

Blayney Shire Council



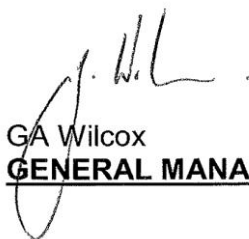
5 August 2013

Dear Councillor

Your attendance is requested at an Ordinary Council Meeting of the Blayney Shire Council to be held in the Chambers, Blayney Shire Community Centre on Monday, 12 August 2013 at 6.00 pm for consideration of the following business -

- (1) Acknowledgement of Country
- (2) Recording of Meeting Statement
- (3) Apologies for non-attendance
- (4) Confirmation of Minutes - Ordinary Council Meeting held on 08.07.13
- (5) Matters arising from Minutes
- (6) Disclosures of Interest
- (7) Public Forum
- (8) Mayoral Minute
- (9) Notices of Motion
- (10) Reports of Staff
 - i. General Manager
 - ii. Corporate Services
 - iii. Engineering Services
 - iv. Environmental Services
- (11) Delegates Reports
- (12) Committee Reports
- (13) Questions from Councillors
- (14) Closed Meeting

Yours faithfully



GA Wilcox
GENERAL MANAGER

**5:45 PM PRESENTATION TO COUNCILLORS BY:
- TONY GIBBS FOR NATIONAL BROADBAND NETWORK**

PUBLIC FORUM

- **KARYN SULLIVAN - DA 47/2013**
- **KAREN DETERS - DA 47/2013**

COUNCIL CHAMBERS
91 ADELAIDE STREET,
BLAYNEY NSW 2799

TELEPHONE (02) 6368 2104
FAX: (02) 6368 3290

ALL COMMUNICATIONS TO
BE ADDRESSED TO:

GENERAL MANAGER
BLAYNEY SHIRE COUNCIL
PO BOX 62
BLAYNEY NSW 2799

Email: council@blayney.nsw.gov.au

INDEX OF REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING
HELD ON MONDAY 12 AUGUST 2013

GENERAL MANAGER'S REPORTS	1
01) SHIFTING THE FOCUS - WOMEN'S FORUM.....	2
02) AR BLUETT AWARD NOMINATION.....	4
CORPORATE SERVICES REPORTS	5
03) QUARTERLY PERFORMANCE REPORT - JUNE 2013	6
04) STATEMENT ON FINANCIAL REPORTS BY COUNCIL 2012/2013.....	7
05) REPORT OF COUNCIL INVESTMENTS AS AT 31 JULY 2013	8
06) REGIONAL DEVELOPMENT FUND - ROUND 5.....	11
07) CENTROC INTERNAL AUDIT CONTRACT	13
08) CENTROC PRE-EMPLOYMENT SERVICES CONTRACT	15
09) CENTREPOINT PROMOTIONS PROGRAM.....	16
INFRASTRUCTURE SERVICES REPORTS	17
10) NEWBRIDGE ROAD BRIDGE - PILING WORKS	18
11) RE-APPOINTMENT OF VOLUNTEER CONTROLLER - BLAYNEY SES	20
12) MILLTHORPE RESEALING WORKS.....	22
13) FARM LANE TRAFFIC AND PEDESTRIAN ISSUES	24
PLANNING AND ENVIRONMENTAL SERVICES REPORTS	29
14) DEVELOPMENT APPLICATION NO.47/2013 TELECOMMUNICATION FACILITY AT 24 ELLIOTT STREET, MILLTHORPE.....	30
15) COMMERCIAL DOG BREEDING FACILITY - 1445 HOBBS YARDS ROAD, HOBBS YARDS.....	53
16) LOCAL HERITAGE ASSISTANCE FUND 2012-2013.....	55
COMMITTEE REPORTS.....	57
17) MINUTES OF THE BLAYNEY SHIRE SPORTS COUNCIL EXTRAORDINARY MEETING HELD ON 25 JULY 2013.....	58
18) MINUTES OF THE BLAYNEY SHIRE ECONOMIC DEVELOPMENT COMMITTEE MEETING HELD ON 11 JULY 2013	59
19) MINUTES OF THE BLAYNEY SHIRE TIDY TOWN COMMITTEE MEETING HELD ON 13 JUNE 2013.....	60

GENERAL MANAGER'S REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 12 AUGUST 2013



01) **SHIFTING THE FOCUS - WOMEN'S FORUM**
(General Manager)

RECOMMENDED:

1. That Council support 'Shifting The Focus – Women's Forum' and provide support for female staff to participate in the Forum in November 2013.

REPORT

Council's Executive Assistant has developed a program to host a one day forum, targeting women in the region to highlight and encourage an increase in women's participation in committees and decision making positions across our region. A variety of speakers have accepted the invitation, including representatives from ABC Radio, LGNSW, Charles Sturt University, WBC and a prominent female mentor from the Alpaca industry, based in the Central West.

The purpose of the Forum is to encourage and challenge women to build a pathway to leadership and representative capacities in our region. The strengthening of our community groups along with strong community resilience can only be enhanced by supporting and nurturing the role of women in our communities and actively involving women in the decision making for our future community.

A possible outcome of the Forum is to develop a register of women who are willing to participate and from time to time comment, formally or informally, on issues and plans that arise within the community decision making processes.

Council will promote the Forum throughout the Central West as well as through the local communities and committee structures within the Shire. Council staff are also members of a variety of networks, including Centroc and the information will also be forwarded through these networks.

Council is requested to support the Forum by providing the venue and supporting the participation of female staff members to attend the one day event. The cost of registration is \$25.00 per person and this will cover the cost of catering and printing.

BUDGET IMPLICATIONS

Council is requested to provide the venue and \$450.00 towards the registration of 18 female staff members to attend the Forum.

POLICY IMPLICATIONS

Nil effect.

IP&R

DP 2.3.3 Encourage the use of Blayney Shire Community Centre as a facility for arts and culture.

- DP 2.1.2 Engage with key local groups and organisations with a view to developing community partnerships for conducting activities and programs.
- DP 6.3.3 Support actions for the sustainable future of local government.
- DP 6.2.1 Identify and engage with Shire Community Groups.

Attachments

- 1 Draft Invitation 2 Pages

02) AR BLUETT AWARD NOMINATION

(General Manager)

RECOMMENDED:

1. That Council note the application submitted for the A.R. Bluett Award for 2012/2013

REPORT

An application as attached has been prepared and submitted to the assessment committee for the A.R. Bluett Award.

The 2012/ 2013 year has been a very progressive year for Blayney Shire Council and is the culmination of events that have refocused the direction of the community and council in the future identification and delivery of quality services and assets to the benefit of future generations. This along with an election of councillors, the creation of committees that contain community representatives committed to improve their areas of community interaction and the completion of IP&R documents that focus councils attention towards the delivery of programs determined by the community.

The A R Bluett Memorial Award is contested each year by councils in NSW who would like to be recognised as being the most progressive in the state. Entry is open to all NSW councils irrespective of size or resources. The Awards Trustees are interested in all aspects of council operations and services.

Who was Albert Robert Bluett? - Bluett was an outstanding figure in Local Government, serving as the Secretary and Solicitor to the Local Government and Shires Associations of NSW for 30 years. He was the authority on Local Government law, and his opinion was respected by the legal profession and ministers of the crown. He helped to write the *Local Government Act of 1919*. Following Bluett's death in April 1944, the councils of NSW subscribed to a fund as a permanent memorial to his work. This money funds the bronze plaques, awarded to the winning councils each year.

Council, the staff and the community have worked to ensure that the Shire community is developing towards a sustainable outcome and providing for local growth and development that will support future generations.

BUDGET IMPLICATIONS

The application fee is \$550.

POLICY IMPLICATIONS

There are no policy implications with this application.

IP&R

Strategic Outcome 6.3 – A well run organisation

Attachments

1 AR Bluett 2012/13 Application 20 Pages

CORPORATE SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 12 AUGUST 2013



03) **QUARTERLY PERFORMANCE REPORT - JUNE 2013**
(Director Corporate Services)

RECOMMENDED:

1. That the Quarterly Review of Council's 2012/2013 Operational Plan as at 30 June 2013 be noted.

REPORT

Under S.404(5) of the Local Government Act Council is required to report on progress of its Delivery Program including the Operational Plan. The Operational Plan identifies the specific actions to be completed in 2012/2013 under each of the four year objectives expressed in the delivery program. It comprises actions with performance measures and budget required to achieve these.

The purpose of the quarterly review of the Operational Plan performance measures is to inform Councillors of Council's progress to achieve the specific actions planned. This report also allows members of the community to form their own assessment of Council's performance.

Reporting to Council of its financial performance is the subject of a future separate report.

Following this report is the update of those performance targets set out in the 2012/2013 Operational Plan covering the June 2013 quarter. In the case of the fourth quarter review, this information obviously refers to the actual position.

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

IP&R LINK

DP 6.3.2 Maintain a stable and secure financial structure for Council.

Attachments

1 Quarterly Performance Report 22 Pages

04) **STATEMENT ON FINANCIAL REPORTS BY COUNCIL**
2012/2013
(Manager Financial Services)

RECOMMENDED:

1. That the statement required by Section 413(2)(c) of the Local Government Act, 1993 in relation to Council's Financial Reports for the period ending 30 June 2013 be completed under the Seal of Council.
2. That Intentus Chartered Accountants be invited (in accordance with regulations) to complete the audit.

