main streets and pedestrian safety is to be encouraged through:</i></p> <p><i>a) Consistent street setbacks and encouragement of awnings in key pedestrian areas;</i></p> <p><i>b) Windows/glazing areas to the street being able to encourage casual surveillance and active retail frontages with well-lit views into the shop-fronts;</i></p> <p><i>c) Well-defined and lit entrances with good sight-lines for safety and security.</i></p> <p><i>4) Security Grilles: Security grilles must be see-through and not solid type structures, discreet, and not dominate the shopfront without compromising security.</i></p> <p><i>5) Safety by Design: For larger developments (>2000m² site area) or where there is a higher potential risk of crime or impacts on pedestrian safety, Council may require the applicant to address NSW Guidelines for Crime Prevention Through Environmental Design ('CPTED') or Safer by Design (see the NSW Police website). CPTED is based on four (4) principles:</i></p> <p><i>a) Surveillance;</i></p> <p><i>b) Access control;</i></p> <p><i>c) Territorial reinforcement;</i></p> <p><i>d) Space/activity management and maintenance.</i></p> <p><i>Note: Please discuss your proposal with Council prior to lodging the Development</i></p>	<p>4) Not applicable to the subject application.</p> <p>5) Not applicable to this application.</p> <p>6) Not applicable to this application.</p> <p>7) Not applicable to this application.</p> <p>8) All infrastructure associated with the subject application is located behind the main building fronting George Street. Therefore, not visible from the public space.</p>
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	<p><i>Application so they can offer guidance on some suitable solutions to meet the above principles.</i></p> <p><i>6) Servicing Areas: Vehicle parking and servicing areas and fire exits/service cupboards etc. should be located to the side or rear of developments (where possible) to minimise impacts on active street frontages.</i></p> <p><i>7) Corner Sites: New commercial or retail development on corner sites with limited setbacks must incorporate splays, curves, building entries and/or other architectural elements to reinforce the corner as a landmark feature of the street and activate both street frontages, whilst maintaining sight-lines for safety.</i></p> <p><i>8) Utilities: The visual impact of all external infrastructure/services (including air conditioning units, plant rooms, ducting, solar panels etc.) must be minimised when viewed from a public place or road and integrated into the roof design.</i></p>	
D2.8 Structures over Public Footpaths/Roads (Awnings & Balconies)		Not applicable to the subject application.
D2.9 Street Trading / Footpath Dining		Not applicable to the subject application.
D4.1 Access & Parking	<p><i>1) To ensure that all traffic generating developments are designed in accordance with the requirements of this DCP and:</i></p> <p><i>a) Council's Guidelines for Engineering Works;</i></p> <p><i>b) RTA (now RMS) (2002) Guide to Traffic Generating Developments; and/or</i></p> <p><i>c) Relevant Australian Standards including but not limited to AS2890 – Parking facilities</i></p>	<p>The existing access and parking have been designed to ensure compliance with the relevant Engineering Guidelines and Australian Standards. Additional parking areas will be designed to ensure compliance with the relevant Engineering Guidelines and Australian Standards. Conditions of consent will apply.</p>

	<p><i>including:</i></p> <p><i>i. AS2890.1 (1993) – Off-street car parking;</i></p> <p><i>ii. AS2890.2 (1989) – Commercial vehicle facilities;</i></p> <p><i>iii. AS2890.3 (1993) – Bicycle parking facilities.</i></p> <p><i>Note: These guidelines/standards are applicable to all relevant control(s) below.</i></p>	
<i>D4.1 Vehicle Access</i>	<p><i>Public Safety: The applicant must demonstrate that any proposed site access location and design has considered public safety including, but not limited to:</i></p> <p><i>a) The type of road the access will front onto and its design;</i></p> <p><i>b) Sight distances and vehicle speeds;</i></p> <p><i>c) Proximity to intersections and pedestrian crossings;</i></p> <p><i>d) Existing and proposed landscaping design;</i></p> <p><i>e) Potential conflicts with vehicles and pedestrians.</i></p> <p><i>f) Ingress/egress in a forward direction.</i></p> <p><i>2) Access: Vehicle access must be located to:</i></p> <p><i>a) Avoid direct access to a classified road unless there is no suitable alternative;</i></p> <p><i>b) Provide suitable separation from intersections and sight lines;</i></p> <p><i>c) Provide clear separation between customer and vehicle traffic.</i></p> <p><i>3) Design: Vehicle access must be designed to:</i></p> <p><i>a) Meet the requirements of Council's Guidelines for Engineering Works including, but not limited to Section 2.3.7 – Driveway Construction;</i></p> <p><i>b) Cross the footpath or footway</i></p>	<p>The existing access and parking has been designed to ensure compliance with the relevant Engineering Guidelines and Australian Standards.</p>

<p><i>D4.3 Circulation & Loading/Unloading</i></p>	<p><i>at right angles to the centreline of the road;</i></p> <p><i>c) Be clear of obstructions, which may prevent drivers having a timely view of pedestrians;</i></p> <p><i>d) Be properly signposted, where there are separate access and exit points;</i></p> <p><i>e) Take into consideration any requirements in the former RTA (2002) Guidelines for Traffic Generating Development (as amended or replaced) – Section 6.2 Access requirements.</i></p> <p><i>4) Gates: Access or security gates must:</i></p> <p><i>a) Be set back from the public roadway a sufficient distance to allow a vehicle and trailer to stand without hindering vehicular or pedestrian traffic on the public road whilst the gate is being opened and closed.</i></p> <p><i>b) Not open outwards onto any public space.</i></p> <p><i>1) Safety: The design of all internal vehicle manoeuvring areas should demonstrate consideration of the safety and access for all users (vehicle, pedestrian and bicycle) and minimise potential conflicts.</i></p> <p><i>2) Pavement: All vehicle manoeuvring areas on-site must be sealed. Gravel will not be permissible except in rural areas where there are no conflicts (noise and dust) with adjacent lots and suitable drainage is provided.</i></p> <p><i>3) Direction of Travel:</i></p> <p><i>a) For all developments there should be sufficient manoeuvring areas to enable all vehicles (regardless of size) to enter and leave the site in a forward direction.</i></p> <p><i>b) Reversing of vehicles onto public roads will not be permitted unless there are exceptional</i></p>	<p>The proposed access and parking has been designed to ensure compliance with the relevant Engineering Guidelines and Australian Standards. Conditions of consent will apply.</p>
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circumstances, for e.g. emergency vehicles.

4) Vehicle Sizes: Internal vehicle manoeuvring areas should be designed to accommodate the turning radii and the pavement loading of the largest vehicle that will potentially utilise the manoeuvring area.

*5) Loading / Unloading Facilities:
a) All new development (except a change of use or commercial or community use in Zone B2 Local Centre in the Town of Blayney) should provide sufficient numbers and size of spaces on-site for delivery vehicles based on the expected frequency of deliveries and the likely vehicle size/type of delivery vehicle (see Section 5 of the former RTA (2002) Guidelines for Traffic Generating Development (as amended or replaced) relating to courier, delivery and service vehicles);*

b) Deliveries and unloading from the street frontage will not be acceptable (except in Zone B2 Local Centre in the Town of Blayney or Zone RU5 Village in each other settlement) unless there are site constraints that would prevent off-street deliveries from occurring.

6) Loading / Unloading Design: Loading and unloading areas must be located and designed so they:

- a) Can be accessed in a safe and efficient manner;*
- b) Do not extend over public roads or footpaths during loading and unloading operations;*
- c) Do not utilise or crossover vehicle circulation or parking spaces unless all loading/unloading occurs outside the normal business hours of the premises;*

<p><i>D4.4 Parking</i></p>	<p><i>d) Are suitably screened from public spaces where there may be on-site storage of goods.</i></p> <p><i>1) Parking Location:</i></p> <p><i>a) Minimising visual impact of off-street parking areas on street character, the amenity of the development and adjacent sites and providing screening that can minimise this impact (where appropriate);</i></p> <p><i>b) Proximity of customer parking to customer entrances and proximity of staff parking to staff entrances including accessible parking and access;</i></p> <p><i>c) Minimising impacts on any neighbouring dwellings/residential areas;</i></p> <p><i>d) Addressing site conditions such as slope and drainage;</i></p> <p><i>e) Ease of access to and from the street in a forward direction;</i></p> <p><i>f) Separation of customer parking from courier and service delivery vehicle parking and/or loading and unloading facilities for safety and accessibility.</i></p> <p><i>2) Operation Hours: Free and uninterrupted access to car parking areas should be maintained at all times during the hours of operation of the proposed development.</i></p> <p><i>3) Stacked Parking: Generally stacked parking will not be acceptable unless there were special site considerations and parking management arrangements made to justify stacked parking.</i></p> <p><i>4) Circulation: Larger car parking areas must provide rational circulation patterns and minimise the use of dead-end aisles.</i></p>	<p>The subject property has an existing parking area located off George Street for visitors and staff members, which was part of the original approval for the facility (DA60/2016).</p> <p>The DCP requires 1 space per 10 children, plus 1 per 2 staff, therefore a total of 12 spaces are required. The proposed development provides 10 onsite carparking spaces and 2 off street kerbside spaces (that form part of the original DA60/2016). An additional 2 spaces will be accommodated in the road reserve opposite the centre. These will be constructed for staff and visitors. A Traffic Impact Assessment accompanies the application and supports the carparking arrangements. Therefore, the proposed development complies with the DCP <i>Part D: Commercial and Community Buildings and Design, D4.7 Off Street Car Parking.</i></p>
<p><i>D4.5 Pedestrian Access & Mobility</i></p>	<p><i>1) Standards: New buildings, substantial alterations and additions, parking and access must comply with the Disability (Access to Premises – Building)</i></p>	<p>The development includes an existing accessible car parking space which complies with the relevant legislation.</p>