REPORT

Section 413(3) of the Local Government Act 1993, requires Council to prepare Financial Reports and to refer those reports for audit within four (4) months after the end of the financial year (s416 (1)).

As an attachment to the Financial Reports, Council is required to present a statement on its opinion on the reports (s413 (2)(c)). Copies of the Statements required are attached and must be completed under Seal.

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

It is anticipated that the Auditor, Intentus, will present their report to the October Ordinary Meeting of Council.

BUDGET IMPLICATIONS

Nil effect

POLICY IMPLICATIONS

Nil effect

IP&R LINK

DP6.3.2 Maintain a stable and secure financial structure for Council.

Attachments

1 Councillor Statements 2013 2 Pages

05) REPORT OF COUNCIL INVESTMENTS AS AT 31 JULY 2013
 (Manager Financial Services)

RECOMMENDED:

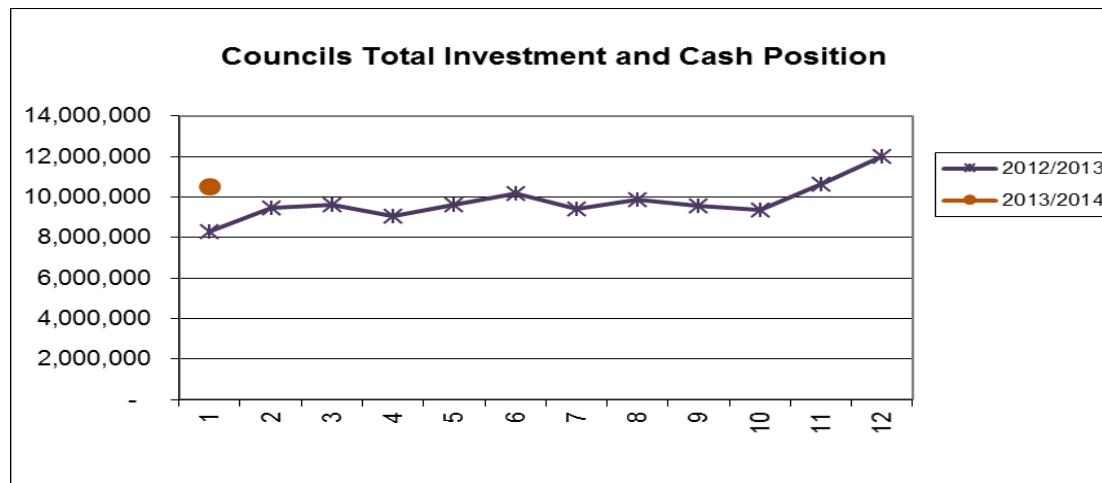
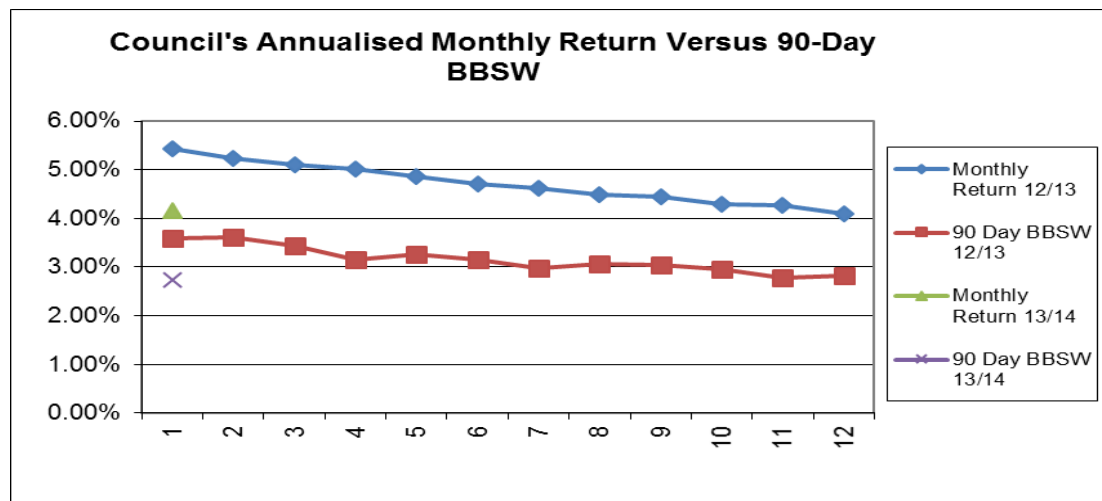
1. That the report indicating Council’s investment position as at 31 July 2013 be received and noted.
2. That the certification of the Responsible Accounting Officer be noted and the report be adopted.

REPORT

This report provides details of Council’s Investment Portfolio as at 31 July 2013.

Council’s total investment and cash position as at 31 July 2013 is \$10,512,568.43. Investments earned interest of \$40,417.73 for the month of July 2013.

Council’s monthly net return annualised for July of 4.16% outperformed the 90 day Bank Bill Swap Rate of 2.74%.



REGISTER OF INVESTMENTS AND CASH AS AT 31 JULY 2013

Institution	Maturity	Amount \$	Monthly Net Return Annualised
<u>Term Deposits</u>			
NAB	9/01/2014	500,000.00	4.24%
Bankstown City Credit Union	9/09/2013	500,000.00	4.00%
Rural Bank	4/09/2013	500,000.00	4.25%
Bank of Sydney	21/01/2014	500,000.00	4.10%
ME Bank	27/08/2013	500,000.00	4.25%
St George Bank	27/08/2013	500,000.00	4.20%
Bank of Queensland	13/08/2013	500,000.00	4.25%
Railways Credit Union	18/09/2013	500,000.00	4.15%
Westpac Bank	17/09/2013	500,000.00	4.18%
Gateway Credit Union	4/09/2013	500,000.00	4.12%
B & E Ltd	11/09/2013	500,000.00	4.15%
Australian Defence Credit Union	11/09/2013	500,000.00	4.20%
ING	4/02/2014	500,000.00	4.13%
Peoples Choice	22/10/2013	500,000.00	4.04%
Bendigo & Adelaide Bank	11/09/2013	500,000.00	4.05%
Police Credit Union	25/09/2013	500,000.00	4.18%
Wide Bay Australia Ltd	11/12/2013	500,000.00	4.18%
Goldfields Money Ltd	11/06/2014	500,000.00	4.20%
AMP Bank Limited	3/07/2014	500,000.00	4.00%
Total		9,500,000.00	4.15%
<u>Collateralised Debt Obligation (CDO's)</u>			
ANZ Custodian (Kakadu, BBSW + 140 points)	20/03/2014	500,000.00	4.20%
Total		500,000.00	4.20%
Total Investments		10,000,000.00	4.15%
Benchmark: BBSW 90 Day Index			2.74%
Commonwealth Bank - At Call Account		180,626.79	
Commonwealth Bank Balance - General		331,941.64	
TOTAL INVESTMENTS & CASH		10,512,568.43	

Summary of Investment movements - July		
Financial Institution	Invst/(Recall) Amount \$	Commentary
<u>Term Deposits</u>		
IMB	(505,116.44)	Term Deposit matured 02/07/2013
AMP	500,000.00	Term Deposit invested 03/07/2013
NAB	(508,770.42)	Term Deposit matured 09/07/2013
NAB	500,000.00	Term Deposit reinvested 09/07/2013
Peoples Choice	(505,185.75)	Term Deposit matured 16/07/2013
Peoples Choice	500,000.00	Term Deposit reinvested 16/07/2013
The Rock Building Society	(507,335.62)	Term Deposit matured 16/07/2013
Bank of Sydney	(505,973.97)	Term Deposit matured 23/07/2013
Bank of Sydney	500,000.00	Term Deposit reinvested 23/07/2013
Warwick Credit Union	(508,965.75)	Term Deposit matured 23/07/2013
ING	(511,132.74)	Term Deposit matured 30/07/2013
ING	500,000.00	Term Deposit reinvested 30/07/2013

Collateralised Debt Obligations (CDO's)

As per Council's Auditor recommendations the disclosure of the impact of market conditions on the value of the Collateralised Debt Obligations held is provided. It is estimated by ANZ Custodian Services that the market value of Kakadu is \$199,475 as at 30 June 2013. It is anticipated that as the investment draws near to maturity the market value will increase. Council is also involved in ongoing legal action to minimise any losses.

Council's monthly net return annualised for June on the CDO is 4.20% outperforming the 90 day Bank Bill Swap Rate of 2.74%.

BUDGET IMPLICATIONS

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

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP 6.3.2 Maintain a stable and secure financial structure for Council.

Attachments

Nil

06) **REGIONAL DEVELOPMENT FUND - ROUND 5**
(Director Corporate Services)

RECOMMENDED:

1. That Council endorse the Shire Enhancement Community Identify project submitted under the Regional Development Australia Fund – Round 5.

REPORT

The Regional Development Australia Fund (RDAF) was recently announced and is a national program to support Australia's regions and enhance the economic development and liveability of their communities.

RDAF Round Five is allocated grant funding to assist local government authorities to fund the immediate infrastructure needs of their communities. The allocation for Blayney Shire Council was \$168,987.

The funding program specifically excludes projects such as studies, project management, provision of services and support activities, ongoing operational and maintenance costs, toilet blocks, computers and software, artwork, toilet blocks, and plant and equipment. Applications for funding closed 22 July 2013.

Following a review of Council's Delivery Plan and draft Village Plans, Council submitted an application for a Shire Enhancement Community Identity project. The project is proposed to deliver entry signage to the Shire, town and villages with a view to improving the identity of towns and villages, increase awareness and encourage passing traffic to stop and stimulate local economies through beautification of town and village entries.

The project is estimated at \$210,000 and proposed to be delivered over a three years period.

Grant applications are being assessed on a rolling basis and timeframe for funding announcement is not known.

Council endorsement of the funding application is sought.

BUDGET IMPLICATIONS

If successful, this project will require a funding contribution by Council of \$41,013. Council has annual provision for Tourism Promotion in its Long Term Financial Plan and will be sourced from this allocation.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP 1.3.1 Implement Blayney Shire Tourism Plan

DP 6.3.1 Maintain a stable and secure financial structure for Council.

Attachments

Nil

07) CENTROC INTERNAL AUDIT CONTRACT
(Director Corporate Services)

RECOMMENDED:

1. That Council endorse the selection of Grant Thornton as the provider for Council's internal audit services and authorise signature to the contract agreement.

REPORT

Council at its meeting held 8 April 2013 resolved to participate in the regional contract process for Internal Audit. This is as a consequence of the current Internal Audit contract approaching expiry and follows recommendation by the Regional Directors of Corporate Services to the Central NSW Councils (Centroc) Executive to develop another regional contract for internal audit services.

Members of the Regional Directors of Corporate Services oversaw the RFT process run by Centroc. All documentation including copies of the RFT, responses from tenderers and tender assessment documentation is available upon request.

The panel gave consideration to responses from 6 companies:

- O'Connor Marsden & Associates Pty Ltd
- Twomeys National Audit
- BDO East Coast Partnership
- Grant Thornton Australia
- IAB Services
- Shephard Shambira

Based on pricing quoted in the RFT process, it is commended that Council approve Centroc negotiations with Grant Thornton Australia (GTA). Following negotiations with GTA, a 3 year contract (with a possible 12 month extension) is proposed.

As the process included an RFT, under the Local Government Act 1993, a Council resolution is required to accept this tender.

A copy of the agreement is provided an attachment for reference.

BUDGET IMPLICATIONS

Centroc has managed the process including all costs of advertising and tender assessment and will receive a 5% management fee from the supplier to cover these costs.

Council has provided in its Long Term Financial Plan an amount of \$20,000 per annum to meet costs of the Audit Committee, payments to independent members and conduct of internal audits. Number of audits per annum will be dependent upon nature, scope and ultimately cost of work proposed.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP 6.3.1 Provide a framework for the efficient and effective administration of Council.

Attachments

- | | | |
|---|------------------------------|----------|
| 1 | Internal Audit Contract | 22 Pages |
| 2 | Provider Response Report GTA | 19 Pages |

08) CENTROC PRE-EMPLOYMENT SERVICES CONTRACT
(Director Corporate Services)

RECOMMENDED:

1. That Council decline to accept any of the tenders and not commit to the pre-employment services contract sought by Central NSW Councils (Centroc).

REPORT

Council at its meeting held 8 April 2013 resolved to participate in the regional contract process for Pre-employment Services. This follows recommendation by the Central NSW Councils (Centroc) Human Resources Management Group to the Centroc Executive to have resolved to develop a regional contract for supply and delivery of pre-employment services.

Members of the Centroc Human Resources Management Group oversaw the RFT process run by Centroc. All documentation including copies of the RFT, responses from tenderers and tender assessment documentation is available upon request.

The panel gave consideration to responses from 4 companies:

- Independent Injury Solutions
- WorkFocus Australia
- Kinetic Health Group Pty Ltd
- Recruit Now Pty Ltd

The panel reviewed all tendered responses recommended that Independent Injury Solutions be the preferred provider of pre-employment services.

Based on pricing quoted in the RFT process and Centroc negotiations with Independent Injury Solutions there are no savings gained by Blayney Shire Council committing to this arrangement.

As the process included an RFT, under the Local Government Act 1993, a Council resolution is required to decline this tender.

BUDGET IMPLICATIONS

Council has provided in its Long Term Financial Plan for recruitment costs including pre-employment.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP 6.3.1 Provide a framework for the efficient and effective administration of Council.

Attachments

Nil.

09) **CENTREPOINT PROMOTIONS PROGRAM**
(Director Corporate Services)

RECOMMENDED:

1. That Council endorse the CentrePoint Promotions Program.

REPORT

CentrePoint has in the past undertaken promotional activities to increase community awareness of the facility, promote programs on offer and increase membership. This would encompass the give-away of entry passes to the pool and / or other fitness activities. Council is proposing a promotional CentrePoint Open Day to coincide with the Cadia Open Day in Blayney on Sunday 10 November 2013.

As CentrePoint is now under the control of Council such promotional activities, particularly give-aways, must conform to the requirements of the Local Government Act. Section 356 of the Local Government Act requires the following:

356 Can a council financially assist others?

- (1) *A 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.*
- (2) *A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.*

Accordingly, Council endorsement of this program is sought.

BUDGET IMPLICATIONS

It is not envisaged that promotional activities will amount to a significant sum, an annual amount of \$500 per annum will be provided for in the Long Term Financial Plan for such activities. In 2013/14 this will be by way of a vote of funds in the quarterly budget review.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP 2.2.1 Encourage active participation in sport.

Attachments

Nil

INFRASTRUCTURE SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 12 AUGUST 2013



10) **NEWBRIDGE ROAD BRIDGE - PILING WORKS**
(Director Infrastructure Services)

RECOMMENDED:

1. That Council enter into a contract with Wagstaff Piling to undertake the Newbridge Road Bridge piling works,
2. That Council vote expenditure, in the amount of \$870,000 to the Newbridge Road Bridge Project including funds identified from Council's 2013/14 Long Term Financial Plan, and the Local Infrastructure Renewal Scheme loan.

REPORT

Council may recall at its ordinary June meeting, it considered a detailed report on the success of the tender process for the 2 bridges currently being reconstructed on Garland Rd and Newbridge Rd. At that meeting Council resolved:

1. *In accordance with the Local Government (General) Regulation 2005, Clause 178 (3) (e):-*
 - a. *Council not accept the tender submitted by Wagstaff Piling,*
 - b. *Council not undertake a further round of tendering, as previous rounds have not offered Council a cost effective solution, and,*
 - c. *Council enter into negotiations, initially with Wagstaff Piling as a suitably qualified and experienced contractor, and then should it be required those suitably qualified contractors that submitted tenders for the previous tender for piling works, to find a more cost effective solution if available.*

Negotiations with Wagstaff have progressed and a Letter of Acceptance has been issue to Wagstaff for the piling works required at the Garland Rd site based on their tendered price. Work on this site is expected to commence on 5 August 2013.

Negotiations with Wagstaff Piling have also progressed for works at the Newbridge Rd site which included a revision of the bridge design and the piling work required. Council staff, Wagstaff's and Council's bridge design consultant identified 4 possible piling design options which were subsequently costed by Wagstaff. The most cost effective option involves 24 driven piles rather than 16 bored piles with the resultant saving in piling costs of \$365,800. A further saving of \$38,000 was offered if the piles could be installed with only one establishment.

The tolerances with driven piles needs to be much greater than for bored piles and therefore it is not easily possible to construct this bridge in 2 halves. Accordingly it will be necessary to construct a temporary bypass for traffic around the site while the bridge is being constructed. In addition, there will be extra costs associated with driven piles as the piles will have to be cut-off

once the piles are to their design depth, or reach refusal. This extra work is estimated to cost \$155,000 which is offset in part by the \$38,000 saving offered above. This reduces the original savings to almost \$249,000 which is a considerable improvement on what was originally proposed.

It is therefore recommended that, in accordance with Council's earlier resolution, to negotiate with Wagstaff Piling, that it accept the revised price offered by Wagstaff and to change the bridge design configuration to that described above. The final cost estimate for this Bridge is \$870,000.

BUDGET IMPLICATIONS

In 2012/13, \$1,090,000 was budgeted to undertake the replacement of the Newbridge Road Bridge. These funds were also committed in the 2013/14 Long Term Financial Plan.

Design and Project Management costs currently total approximately \$30,000.

The estimated cost of construction works is within the original budget allocation.

POLICY IMPLICATIONS

Nil

IP&R REFERENCES

- DP 4.1.1 Manage Local Road Network to agreed service levels.
- DP 4.1.5 Implement the Blayney Shire Council Asset Management Plans

Attachments

Nil

11) **RE-APPOINTMENT OF VOLUNTEER CONTROLLER -
BLAYNEY SES**
(Director Infrastructure Services)

RECOMMENDED:

1. That Council approve the reappointment of the Local Controller of the Blayney SES, and notify the SES Central West Region Controller of its approval.

REPORT

Regulations under the State Emergency Service Act 1989 (as amended) require the reappointment of all volunteer Unit and Local Controllers across New South Wales to be renewed every two (2) years. The next renewal being due 1 August 2013.

All SES Controllers are appointed by the Commissioner of the NSW State Emergency Service (SES) upon the recommendation of the relevant Council and Region Controller.

Council has received notification from the SES Central West Region Controller, Mr Craig Ronan of a recent Performance Review of the current Local Controller for the Blayney SES Unit, Mr Reg Rendall.

Mr Rendall was appointed as Local Controller in July 2008 after the previous Controller Mr Max Osborne retired from the position in April 2008 after 9 ½ years' service as Local Controller.