<p><i>D4.6 Parking & Safety</i></p>	<p><i>Standards 2010 (as amended and replaced) under the Disability Discrimination Act 1992 and the National Construction Code and Australian Standards.</i></p> <p><i>2) Separation: Pedestrian and vehicle access to sites must be separated and clearly marked.</i></p> <p><i>3) Access ramps: Access ramps must be integrated into building design and located outside the road reserve/public footpath (unless otherwise agreed with Council).</i></p> <p><i>1) Parking Navigation: Signage should take into consideration the following:</i></p> <p><i>a) Parking areas should be well sign-posted to indicate the location of off-street parking and exit and entry points, visible from both the street and the circulation spaces on the site, with directional signposting from the building entrance/exit (where necessary);</i></p> <p><i>b) Pavement arrows should clearly indicate the direction of traffic circulation (if one-way);</i></p> <p><i>c) Parking areas shall be clearly delineated as well as parking spaces for specific users (e.g. disabled spaces/staff/visitors).</i></p> <p><i>2) Pedestrian Connections: The parking design should take into account the following for pedestrians:</i></p> <p><i>a) Footpaths should be designed to enhance access to and within the development;</i></p> <p><i>b) Footpath gradients should be minimised and cater for shopping trolleys, prams, mobility scooters etc. (where applicable).</i></p> <p><i>3) Safety Principles: Development proposals involving large car parking areas or night-time parking areas should be assessed against general principles of Crime Prevention</i></p>	<p>The proposed development proposes an access ramp which complies with the relevant legislation, conditions of consent will apply to ensure compliance.</p> <p>There is existing signage located on the subject property.</p> <p>It is important to note that staff and visitors park vehicles on the George Street, road verge, which is not appropriate. Existing signage is located on part of George Street, for no stopping or parking. This will be required to be monitored and if necessary additional signage along George Street considered through referral to the local traffic committee.</p>
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	<p><i>through Environmental Design (CPTED) / Safety by Design.</i></p> <p><i>4) Lighting: The use of lighting should be considered where night use of parking areas is involved and where existing street lighting is inadequate subject to avoiding impacts on adjacent residential uses and classified roads (see Part D5.6 External Lighting).</i></p>	
<p><i>D4.7 Off Street Car Parking</i></p>	<p><i>1) Each development must provide the number of off-street car parking spaces set out in the Table of Car Parking Requirements (below) plus any additional parking requirements in the Section on Mobility below - unless the proposed development meets the exemptions in accordance with Clause D4.8 (See clause 4.9).</i></p> <p><i>2) Stacked/ tandem parking will not be acceptable (particularly for customer parking) unless there are special site considerations and parking management arrangements made to justify stacked parking.</i></p>	<p>The subject property has an existing parking area located off George Street for visitors and staff members, which was part of the original approval for the facility (DA60/2016).</p> <p>The DCP requires 1 space per 10 children, plus 1 per 2 staff, therefore a total of 12 spaces are required. The proposed development provides 10 onsite carparking spaces and 2 off street kerbside spaces (that form part of the original DA60/2016). A Traffic Impact Assessment accompanies the application and supports the carparking arrangements. Therefore, the proposed development complies with the DCP <i>Part D: Commercial and Community Buildings and Design, D4.7 Off Street Car Parking.</i></p>
<p><i>D4.8 Exemptions to Off Street Car Parking Requirements</i></p>	<p><i>Off-street parking will generally be required for most new developments and some adaptive re-use of existing buildings in accordance with the clause below. However, it may not be required for:</i></p> <p><i>1) Change of Use: The proposed development is for a 'change of use' where there is no additional space for on-site car parking and</i></p>	<p>The subject property has an existing parking area located off George Street for visitors and staff members, which was part of the original approval for the facility (DA60/2016).</p> <p>The DCP requires 1 space per 10 children, plus 1 per 2 staff, therefore a total of 12 spaces are required. The</p>

the impacts on on-street parking would be minimal;

2) Heritage Item: The proposed development involves the restoration and/or conservation of a listed heritage item in BLEP2012. This is an incentive and will only be applied where the applicant can demonstrate that the conservation of the item depends upon the use of this clause;

3) Existing Building: The proposed development involves alterations and additions to an existing building, and the alterations and additions have a gross floor area of less than 25m² and do not encroach on existing off-street parking areas;

4) Alternative Parking: The applicant can demonstrate that there is alternative parking on another public or private site (not the proposed development site) that is in close proximity to the development and can accommodate the parking requirements without affecting other users;

5) Site Constraints: It is not physically possible to comply with the off-street parking requirements. The applicant will need to provide a Traffic and Parking Report that addresses the following matters:

a) A description of the proposal and the expected hours of operation;

b) An assessment of the traffic generation and expected vehicle parking demand (customer, staff and service vehicles);

c) Reasons why the lot(s) used for the proposed development cannot accommodate the off-street parking requirements

d) An assessment of the impacts of on-street parking on the public

proposed development provides 10 onsite carparking spaces and 2 off street kerbside spaces (that form part of the original DA60/2016). A Traffic Impact Assessment accompanies the application and supports the carparking arrangements. Therefore, the proposed development complies with the DCP *Part D: Commercial and Community Buildings and Design, D4.7 Off Street Car Parking*.