Mr Rendall has been a volunteer member of the Blayney SES Unit for the past 17 years. Prior to his retirement from the Ambulance Service of NSW, Mr Rendall was Station Officer of the Blayney Ambulance Station and had accrued 30 years service.

The result of the review was that Mr Rendall has been found to be carrying out his duties in managing the Blayney SES Unit in a very satisfactory manner.

As Local Emergency Management Officer, the Director of Infrastructure Services concurs with the assessment, and has found Mr Rendall to be very proactive in developing an ongoing relationship with the Blayney Shire Council in the interests of safety and emergency recovery in the Blayney Shire Local Government Area.

It is therefore recommended that Council approve the re-appointment of Mr Reg Rendall as Local Controller of the Blayney SES.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP 6.4.1 Provide support for emergency management in Blayney Shire in accordance with SERM Act.

Attachments

Nil

12) **MILLTHORPE RESEALING WORKS**
(Operations Manager)

RECOMMENDED:

1. That Council approve the proposed treatment of micro surfacing for Millthorpe Streets.
2. That Council vote expenditure, in the amount of \$76,600 to the reseal of Millthorpe Streets, being \$38,300 from the Urban Heavy Patching Fund and \$38,300 from the Millthorpe Sewer Fund.

REPORT

Background

As a result of the sewer installation in Millthorpe in 2004, there are a number of trenches located in road ways where the rehabilitation works have shown extensive failures resulting in a poor visual appearance, and poor ride quality.

Members of the Millthorpe community and Village Committee have also raised concerns related to the declining road condition in the village.

With reseals proposed in Millthorpe this year, it is desirable to repair these issues prior to resealing, to provide an acceptable surface finish, and protect the sewer infrastructure from potential failure.

Works Required

The current budget allowance is considered adequate for sealing works, however it will not cover any patching works required to repair the surface of the trenches.

The current budget allocated for resealing in Millthorpe is \$50,400 for the following streets:

- Victoria Street from Park Street to Elliott Street
- Elliott Street
- Pym Street
- Blake Street from Pym Street to Park Street

Council Officers have investigated methods to repair the trenches to provide a suitable outcome for residents, and it is considered that undertaking the works by micro surfacing will provide the optimum balance of cost and performance.

The micro surfacing process provides a surface that is aesthetically similar to asphalt (e.g. Adelaide Street), whilst being able to fill in any irregularities in the existing surface providing for a smooth riding surface.

The costs involved in these works are substantially higher than the budgeted reseal, however the total cost would be comparable to undertaking heavy patching prior to resealing, with a much better result expected.

Estimated Costs

Preliminary estimates indicate that the works should be able to be completed for \$127,000, which includes all materials required to repair the damaged trenches. It is proposed to fund the additional \$76,600 from Urban Heavy Patching (50%) and Millthorpe Sewer (50%).

It is worth noting that any patching works done prior to resealing would have been funded from this location as well.

Final costs will be determined following the tender process.

BUDGET IMPLICATIONS

The increased expenditure is to be funded by a vote from both Urban Heavy Patching (50%) and Millthorpe Sewer (50%).

POLICY IMPLICATIONS

Nil Effect

IP&R

DP 4.1.1 Ensuring that local roads are maintained in accordance with public expectations

Attachments

Nil

13) **FARM LANE TRAFFIC AND PEDESTRIAN ISSUES**
(Infrastructure Manager)

RECOMMENDED:

1. That Councillors note the history of the safety issues associated with Blayney Shopping Mall loading facilities on Farm Lane

REPORT

At the request of the Blayney Local Traffic Committee (LTC) Councillors are made aware of recent pedestrian safety improvements completed at the intersection of Farm Lane, Henry and Church Streets, Blayney. These improvements were funded by Council and the RMS in an attempt to address pedestrian safety concerns raised by the Combined Pensioners and Superannuants Association (CPSA) in their letter of 11 July 2012.

In assessing these concerns, council and RMS staff became aware of the issue of trucks parking in Farm Lane for the purpose of deliveries to the local Supa IGA store.

The LTC requested Council investigate the history of the issue. A precise of the issue is presented below for the information of Councillors:

- The issue had first surfaced in 2000. At the time, it was established that this was due to the growth on the business and internal changes within the stores operations, which had removed access to an alternative loading area accessed from the car park off Ogilvy Street.
- The original Development Application from 1979 indicated that there had been no consideration given to the location of deliveries to the store, or centre and was therefore not included.
- Following recommendations from the Local Area Traffic committee, Council resolved on 9 July 2001:
 - To erect 'No Stopping' signs on the western side of Farm Lane between Ogilvy and Church Street
 - To erect 'No Stopping' signs on the eastern side of Farm Lane adjacent to the supermarket car park.
- The Local Traffic Committee minutes 28 September 2001 recommended:
 - That Farm Lane become One Way from Ogilvy Street to Church Street
 - That the driveway to the car park off Farm Lane be EXIT only
 - That 'No Stopping' signs be erected in Farm Lane (eastern side) north of the car park exit and south of the pedestrian entrance to the mall. i.e. There will be No Stopping between these signs

- that Council advertise the changed traffic conditions prior to the implementation and that the proprietors of businesses in the shopping mall, be advised.
- On 4 March 2002 Council received a letter from Madden’s Markets P/L requesting “semi-trailers to be given special permission to enter Farm Lane from Church Street....”
- On 17 May 2002 Council resolved:
 - To reinstate two way traffic on Farm Lane
 - PARKING will be PROHIBITED on both sides of Farm lane, between Ogilvy and Church Streets
 - vehicles will be permitted to enter and exit Maddens (now IGA) from Farm Lane.
- On 11 February 2011 Bernardi’s Supa IGA wrote to Council requesting consideration of modifications to Farm Lane to allow truck unloading. The proposal involved the recessing of the current footpath to allow truck parking and widening of Farm Lane to the fence line on the western side of the lane.
 - Council undertook some initial survey and design work, which clearly indicated that there was not sufficient room to implement the proposed changes.
- On 11 July 2012 Council received a letter from the Blayney CPSA requesting a Pedestrian Crossing on the corner of Farm Lane and Church Street, Blayney. The issue was also raised by way of a councillor request on 16 July 2012.
 - Council responded on 23 July 2012, advising that Council would look at possible funding sources to address the issue in the following financial year.
- CPSA then wrote to Paul Toole, Member for Bathurst requesting that the NSW Parliament provide funding for the project.
 - Council advised Paul Toole that the LTC had recommended that Council and the Roads and Maritime Services (RMS) conduct a joint inspection of the site and that Council was seeking funding from the RMS to implement any identified improvements to the crossing at this location.
 - Identified pedestrian safety improvements were implemented from late 2012, including changing the crossing point and installation of a traffic ‘splitter island’ on Henry Street.
- During the joint inspection of the site and from an observational study undertaken by the RSO conflicts between delivery trucks (to Supa IGA), traffic and pedestrians were noted.
- The issue was discussed at the December 2012 LTC, where it was resolved that:

- A report be provided back to the next meeting.
- Look at possibility of accessing the road reserve to get Supa IGA delivery vehicles off Farm Lane.
- Council to approach Supa IGA to start discussions on long term plans.
- RSO to take to Access Committee regarding education Retirement Village residents once works begin.
- In February 2013, Council staff met with the Manager, Supa IGA Blayney to discuss options for improving safety for Supa IGA deliveries.
 - On 13 February 2013, Council wrote to Supa IGA requesting an “alternate delivery solution for the Supa IGA operation, that is both legal and safe to all parties.”
- At the 19 April 2013 LTC meeting the proposal received from Supa IGA on 6 April 2013 was considered and the LTC resolved:
 - That Bernardi’s Supa IGA be advised, in writing , that the proposed plan is not acceptable and request that they consider options and provide an alternative resolution for the LTC to consider.
 - A letter advising Bernardi’s Supa IGA of this was sent on 19 April 2013.
- On 25 April 2013 Supa IGA contacted Councils’ RSO to ask what suggestions might be considered.
- On 3 May 2013 Councils’ RSO provided options to Supa IGA involving the construction of an alternative delivery area off the eastern end of Church Street.
 - The RSO was advised by Supa IGA that the suggestions were “unworkable from an operational point of view, but more to the point were not commercially viable, as they would be required to build a new road and change all internal fittings in our store would cost millions of dollars.”
 - It is worth noting that the internal layout of the store had been changed by the current operators of Supa IGA.
 - Supa IGA advised that they would further investigate something that hopefully can satisfy Council where the current loading dock is.
- At the LTC meeting of the 21 June 2013, it was resolved that:
 - “... Council to write to Bernardi’s Supa IGA requesting options be provided no later than 26 July 2013 for consideration by the LTC.
- Council was contacted on 22 July 2013 by the National Property Manager of Metcash (owners of the IGA Brand) to organise a meeting to discuss the issues.
 - Details of this proposed meeting have yet to be formalised.

It is noted that in addition:

- There are enforcement issues with trucks parking illegally on the wrong side of Farm Lane and in contravention of the 'No Stopping' signs,
- Pedestrian safety issues with the current unloading procedures, including the use of a forklift crossing the footpath,
- Lack of an approved Traffic Control Plan that is suitable for the current procedures, including forcing traffic onto the wrong side of a narrow laneway, and
- Damage to the roadway and adjacent footpath area, and
- There are considerable Work Health and Safety issues for Bernardi's to consider in their unloading operations.

This report is provided for Councillor Information and further information will be provided when available.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

IP&R

DP 4.4.1 Ensuring that local roads are maintained in accordance with public expectations.

Attachments

Nil

PLANNING AND ENVIRONMENTAL SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 12 AUGUST 2013



- 14) **DEVELOPMENT APPLICATION NO.47/2013**
TELECOMMUNICATION FACILITY AT 24 ELLIOTT STREET,
MILLTHORPE
 (Director Planning and Environmental Services)

RECOMMENDED:

1. That Council notes the submissions received and the issues raised.
2. That Council undertake a site inspection, on a date to be determined, in order to further understand the complexities of the development (in light of the submissions received) to enable the making of an informed determination of this matter.
3. That Council defer consideration of the application pending the above site inspection, with the application to be considered at a Council Meeting at a later date.

REPORT

Applicant:	NBN Co
Owner:	Millthorpe Bowling Club
Application No:	47/2013
Zone:	RU5 Village
Date Received:	23 May 2013
Assessment No:	A326414
Property:	Lots 7, 8 Sec C DP1713, 24 Elliott Street, Millthorpe
Proposed Development:	Telecommunications Facility

Description of Proposal

The proposed development is to install a new fixed wireless broadband facility which would seek to deliver high speed broadband to households, businesses and enterprises. The service would serve premises with wireless link.

A number of other facilities have been erected throughout the Blayney Shire and they are not stand-alone developments. The network is highly interdependent, the facilities being connected to each other to form a daisy chain of facilities that link back to the fibre network via a series of radio transmission dishes i.e. a wireless link.

The proposed facility at Millthorpe includes a fenced compound, a 20m high monopole (rising to 22m with the installation of the antennae), one dish antenna, three panel antennae, equipment cabinet and other ancillary equipment including cabling, ladders, safe access methods, bird proofing, earthing, electrical works and air conditioning unit.

The proposed facility is to enable NBN Co to provide fixed wireless broadband with high speed coverage to the Millthorpe area.

In the site selection process, NBN advise that new sites must be located within, or immediately adjacent to, the identified search area in order to be technically feasible. Other matters also considered are visual amenity, potential co-location opportunities, the availability and suitability of land as well as a willing site provider, OH & S, construction issues, topographical and legislative constraints, environmental impacts and cost.

A number of sites were considered, and the land in Elliott Street was found to be the most suitable for the following reasons:

- Optimal required quality of service
- In the bowling club car park so no land clearing involved
- Access to existing electricity infrastructure
- Existing access driveway and space for car parking

All apparatus would be located in a fenced, secure compound in the bowling club car park site, some 60m back from the front boundary of the property. The bowling club building is located some 50m to the south east of the site and the nearest residences are 50m to the north west and across the road.

Generally the site is surrounded by residential and commercial development, with further residential, commercial and community services located a short distance further away within the village. The Millthorpe Public School is located about 400m away to the north and a child care centre is located on Elliott Street.

Two other sites were considered. One site was suitable along the Millthorpe Road but faced unfavorable site negotiations with the property owner. The other site on Forest Reefs Road was not selected due to potential heritage and visual impacts.

Access to the preferred site for construction would be via the existing entrance off Elliott Street. Once constructed, the development site would require maintenance once a year, for a period of one day.

Noise levels are expected to be low. Construction noise would be short term, followed by ongoing low level noise from the operation of air-conditioning equipment.

The site is located within the Millthorpe Heritage Conservation Area and the site is in the vicinity of several listed heritage items. A Heritage Impact Assessment has been provided with the application to address the impacts of the development on the heritage significance of Millthorpe.

Section 79C Evaluation - matters for consideration

79C (a)(i) the provisions of any environmental planning instrument

1. Commonwealth Legislation

The *Telecommunications Act* applies and has been considered for this development. In order to be exempt from the planning approval process, the development must be deemed “low impact”. The proposed development is not defined as “low impact” and therefore development consent is required.

2. State Environmental Planning Policies

State Environmental Planning Policy (Infrastructure) applies to this development. The proposed development cannot be considered as exempt or complying development as it is not within any of the allowable zones. Also NBN is not a public authority. However the telecommunications facility is permissible with the consent of Council.

3. Regional Environmental Planning Policies

As of 1 July 2009, regional environmental planning policies (REPs) are no longer part of the hierarchy of environmental planning instruments in NSW. All existing REPs are now deemed State Environmental Planning Policies (SEPPs). The Department of Planning is reviewing all these remaining REPs as part of the NSW planning system reforms.

4. Local Environmental Plans

The land is zoned RU5 Village under the Blayney Local Environmental Plan 2012, and the development is permissible in the zone. The objectives of the zone are considered as follows:

- To provide for a range of land uses, services and facilities that are associated with a rural village.

Comment: The proposal will enable an enhancement of broadband internet services within the area to complement existing businesses, residences and facilities.

- To minimize conflict between land uses within this zone and land uses within adjoining zones.

Comment: The proposed development has the potential to adversely impact upon some landuses within the zone such as community and health facilities, as suggested by the submissions received, but is unlikely to adversely impact upon land uses beyond the RU5 zone. Adjoining owners were notified for the usual 14 days, and then extended for a further 10 days. A large number of submissions were received, as well as a petition. These submissions and the issues raised are considered later in this report.

- To encourage and provide opportunities for population and local employment growth commensurate with available services.

Comment: The enhancement of local broadband services would improve local communications for business and residences, and particularly for community and emergency services, and provide opportunity for growth. However, it has been suggested through submissions that the impacts on tourism may be adverse, relating to the heritage trail the community has established through the village, and the streetscape.

- To minimize the impact of non-residential uses and ensure those uses are in character and compatible with the surrounding residential development.

Comment: The development is a non-residential use, which will serve to complement existing development in the town, limiting adverse visual impact through the choice of colours, and the lower pole height (22m rather than the 40m pole used in the rural areas). However, the submissions received suggest that the impact on the heritage nature of the Millthorpe village would be significant. These issues are discussed further below.

Clause 5.10 Heritage conservation

The objectives of this Clause are:

- (a) To conserve the environmental heritage of Blayney
- (b) To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views
- (c) To conserve archaeological sites
- (d) To conserve Aboriginal objects and Aboriginal places of heritage significance

Comment: The development site is located within the Millthorpe Heritage Conservation Area. The conservation area has been identified due to the significance of Millthorpe as an outstanding example of a small Australian country town of the late nineteenth/early twentieth century period. The earliest settlers appeared in the 1820s, and by the 1850s a village had formed, which included public buildings, hotels, school and post office. The railway came in the 1870s, and the name changed from Spring Grove to Millthorpe in 1884. The streets are narrow with an irregular street plan and the built fabric of the town reflects a continuity of period and style, in harmony and scale with the surrounding countryside.

The development subject site is located at the Millthorpe Bowling Club, in the immediate vicinity of several listed heritage items. These include the Millthorpe Railway precinct, the former Railway Hotel and the premises at 10 Victoria Street. The development (due to the nature of the development) would also be within direct line of sight of many other heritage items and locations within the village of Millthorpe (due to topography).

From the submissions received, it is perceived that the development may adversely impact visually upon heritage sites and the Heritage Conservation Area due to the highly visible nature of the proposed development. A statement of heritage impact was submitted with the development which suggests that the proposal will not unduly affect the scale, residential nature and landscape of the built form of the Millthorpe Conservation Area.

The matter of heritage impact is discussed later in this report.

There are no known sites as described in (c) and (d) which apply to this development.

Clause 5.12 Infrastructure development and use of existing buildings of the Crown

The LEP 2012 does not restrict or prohibit the carrying out of any work that is permitted with or without consent under SEPP (Infrastructure).

5. Guidelines and policies

The *NSW Telecommunications Facilities Guideline including Broadband 2010* is applicable to this development. The purpose of the Guideline is to guide State wide planning provisions and development controls, and provide guidance to assist the rollout of broad band services in NSW.

The Guideline sets out principles to guide the site selection, design, construction and operation of facilities. The principles are examined as follows:

- Visual impact - the proposed cabinets would be located close to the ground at only about 1.5m high, painted light grey or cream, and would be screened by landscaping. The pole itself is 22m in overall height and would be coloured to assist in reducing visual impact. Adjacent properties are residential or commercial, with the nearest dwelling being 50m to the north west, with further dwellings across the road. The overall visual impact of the tower is suggested in the submissions to be significant on a number of levels, as due to topography the tower will be visible from most of the village area. The issue of visual impact is discussed later in this report.
- Co-location – there are no other known opportunities for co-location in the vicinity. The bowling club site was found to be suitable due to the following:
 - Optimal required quality of service
 - In the bowling club car park so no land clearing involved
 - Access to existing electricity infrastructure
 - Existing access driveway and space for car parking
- Health standards – the Australian Communications and Media Authority advises regulatory arrangements with respect to electromagnetic radiation exposure, and the facility will comply with this advice. All designs are designed and certified in accordance with relevant Australian Standards, and should not result in any increase in the level of risk to the public. Mandatory standards for human exposure are applied and the site will be secured to prevent public access. An electromagnetic energy (EME) report is provided which shows that the maximum cumulative EME level at 1.5m above ground level is estimated to be 0.016% of the (Australian Radiation Protection And Nuclear Safety Agency) ARPANSA public exposure limits.
- Disturbance, risk and compliance – the SEE as submitted advises that the height of the pole is well below the CASA limit of 110m. Overall height will be 22m. Electrical interference is minimized, and erosion and sediment control measures are to be undertaken prior to construction, in accordance with the Blue Book. No threatened

species of flora and fauna are likely to be found on this highly disturbed industrial site. An Aboriginal Heritage Information Management System (AHIMS) search shows no Aboriginal heritage is located in the vicinity. Construction work is to be carried out between 7am to 5pm, Monday to Saturday.