<p><i>D4.9 Table of Car Parking Requirements</i></p>	<p><i>road system and adjacent lots and their existing or potential land uses.</i></p> <p><i>6) Contributions: A parking contribution is paid in lieu in accordance with an adopted Council Policy or a Voluntary Planning Agreement (VPA)</i></p> <p><i>The table is located in the DCP, Part C, 4.9.</i></p>	<p>The subject property has an existing parking area located off George Street for visitors and staff members, which was part of the original approval for the facility (DA60/2016).</p> <p>The DCP requires 1 space per 10 children, plus 1 per 2 staff, therefore a total of 12 spaces are required. The proposed development provides 10 onsite carparking spaces and 2 off street kerbside spaces (that form part of the original DA60/2016). A Traffic Impact Assessment accompanies the application and supports the carparking arrangements. Therefore, the proposed development complies with the DCP <i>Part D: Commercial and Community Buildings and Design, D4.7 Off Street Car Parking.</i></p>
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Section 4.15(1)(a)(iv) The Regulations

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

Not applicable to this application.

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

Not applicable to this application.

Fire safety and other considerations (Clause 93)

Not applicable to this application.

Buildings to be Upgraded (Clause 94)

Not applicable to this application.

BASIX Commitments (Clause 97A)

Not applicable to this application.

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

The subject property is located in a R1 General Residential Zone under the *Blayney Local Environmental Plan 2012 (BLEP)* and contains an existing centre based childcare facility (2 George Street, Millthorpe) and dwelling house (56 Victoria Street, Millthorpe). The surrounding land use is characterised by established residential development.

The proposed development is located behind the existing building fronting 2 George Street, Millthorpe and is not visible from the George or Victoria Street. The proposed development has been designed to minimise potential impacts on the surrounding residential development, this has been achieved via the built form design, landscaping and operational procedures associated with the development.

The proposed building is located along the southwestern boundary of the subject property (setback 900mm and 978mm) and the built form is a modern design with a mixture of materials, including colorbond cladding and face brick, therefore, providing a transition in height and bulk to the adjoining views. The adjoining properties to the southwestern and east are ancillary outbuildings (shed/garages), therefore, minimising impacting to the adjoining residential private open space areas.

Access & Transport

Access to the subject property is via an existing access location servicing the carpark off George Street and is constructed to an appropriate development standard under DA60/2016.

Due to the increase in student numbers, compliance with carparking spaces is required to be amended. The DCP requires 1 space per 10 children, plus 1 per 2 staff, therefore a total of 12 spaces are required. The proposed development provides 10 onsite carparking spaces and 2 off street kerbside spaces (that form part of the original DA60/2016). A Traffic Impact Assessment accompanies the application and supports the carparking arrangements. Therefore, the proposed development complies with the *DCP Part D: Commercial and Community Buildings and Design, D4.7 Off Street Car Parking* and is considered appropriate.

It is important to note that staff and visitors park vehicles on the George Street, road verge, which is not appropriate. Existing signage is located on part of George Street, for no stopping or parking. This will be required to be

monitored and if necessary additional signage along George Street considered through referral to the local traffic committee.

Heritage

The subject property is located in the Millthorpe Heritage Conservation Area and no Heritage Items adjoin the property. The application was referred to Council's Heritage Advisor for review and his comments have been addressed in Section 4.15(1)(a)(i) of this report. In summary, the proposed development is located behind the main building on the subject property and cannot be viewed directly from George or Victoria Streets. The proposed mix of materials and location of the subject property limits the impacts on the Millthorpe Heritage Conservation Area.

Noise & Vibration

The proposed addition will cater for an additional 20 students, with a total increase to 56 students for the whole facility. This is an increase of 18 students from the original approved centre based childcare facility of 38 students (DA60/2016). Currently 11 staff members are employed for the whole facility and the proposal will increase staff members to 12 persons.

The operating hours for the whole facility are from 7:30am – 6:00pm, Monday to Friday. The proposed addition will be used between the hours of 9:00am – 4:30pm. Outside these hours, the facility will use the existing building when attendance is lower. Typically, the 4–5-year-old students attend during school hours, from 9:00am – 3:00pm. The proposed development does not amend the operating hours associated with the original development approval for the subject property (DA60/2016).

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

The foregoing assessment demonstrates that the subject property is suitable for the proposed development, subject to the recommended conditions of consent.

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

The application was notified to adjoining landowners during 13/04/2023 – 27/04/2023 and 14/08/2023 – 28/08/2023, under the *Blayney Shire Council Community Participation Plan 2020* and during these periods, five submissions were received. A copy of the submissions and a response from the applicant are provided in the attachments of this report. A summary of the submissions and staff comment are outlined below:

Lack of community consultation

The application was notified to adjoining landowners during 13/04/2023 – 27/04/2023 and during this period two submissions were received. After this period, Council requested additional information and once received, renotified during 14/08/2023 – 28/08/2023. Council included additional landowners during the second notification period and during this period three submissions were received. Therefore, five submissions were received in total.

Tree removal (without approval and impact on view)

The tree was removed during this application process and has been resolved with Council. The tree was located in a position that would impact the proposed development.

Traffic and parking impacts

A Traffic Impact Assessment was requested via additional information by Council staff and provided to adjoining landowners during the second notification period. A Traffic Impact Assessment was completed by a suitably qualified persons and address the traffic and parking concerns associated with the development.

Due to the increase in student numbers, compliance with carparking spaces is required to be amended. The DCP requires 1 space per 10 children, plus 1 per 2 staff, therefore a total of 12 spaces are required. The proposed development provides 10 onsite carparking spaces and 2 off street kerbside spaces (that form part of the original DA60/2016). A Traffic Impact Assessment accompanies the application and supports the carparking arrangements. Therefore, the proposed development complies with the DCP *Part D: Commercial and Community Buildings and Design, D4.7 Off Street Car Parking* and is considered appropriate.

It is important to note that staff and visitors park vehicles on the George Street, road verge, which is not appropriate. Existing signage is located on part of George Street, for no stopping or parking. This will be required to be monitored and if necessary additional signage along George Street considered through referral to the local traffic committee. An area accommodating 2 spaces is proposed to be constructed in the road reserve opposite the centre.

Impact on visual and noise privacy

The proposed development is located behind the existing building fronting 2 George Street, Millthorpe and is not visible from the George or Victoria Street. The proposed building is located along the southern boundary of the subject property (setback 900mm and 978mm) and the built form is a modern design with a mixture of materials, including colorbond cladding and face brick, therefore, providing a transition in height and bulk to the adjoining views.

The adjoining property along the southwestern boundary views a profile of an existing colorbond fence (1.8m high), a blank wall (colorbond) and a roof line which appears to look like one side of a pitched roof (colorbond), therefore, appearing overall to look like an outbuilding (shed/garage) and reducing the visual impact on the adjoining property. The adjoining properties to the east and southwestern have their ancillary outbuildings located in their properties, which are the built form closet to the proposed development, therefore, limiting visual and noise impact on the private open space areas near the dwelling houses.

A proposed landscaping plan will be required to be submitted and approved by Council prior to the issue of a Construction Certificate to include additional landscaping along the northeast and northwest boundaries to limit noise and privacy concerns.

Noise impacts

The proposed addition will cater for an additional 20 students, with a total increase to 56 students for the whole facility. This is an increase of 18 students from the original approved centre based childcare facility of 38 students (DA60/2016). Currently 11 staff members are employed for the whole facility and the proposal will increase staff members to 12 persons.

The operating hours for the whole facility are from 7:30am – 6:00pm, Monday to Friday. The proposed addition will be used between the hours of 9:00am – 4:30pm. Outside these hours, the facility will use the existing building when attendance is lower. Typically, the 4 – 5-year-old students attend during school hours, from 9:00am – 3:00pm. The proposed development does not amend the operating hours associated with the original development approval for the subject property (DA60/2016).

A proposed landscaping plan will be required to be submitted and approved by Council prior to the issue of a Construction Certificate to include additional landscaping along the northeast and northwest boundaries to reduce privacy and noise impacts.

Concerns of stormwater

Referral to Council's Engineering Department has been undertaken for the assessment of the management of stormwater. A proposed easement for stormwater (3m wide) is located on the northeast boundary of 56 Victoria Street and within 2 George Street. The easement will burden 56 Victoria Street and benefit 2 George Street for the purposes of managing the stormwater created from the proposed development. Conditions of consent will apply.

Section 4.15(1)(e) The public interest

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

Risk/Policy/Legislation Considerations:

The proposed development is permissible with development consent of Council. The proposed development complies with the relevant aims, objectives and provisions of BLEP. A Section 4.15 assessment of the development indicates that the development is acceptable in this instance. Attached is a draft conditions of consent outlining conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

1	Conditions of Consent	7 Pages
2	Site Plan	1 Page
3	Floor & Elevation	1 Page
4	Boundary Adjustment	1 Page
5	Traffic Impact Assessment	30 Pages
6	Site Plan for Onsite Parking	1 Page

14) PLANNING PROPOSAL TO AMEND THE BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 - CLARKE STREET RECLASSIFICATION

Department: Planning and Environmental Services

Author: Director Planning and Environmental Services

CSP Link: 5. Protect Our Natural Environment

File No: LP.PL.12

Recommendation:

That Council

1. Submit the Planning Proposal to the Minister for Planning in accordance with Section 3.34(1) of the Environmental Planning and Assessment Act 1979, requesting a Gateway Determination, pursuant to Section 3.34(2) of the Environmental Planning and Assessment Act 1979.
2. Request delegation to finalise and make the draft Local Environmental Plan, pursuant to Section 3.36 of the Environmental Planning and Assessment Act 1979.

Reason for Report:

The purpose of this report is to seek Council's approval to submit the Planning Proposal for reclassification of land at Clarke Street Blayney to the NSW Government (Department of Planning, Housing and Infrastructure).

Report:

Council, at its May 2023 meeting, resolved to endorse the Planning Proposal for reclassification of part of Clarke Street, Blayney. This will enable agreement for that land to be incorporated into adjacent private lands that currently encroach onto Clarke Street.

The subject Planning Proposal proposes to reclassify all of Clarke Street from community to operational land (so it can subsequently be dedicated as a 'public road'). The method for achieving this is to add Clarke St to BLEP2012 Schedule 4 will automatically reclassify the land under Clause 5.2 of BLEP2012.