The developer has also considered possible interference from the proposed Flyers Creek Wind Farm. From a transmission point of view, the area where the proposed wind farm will be located will not be built along any current transmissions paths within the planned local NBN network.

Note: Maintenance of facilities is not to result in any more than a minimal increase in size, area occupied by, or noise levels associated with the facility.

Comment: The area to be occupied by the proposed development is only the immediate surrounds of the bowling club car park, with the cabinets being located at the rear south western boundary of the site. Following construction, noise would be limited to the air conditioning unit. These specifications would not be altered by the annual maintenance activities.

79C (a)(ii) the provisions of any draft environmental planning instrument

Draft State Environmental Planning Policies

There are no Draft SEPPs relevant to this development.

Draft Local Environmental Plans

There are no draft local environmental plans relevant to this development.

79C (a)(iii) any development control plan

The *Millthorpe Development Control Plan No. 2* applies to this development.

The aims of this DCP are considered as follows:

- Providing design guidelines for buildings that should be considered when planning new development.

Comment: The guidelines as outlined within this DCP are examined below with respect to the proposed development.

- Outlining significant streetscape elements and building styles for individual streets that should be taken into account when designing new development in the vicinity

Comment: The proposal is not for residential development, and submissions suggest that the use is not appropriate for the area. The facility will amount to little more than an additional power pole in the village area. However it is at a highly visible low point in the village, along a popular tourist trail, and would be difficult to screen, when seen against a sky background.

- Requiring submission of Council's "good neighbor" policy with any development application submitted for work in the area that this plan applies to.

Comment: This policy no longer exists. However, the proposed development will address sediment and erosion control to protect water quality. As the site is already highly disturbed, it is unlikely that threatened flora and fauna species would be affected. Operational noise will only amount to an air conditioning unit.

The Australian Communications and Media Authority advise regulatory arrangements with respect to electromagnetic radiation exposure, and the facility will comply with this advice. All designs are designed and certified in accordance with relevant Australian Standards, and should not result in any increase in the level of risk to the public.

Mandatory standards for human exposure are applied and the site would be secured to prevent public access. An electromagnetic energy (EME) report is provided which shows that the maximum cumulative EME level at 1.5m above ground level is estimated to be 0.016% of the (Australian Radiation Protection and Nuclear Safety Agency) ARPANSA public exposure limits.

The provisions of the DCP relating to new development are considered as follows:

Scale – the development would prove less intrusive than if a rural tower was required, which would be nearer 40m in height. The choice of location at a low point in the village allows for the overall height of this installation to be 22m. However, the tower would be located at a highly visible low point in the village, where its scale would be considerably higher than surrounding development and electricity poles.

Materials and colours – the components of the installation on the tower would be grey, and the cabinets at ground level would be cream, behind a wire security fence.

Roofs – not applicable.

Windows – not applicable.

Verandahs – not applicable.

Setbacks – the cabinets would be located on the south eastern side of the bowling club car park and at least 60m back from Elliott Street.

Garages, carports and sheds – not applicable.

Fencing – the compound would be fenced with a 2.4m high chainlink security compound fence.

Landscaping – the developer is intending to establish landscaping along part of the boundary of the compound to screen the site from Elliott Street. Council's Heritage Advisor has suggested further advanced landscaping to aid with screening. Such vegetation will only screen the compound and the lower part of the tower.

Utility/service structures – power is the only utility service in demand for the facility, which is readily available in the locality.

Commercial development – the development is not for commercial purposes, by definition.

Demolition – there is no demolition applicable to the development.

Streetscape – the development would be partly screened from the immediate vicinity of Elliott Street with new landscaping.

Advertising signage – there is no signage applicable to the development, other than security signage.

79C (a)(iv) any matters prescribed by the regulations

Comment: There are no such matters relevant to the development.

79C (b) the likely impacts of that development

Context and setting

The proposed development seeks to provide NBN Co fixed wireless broadband with high speed coverage to the Blayney region. The site is located within the residential area of Millthorpe adjacent to the bowling club. All apparatus would be located in a fenced, secure compound in a cleared, grassy paddock site, adjacent to the bowling club building. The nearest dwelling is about 50m away to the north west, with further dwellings across the road.

Views of the tower throughout the village would be variable due to topography and existing vegetation. However the tower would be highly visible from many sites within the village, and would not be in scale with existing low profile development.

Existing development within the village is one to two storey buildings along narrow winding and steep streets. Views from the village are of the farmed countryside and ridges in all directions, broken only by trees, church spires and a few power poles. The scale is clustered and low, characterized by disjointed crossroads and closed vistas. It is expected that the tower in the proposed location would rise above these closed vistas and draw the eye away from the streetscapes for which Millthorpe is known.

The cabinets and compound could be screened by vegetation and landscaping, but the tower could not be screened. Due to the nature of its purpose it should not be screened. The tower could be coloured to minimize visibility, but could not be totally obscured. NBN have nominated “Rivergum Green” or a soft grey at present but are open to other suggestions to make the tower as unobtrusive as possible.

In the immediate vicinity of the bowling club there are a number of telegraph poles, and a large pole spotlight which already present an adverse visual

impact on this low lying area of the village. The tower would be likely to exacerbate this.

The developer has attempted to consider other sites. However difficulties were experienced with obtaining access onto other suitable sites, and co-location on other existing towers in the area was not an option, in order to reach a full coverage of properties in the south Millthorpe area. The developer is aware of the potential issues relating to location choice for such development, and has attempted to minimize impact with the site chosen.

Access, transport and traffic

Access for construction would be via the existing entrance off Elliott Street. Once constructed, the development site will require access for maintenance once a year, for a period of one day.

There is not expected to be any significant increase in traffic nature, volume or frequency. Council's Engineer has no upgrading requirements relating to the entrance. He has required an inspection of any electrical service trench required, and the relocation of utility services if necessary.

Services/utilities

The facility will require connection to electricity, which is available in the vicinity and would be provided underground. No other additional services or utilities are required for the development.

Site design, internal design and construction

The construction work required for this development includes a fenced compound, apparatus attached to the proposed tower, dish antennas, three panel antennas, and equipment cabinets and other ancillary equipment. The overall height of the tower with the attached facilities would be 22m.

The works are to be located immediately adjacent to the bowling club in Elliott Street, and would include sediment and erosion control measures to protect the adjoining properties from erosion and sediment movement. The facility would be constructed to industry standard and the requirements of the Building Code of Australia.

The compound and the cabinets would be screened from Elliott Street through landscaping.

Hazards – technological, natural

There no particular known natural hazards associated with the development. However the submissions received suggest climatic extremes in winter may result in the accumulation of ice on the antennas, with subsequent risk of falling ice once melting sets in during the day. NBN commented on this matter, saying that such ice behavior is more akin to lattice tower facilities, not monopoles.

There are perceived concern in regards to electromagnetic radiation exposure from the facility. The Australian Communications and Media Authority advise

regulatory arrangements with respect to electromagnetic radiation exposure, and the facility will comply with this advice. All designs are designed and certified in accordance with relevant Australian Standards, and should not result in any increase in the level of risk to the public. Mandatory standards for human exposure are applied and the site will be secured to prevent public access. An electromagnetic energy (EME) report is provided which shows that the maximum cumulative EME level at 1.5m above ground level is estimated to be 0.016% of the (Australian Radiation Protection and Nuclear Safety Agency) ARPANSA public exposure limits.

Specific impacts on local health and local health practices have been raised by submissions. NBN have commented that given the legislative control under which this industry operates worldwide, health risks are minimised.

Noise and vibration

There are no particular matters relating to noise and vibration which might apply to this development. Noise levels would not significantly increase as a result of the development. The only noise emanating from the site following construction would be the operation of an air conditioning unit.

Environmental impact – flora, fauna, land resources, air and water pollution, micro climate

There are no known matters arising from this development which might affect flora or fauna, as the site is a highly disturbed commercial property. No other land resources such as extractive industries are affected. Air pollution is minimized, and existing mitigation measures would continue to prevent environmental impact.

Water

There are no particular water requirements for the development. Sediment and erosion control measures would be established across the site to direct surface water away from the site and into stormwater drains or natural drainage systems.

Waste

The development is not expected to generate waste during operation. Any waste accumulated during the construction phase would be collected, stored and disposed of appropriately at an approved waste facility.

Heritage

The subject site is located within a heritage conservation area. There are several listed heritage items in the vicinity, listed in the BLEP 2012.

Opposite and slightly to the north west along Elliott Street is the heritage listed item, the former W & E Hayes Produce Shed (I301). This item was a shed used for storing and processing chaff, remnants of an industry supported by the railway.

To the south east is the listed (I262) former Railway Hotel (adjacent to the railway station). It is a prominent brick two storey corner building, the bulk and scale of which complement the streetscape.

The Millthorpe Railway Station group (I298) is located at the lower end of Pym Street, “closing the vista of the main street and giving it a prominence in the town scape of considerable significance.” The brick railway station is an important civic building in an historic town setting, showing fine proportion and detailing. Its significance is enhanced through the platform and the gated forecourt being part of the listed group.