In addition to the standard public exhibition requirements for Planning Proposals, as part of the process to reclassify Community lands (under the Local Government Act) it is necessary to hold a Public hearing into the proposal.

During the public exhibition process 1 submission was received. The submission is attached as a confidential attachment. The public hearing was held on 4 April with 6 residents attending, Councillor John Newstead, the General Manager, Director Infrastructure Services and Manager Development Assessment attending.

Matters raised during the public hearing are outlined in the Public Hearing Report (attached).

It is now appropriate for the matter to receive final Council endorsement so it can be forwarded to the Department of Planning Housing and Infrastructure to enable the subject land to be formerly reclassified as Operational.

Risk/Policy/Legislation Considerations:

Clarke St has effectively been operating as a 'public road' since it came into Council ownership with part road seal, kerb & gutter, drainage and utilities. However, on commencement of the Local Government Act 1993, it was not formally dedicated as road and by default was classified as community land rather than operational land.

This Proposal will rectify this classification to accord with its intended purpose and, in so doing, allow Council to resolve encroachments over that public road.

Budget Implications:

Allocation within the 2022/23 budget that enabled consultancy services to be engaged to prepare the Planning Proposal.

Enclosures (following report)

- | | | |
|---|-----------------------|----------|
| 1 | Public Hearing Report | 10 Pages |
|---|-----------------------|----------|

Attachments (separate document)

- | | | |
|---|------------|--------|
| 2 | Submission | 1 Page |
|---|------------|--------|

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.

- | | | |
|---|---|--------|
| 3 | Regional and Rural Valuers Correspondence | 1 Page |
|---|---|--------|

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.

Blayney Shire Council

Public Hearing Report

Planning Proposal - Reclassification of Land

Chair: Annalise Teale

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Introduction

The purpose of this report is to provide a record of the Public Hearing undertaken on 4 April 2024 at Blayney Shire Council. The Public Hearing was held as a requirement of the Gateway Determination from the NSW Department of Planning and Environment in relation to a Planning Proposal to change the classification of Clarke Street, Blayney from Community Land to Operational Land.

This report has been prepared by Annalise Teale, who was appointed the independent Chair of the Public Hearing held on Thursday, 4 April 2024.

Background

Blayney Shire Council owns the subject land known as Clarke Street, which is currently classified as Community Land under the Local Government Act 1993.

It is proposed that the land be reclassified Operational to enable Council to address encroachment issues and formally utilise part of the land as a road reserve, enabling physical and legal access to a number of existing properties.

In November 2023 Council received a Gateway Determination from the NSW Department of Planning and Environment in relation to the Planning Proposal, which stated that public exhibition, as well as a Public Hearing be held in relation to the matter.

Council provided the minimum 21 days' notice of the Public Hearing by invitation to residents, as well as in the local newspaper and on the Council website.

Location of the Subject Land

The land is located at the southern end of Albion Street, Blayney. Despite the subject land not being formally gazetted as a public road, it is known as Clarke Street and provides access to a number of existing dwellings.