As discussed previously, it is suggested that the development may adversely impact upon heritage sites or the heritage conservation area due to its nature. A statement of heritage impact was submitted with the development which suggests that the proposal will not unduly affect the scale, residential nature and landscape of the built form of the Millthorpe Conservation Area.

The analysis undertaken does not acknowledge the first two abovementioned premises as being heritage listed, but does discuss the railway station group. The analysis does not consider the existing Millthorpe Development Control Plan No. 2 – Development Guidelines for Heritage Conservation. Rather it examines heritage impact in an overall manner, covering standard issues within all heritage controls across the State.

A summary of the analysis follows:

- **Size, shape and scale:** The proposed pole has completely different size, shape and scale from other heritage items of significance in the area. It suggests that the pole is consistent with the general verticality of design of the major buildings of the village, and with other major landscape features (not stated) and trees in the area. The Assessment states “Certainly the verticality was available in the tall ships which plied the seas exporting the goods produced by the district, but such was not known in the local area.”
Comment: Apart from electricity poles, a light pole at the bowling club and tall trees, the only other tall elements in Millthorpe would be any two storey buildings, which would be in the order of 10m in height.
- **Materials and detailing:** “The proposed tower is not consistent with any materials or detailing on items of heritage significance in the area”.
- **Setbacks and orientation:** The tower location and setback is not inconsistent with boundary treatment with large landscape prominent trees.
Comment: Wherever the tower is located, landscaping would screen the compound and cabinets, but could and should not screen the tower, due to the nature of its purpose.
- **Setting of a heritage item:** “The setting is entirely manufactured by the views available of the proposal. In such a constrained location, with two storey buildings and trees of the order of 15 metres in height, the setting is only available in limited locations.”

Comment: If the setting is constrained by the views available, then the potential for a 22m pole to be consistent with the existing landscape features is considerably reduced. Electrical poles in the vicinity are in the order of 12-13m in height, a similar height to the former Railway Hotel in Elliott Street to the north east of the bowling club.

- **Undermine or cause physical damage:** No likelihood of damage to items or buildings in the conservation area.
- **Adverse impact on significance:** The tower has considerable height, but is narrow, thus has a small footprint. This consistent with nearby subsidiary buildings and tanks. The tower is an entirely new object in the landscape and built environment. It would cast minimal shade for any significant length of time on any nearby items.
Comment: No reference is made to the impact on the significance of items or the conservation area.
- **Effect on historic subdivision:** Historically, a common delineation of boundaries was to plant large landscape prominent trees..... the tower.....is not inconsistent such boundary treatment, and reinforces the boundary of the subdivision and the railway.
Comment: The proposed development does not alter the original subdivision boundaries.
- **Effect on archaeological sites:** No existing or likely archaeological sites are affected by the proposal.
Comment: Council has no evidence to suggest that there are archaeological sites in the vicinity.
- **Effect on landscape or horticultural features:** The proposed pole has a small footprint and limited extent, there are no adjacent trees whose root zones would be affected, and it would cast minimal shade for any significant length of time on any nearby plantings – impacts would be negligible.
- **Measures to minimize impact on significance:** “It is clear from this assessment that the pole is distinct from any historic development..... The effect on heritage significance is entirely visual”. The impact is dependent on the proximity of particular heritage items and the overall conservation area. Streetscape is particularly important, and the views of the pole and the back drop are of prime importance.
Comment: No measures to minimize impact are suggested here.

View analysis: The analysis goes on to examine major views, ranked from highest significance to lowest in the heritage value of the village, views being from within the most important parts of the village itself, the highest resident and visitor street usage, vistas and proximity to individually listed heritage items.

It identifies that poles in other locations are more like 40m high, and that the ground level infrastructure can be screened with landscaping. It identifies

electricity poles throughout the landscape as being of similar height to the tower proposal.

It then goes on to examine views in terms of the appropriate colour to lessen the impact of the pole in the landscape. It suggests that, due to the height and scale of the existing buildings and trees in the historic shopping core, the pole would not be easily visible from there.

The conclusion reached is that it is better to try and blend the pole colour with the sky, rather than the landscape. A soft grey would blend with sky and cloud and prove the least obtrusive, such as a galvanized finish, which would weather to a soft grey.

Comment: The view analysis limits heritage impact to the visual, without any regard for the impacts on the heritage nature of the village being a prime draw card for the tourism industry in Millthorpe, and the interference of the tower in views across and in the vicinity of the site, with an assumption that the location of the tower here is the sole option.

Heritage Impact: The analysis concludes that the pole is distinct from any historic development, although the height is comparable to existing landscape features and major trees. The impact is visual and lessened by distance to major items and properties in the conservation area. Streetscape is particularly important, and the views of the pole and the back drop are of prime importance.

The proposal will not materially affect views or shading of the nearby items. Therefore the heritage items in the vicinity will not be detrimentally affected and do not warrant separate heritage investigation. The resolution of this development proposal and conditions of consent will provide for the long term management of the heritage conservation area. Archaeological investigation is not warranted, and the proposal will not unduly affect the scale, residential nature and landscape of the built form of the Millthorpe Conservation Area.

Comment: The pole is hardly comparable to other tall features in the village, given that nearby trees and electricity poles are in the vicinity of 12-13m high. There are a few trees higher than this (maybe 15m) and many of these are deciduous. Just because parts of the village are not close to the pole site, does not mean it cannot be seen from various locations across the village, particularly along the local tourist trails.

The location of the pole in this vicinity WILL affect views from nearby items, because it would be right on their door step. Submissions received reflect this sentiment.

Conditions of consent, if approved, might address the establishment of the development and limited landscaping to screen the lower level features. This would partly address the amenity in this locality, but not the long term management of the Heritage Conservation Area.

Safety, Security and Crime Prevention

The company will have a security system in place, including fencing and signage to enable site security, safety and crime prevention.

Economic impact

The economic impacts from this development include increase in opportunity for fixed wireless broadband with high speed coverage to the Blayney region. This should enhance business performance in the area, enabling business and residences to undertake a wider range of communication opportunities.

On the other hand, the submissions received suggest impacts on tourist and businesses in the village would be significant in that the location of the tower along the main tourist trail through the village would detract from the visual appeal of the heritage of the village, thus affecting tourism and loss of business.

Health and child care facilities expressed concern in regard to the location of the tower and the effect of emissions on health and subsequently the impact on clients/children, hence loss of business.

It was also suggested that the location of the tower may affect the value of properties in the vicinity.

These matters are further discussed later in this report.

Social Impact

The social impacts relating to this development relate to the more effective operation of a local businesses, residences and education facilities, through more effective communication.

On the other hand, the submissions received suggest this may come at a cost to the community on a number of levels.

There are concerns in regard to the visual appeal of the village streetscape and the heritage significance of the village. There are concerns relating to health issues and emissions. There are concerns relating to climate and amenity and to emissions from the tower and the effect on health.

There were also concerns expressed that alternate location options were not satisfactorily considered, and that the consultation process was flawed. These matters are further discussed later in this report.

Cumulative impact, Principles of Ecologically Sustainable Development, Sustainability and Climate Change

Cumulative Impact

The cumulative impact of the development is for the operation of local broadband services within effective industry standards that should lead to positive environmental and community impact on communications. However, the submissions received suggest that the development should be located

away from the village, where impacts are lessened; they flag potential health issues, and even question whether the service is actually needed at all.

Climate Change

The NSW Sea Level Rise Policy Statement 2009 outlines the Government's objectives and commitments in regards to sea level rise adaptation. A key Government commitment is that it will promote and support an adaptive risk-based approach to managing the impacts of sea level rise. The proposal would not significantly contribute to climate change and will not change the risk profile of the site in regard to the impacts of sea level rise.

Ecologically Sustainable Development

All potential environmental interactions should have regard for the Precautionary Principle (prevent environmental degradation and protect local environment), Inter-generational Equity (not to compromise the environment for future generations), Improved Valuation and Pricing of Environmental Resources (to utilize the land with minimal environmental impact to result in an economic benefit to the community) and conservation of biological diversity and ecological integrity. The proposal would not present significant threats of serious or irreversible environmental damage, and the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations, for the conservation of biological diversity and ecological integrity.

Other

The following impacts have been considered and are not relevant to the proposal: flooding, contamination and bushfire.

79C (b) Suitability of the site for the development

Comment: The site is not particularly suitable for the development, being clearly seen from nearby residences and businesses, and from along the tourist trail in Elliott Street. It cannot be successfully screened by distance, topography or vegetation. It is located on the lower environs of Millthorpe village, at a point which can be seen from a wide range of locations in all directions.

It is understood that the tower would serve south Millthorpe, and the location suits the need to be interdependent with other facilities in the region. However, the developer offers only two alternate sites and the submissions received suggest that there are other sites around which might serve the purpose, apart from those sites that NBN have been denied access to, to date.

Given the range of issues raised, it is suggested that alternate sites should be further investigated. The tower cannot be suitably screened to address the visual aspects of its location, and the health issues raised may not have been effectively addressed, given specific land use circumstances in the vicinity.

Access is appropriate for the level of use, and soil/water movement across the site would be controlled.