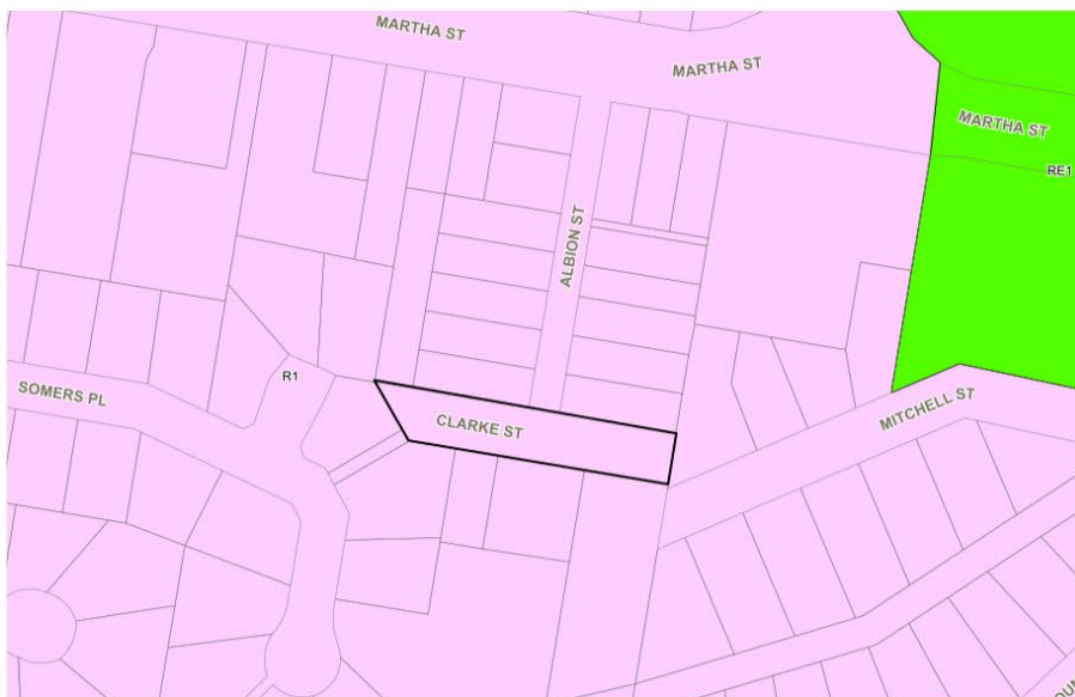
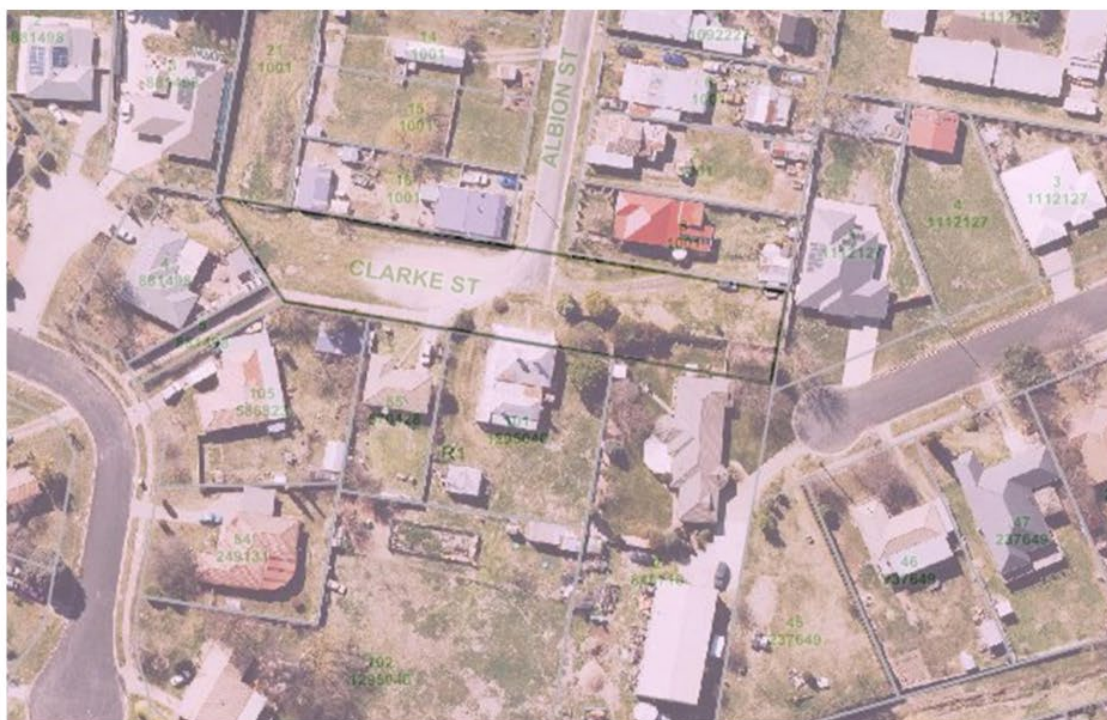


Image 1: Land Use Zone Map (R1 General Residential) identifying Clarke Street, Blayney



Public Hearing Overview

A Public Hearing was held at Blayney Shire Council on Thursday 4 April 2024 at 5.00pm in the Blayney Shire Council Community Centre. Annalise Teale was appointed as the independent Chair, who welcomed the attendees.

Three staff members from Blayney Shire Council were in attendance:

- Mark Dicker, General Manager
- Jacob Hogan, Director Infrastructure Services
- Claire Johnstone, Manager Development Assessment

The Public Hearing was conducted under the following format:

- Welcome and introduction by the Chair, including an explanation of the land classification system under the Local Government Act 1993.
- Overview of the Planning Proposal by Claire Johnstone, Manager Development Assessment.
- Members of the public invited to speak to make a statement for the record.
- Overview of the next steps by the Chair.

The Chair identified the need for, and purpose of, the Public Hearing and noted her independent role, meeting the requirements of 47G of the Local Government Act, 1993 to preside over a public hearing.

The Chair provided an overview of the public hearing and land reclassification process:

- The Local Government Act 1993 requires that all council-owned land be classified as either operational land or community land.
- To enable the classification of land to be changed, an amendment needs to be made to the Blayney Local Environmental Plan 2012. To undertake an amendment to the Blayney Local Environmental Plan 2012, a planning proposal was prepared and publicly exhibited earlier this year.
- Council must hold a public hearing so that the community's views can be heard about the proposal and discuss issues with an independent person in a public forum.
- Provided examples and explanation of what is operational versus community land.

The Chair invited anyone from the floor to make an oral submission, in which several comments and questions were raised. Council's staff members provided responses relating to process and historical facts about the matter at hand.

The Chair advised that a report based on the discussion at the Public Hearing would be provided to Council and made available to the public. It was also advised that Council would consider the Public Hearing report and written submissions received in its consideration of the planning proposal at a future Council meeting.

The Public Hearing formally concluded at 5.20pm.

Note – A copy of the Public Hearing Agenda and power-point presentation can be found in Appendix A and C.

Attendees and oral submissions

The following people attended the Public Hearing:

- Councillor John Newstead
- Mark Dicker – General Manager, Blayney Shire Council
- Jacob Hogan – Director Infrastructure Services, Blayney Shire Council
- Claire Johnstone – Manager Development Assessment, Blayney Shire Council
- Trevor Ellis - Community Member
- Estelle Ellis - Community Member
- Peter Grenfell - Community Member
- Fay Grenfell - Community Member
- Sue Thompson - Community Member
- Annalise Teale – Independent Chair

A copy of the Sign-in sheet can be viewed at Appendix B.

Attendee	Matters Raised
Estelle and Trevor Ellis	Matters previously raised in the written submission. Supported the reclassification and understood it was a formal process necessary to resolve boundary alignment. Questioned how the house at 4 Clarke Street could have ever partially been built on Clarke Street. Concerned about the removal of existing trees and keen to be further consulted regarding any future public infrastructure (e.g. footpaths) in Clarke Street.
Fay and Peter Grenfell	Raised concerns with continued access to their property via Albion Street. Noted that they had maintained the area of Clarke Street for many years. Did not want to see existing trees within the Clarke Street area removed.
Sue Thompson	Concerned about future access to Albion Street, removal of trees, existing access arrangements for her neighbour. If reclassified to operational land, would not want anything built in Clarke Street.

Summary of Issues and areas of interest

The matters raised by the attendees at the Public Hearing were in relation to the historical use/development of the land (Clarke Street), the reclassification process, and Council's plans for the ongoing management and future development of the land.

Council staff members provided responses at the Public Hearing, which in summary were:

- The Public Hearing was only in relation to the reclassification of land from community to operational. Further development of the land, for infrastructure such as footpaths, formalising the road reserve, landscaping treatments and resolving boundary encroachments would be subject to further community consultation and engagement with key stakeholders (i.e residents living in the surrounding area).
- The reclassification of land is the only legal way to resolve the boundary encroachment and access issues.
- The reclassification would not affect residents' existing access to Albion Street.
- The land was originally subdivided in the late 1800s and therefore encroachment issues are likely to have occurred due to limited / incomplete records and maps from the time.

Conclusion

The Public Hearing held at Blayney Shire Council on Thursday, 4 April 2024 was carried out in accordance with relevant legislative requirements and Planning Circular PN 16-001.

A total of five members of the community and one Councillor attended the Public Hearing. During the Public Hearing the community members raised concerns and asked questions about the reclassification of Clarke Street, and questions were answered by Blayney Shire Council staff members.


I am satisfied as the Independent Chair that Council provided an appropriate opportunity for members of the community to provide input in relation to the proposal in accordance with the Local Government Act 1993. The Public Hearing did not reveal any reason why the planning proposal should not proceed.

It is my recommendation that the planning proposal is progressed.

Annalise Teale

Independent Chair

Appendix A – Copy of Presentation



Public Hearing – Reclassification of Land

Thursday 5 April 2024

Agenda

- Welcome and Introduction
- Presentation on the Planning Proposal
- Call for presentation by speakers
- Conclusion

Public Hearing Outline

- What is land classification?
- Why is a public hearing being held?
- What is the purpose of a public hearing?
- How does this relate to the planning proposal?


Community Land and Operational Land – What is the difference?


Community Land	Operational Land
Set aside for community use	Commercial or operational function (e.g. offices, events depot, car park, sewage pump station)
It cannot be sold	It has no special restrictions other than those that may ordinarily apply to any parcel of land.
Must have a plan of management	Commercial or operational function (e.g. offices, events depot, car park, sewage pump station)
There are restrictions on leasing and loaning	
Set aside for community use	

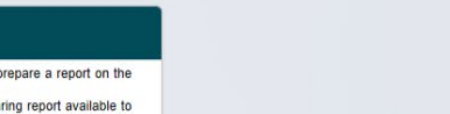
Planning Proposal / Reclassification Overview

- Planning Proposal
- Gateway Determination from Department of Planning and Environment
- Planning Proposal was publicly exhibited.
- One submission was received.
- Blayney Shire Council is required to hold a Public Hearing in relation to this matter.

Subject Land







Community Views

- Five minutes per person

What happens next?

- Independent person (Chair) will prepare a report on the outcomes of the Public Hearing.
- Council will make the Public Hearing report available to the public.
- A report will be prepared for Council regarding the Planning Proposal and finalization of the LEP amendment.

Appendix B – Sign In Sheet



SIGN IN SHEET

Name	Address	Phone	Signature
F GRENFEE			
Estelle & Trevor Ryan			
Al & Robert Thompson			
Cv John newstead			



Appendix C – Public Hearing Agenda



AGENDA

Public Hearing - Planning Proposal for Reclassification of Land -

- Reclassify Clarke Street in the Town of Blayney to land from 'Community' use to 'Operational' [use](#)

Thursday 4 April 2024
5.00pm - 6.00pm
Blayney Shire Council, Community Centre

Item		
1	Introduction and welcome by the Chair - Annalise Teale	5 Minutes
2	Presentation on Planning Proposal - Blayney Shire Council	5 Minutes
3	Presentation by any speakers	As required
4	Wrap up - Chair	5 Minutes



Matters to be dealt with in closed committee

In accordance with the Local Government Act (1993) and the Local Government (General) Regulation 2021, 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.

15) SALE OF LAND GERTY STREET BLAYNEY

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.