79C (d) Any submissions made in accordance with this Act or the Regulations

Comment: Adjoining landowners were notified for 24 days from 5 June 2013, which included the usual 14 days plus an extended period of 10 days. Some seventy one (71) submissions were received (7 in favour and 54 against), as well as a petition with 217 signatures. A number of issues were raised which are comprehensively summarized at **Attachment B**. The developer was advised of these issues and provided responses to each (**Attachment C**). The issues raised can be categorized into several main areas

A: Submissions against proposal:**1. Visual Impact and Heritage**

The submissions raised suggested that the tower would dominate the skyline and detract from the visual aesthetics of the streetscape. It was felt that this would take away from the visual serenity and peacefulness, ambience, and attractive views beyond the village. It is contradictory to the beauty of the place, the classic style of buildings and the quaint idyllic historic village.

- It is a visual eyesore, an ugly and modern structure, a horrible ghastly mast, a monstrosity, an item of ugliness, incongruous and highly contentious.
- Millthorpe is classified by the National Trust and is unique. The tower would make a mockery of the heritage listing.
- Blayney Shire Council's obligation should be to uphold the heritage listing/value/integrity of the village, and the requirements of the Heritage Conservation Area, LEP and DCP, and enforce the provisions in the same way as they apply them to other developers within the village in terms of heritage. It may have a major effect on the heritage listing.
- Local businesses strive to promote the village to tourists, and this would compromise these efforts and remove tourist potential, Millthorpe no longer being a "Village with Style".
- The tower would be located along the main tourist strip, CBD, hub and heritage walk, a 7 storey building in the centre of the village.
- It is difficult to see how artists would be able to incorporate this inconsistency into their artwork.
- The village has been utilised for a film/movie set, and the tower would threaten this continued activity. It does not fit Council's own description of the village.

NBN Comment: NBN strives to strike a balance between providing valuable broadband services and minimizing visual impact. In order to provide services a tower cannot be entirely obscured.

They have minimized the height, used a slim-line profile, located at the rear of the car park near the railway line, proposed landscaping to screen the compound facility, and proposed a turret mount instead of a standard antenna circular head frame. They have attempted to utilise the existing electrical

infrastructure to minimize impact, and sought a low lying discreet location, which would NOT be visible from all vantage points. A natural grey colour has now been chosen for the pole, and it is felt that the visual impact does not outweigh the benefits provided by the service to Millthorpe.

NBN reiterated that its heritage report suggested that even though the pole is distinct from historic development, it is still comparable in height to existing landscape features. It believes that the development would not unduly affect the scale, residential nature and landscape of the Millthorpe Heritage Conservation Area, and is quite acceptable.

NBN suggests that there are no heritage items on Elliott Street on the NSW Heritage Register.

Council Comment:

Council's Heritage Advisor made comment on the proposal, suggesting that alternate locations should be pursued. He also commented on colour, and vegetation screening (see **Attachment B**).

It is noted that under the Blayney LEP 2012, there are at least three heritage items on Elliott Street, as mentioned earlier in this report.

In terms of the heritage significance of Millthorpe, and the heritage significance of individual items within the village, it is unlikely that the actual heritage significance of these would be affected by the development. Millthorpe would always be significant as an early settlement within the central west, with its roots in agriculture and the subsequent influences of the gold rush.

There are no heritage items immediately adjoining the development site, although there are three in close proximity - the station, Railway Hotel and Hayes feed barn. These buildings are not close enough that the development would detract from their individual appearance or significance.

The Heritage Conservation Area (HCA) itself seeks to concentrate the history of the area within a heritage precinct, where the most significant elements of the village's past are located. Each building is significant for particular reasons, and this could not be altered.

However the impact on visual amenity would be more relevant. The HCA also seeks to protect visual amenity, relating to streetscapes and landscapes, and the potential of the tower to intrude into views into, through and out of the village. It is these streetscapes and landscapes which are valued by the community, and are quite significant in the tourism promotion that is undertaken by Millthorpe residents.

In regard to legislative requirements, the development is permissible in the zone with Council consent. NBN has the right to lodge an application for Council's consideration and determination.

2. Location options

The submissions question whether the possibility of alternate sites has been thoroughly investigated, and that the chosen site is most inappropriate. The tower should be located in a safe and sensitive fashion, away from the village and its heritage status. A number of alternate sites were mentioned, such as near the existing water reservoir, within the proposed subdivision area off Richards Lane, vacant land south of the railway track near the dog walking enclosure.

- Residents and Council should have been given some say in the choice of location.
- Some residents question whether the service is actually required. Many already have a fast enough service.
- Co-location should have been further considered, such as Mt Canobolas and other more local existing towers.
- Other locations not so conspicuous, in the lowest point, away from residences and the town centre, should be vigorously pursued.
- There are other residents who would accept the tower on their land.
- Many supported having the service but not in this location.

NBN Comment: NBN consultation with the community suggested that there was widespread support for the proposal. The wireless network does not suffer from fluctuations, providing consistently fast broadband, opening up business and lifestyle opportunities and allowing for greater health and education opportunities, thus providing a positive social impact for many years to come.

NBN considers alternative site locations before lodging an application for a proposal, considering planning, property and technical considerations. They have considered co-location, and are in fact co-locating an installation on the existing Optus facility at Richards Lane, to serve the rural areas around Millthorpe. However, the whole area cannot be served with that one facility, to provide a reliable service. Another antenna is required to serve the remainder of the town with a good quality signal.

Alternate sites suggested by residents have been investigated and NBN did investigate the site suggested in Crowson Street. However, NBN engineers found it to be too close to the Richards Lane facility, and would require a much taller structure that could not be adequately screened.

In addition a facility at Mt Canobolas would be too far away to achieve the desired result.

Council Comment: It is common for wireless telecommunications facilities to be located in residential areas as they are the main target of the service. The co-location at Richards Lane does not require the consent of Council, under State Environmental Planning Policy (Infrastructure).

Council notes that two other sites were investigated by NBN prior to choosing the site the subject of this application. However, NBN were denied access to these properties by the landowners.

Further investigation might be undertaken to satisfy Council that there are no alternate sites that could be considered for this facility.

3. Climate & amenity

Some submissions highlighted climatic conditions which might present safety risks to residents.

- Loss of service in rainy or frosty weather. Why is Millthorpe getting wireless not cable?
- Noise (humming) from the tower is a definite thing.
- Ice and snow buildup on the aerials creates safety issues to passers-by. It also makes the tower susceptible to damage, hence a loss of service.
- Ice falling when melting, noise created by wind, and environmental damage are concerns.

NBN Comment: The proposed tower is a slim line monopole, not a lattice tower, thus not lending itself to noise pollution, being within legislative limitations in this regard. The cabinets do have air conditioning units which are also operated to industry standard.

Similarly concerns relating to ice buildup relate to lattice tower as well, not monopoles.

Council Comment:

NBN has adequately addressed these concerns.

4. Consultation process

The submissions suggested confusion with regard to the information presented. Many were not specifically notified and felt that they should have been, and that better communication was required by both NBN and Council. The meeting was not accessible to all residents due to work and other commitments.

Some were unhappy with the community meeting, the way they were treated, and that they could not take the feedback forms away to fill out.

NBN Comment: NBN undertook a pro-active, voluntary consultation process, not required as part of the application. They spoke to a number of residents who attended their meeting and found the feedback to be positive, which was reflected in the feedback forms they received. They had confidence in their staff to conduct the meeting and provide information. All the feedback forms were provided to Council.

Council Comment: The development application has been advertised and notified in accordance with Council policies and the relevant legislation. A comprehensive consultation program was undertaken by both Council and NBN:

- NBN placed an advertisement in the Blayney Chronicle on 16 May 2013 in regard to a non-mandatory Community Consultation meeting for 3 June 2013.

- NBN undertook a voluntary mail out of 175 letters dated 16 May 2013 advising about NBN, the facility and the Community meeting. A handful came back “return to sender”. Council have been provided with maps showing the consultation coverage.
- NBN undertook a Community Consultation meeting at Millthorpe Bowling Club on 3 June from 3pm to 6pm. Feedback forms were provided for people to make comment.
- NBN then provided copies of 25 completed feedback forms to Council. They estimated that 36 people signed the attendance book (it is noted that two of these were Council staff and one was the Blayney Chronicle), but they believe that there were more like 45-50 people in attendance.
- NBN had requested that Council not carry out notification until after the community meeting on 3 June.
- Council undertook to notify adjoining owners from 5 June to 20 June 2013 (16 days). A wider area than usual was covered, with some 26 letters going out.
- Council placed an advertisement in the Blayney Chronicle on 6 and 13 June 2013, with submissions to close on 20 June 2013.
- Upon request from residents, Council agreed to extend the period of time for submissions until COB 28 June 2013.
- Council advised that submissions would be received until 28 June, by email to those people who made the request for extension of time, and emailed a notice to the Millthorpe Village Committee and to the Millthorpe Murmurs. Council placed a notice at the Millthorpe Post Office, the Millthorpe Public School and at the general store. The school offered to place the notice in the school newsletter. This was carried out on 14 June 2013.

6. Emissions

Much concern was expressed in regard to Electro Magnetic Radiation (EMR) emissions, that the reports presented were based on out-of-date studies, and the links to cancer clusters cannot be ignored.

- Impact, particularly on young children, older people with pacemakers, people with hypertension and other pre-existing health conditions, is a concern.
- NBN should provide “incontravertible details” that long term exposure to emissions from this tower would not prove hazardous to health.
- Emissions are juxtaposed to the ethic of healing/Reiki, as carried out in the nearby healing center. It would directly impact on this local business, reducing the effectiveness of treatments.
- Locally grown organic fruit and vegetables would be rendered unsafe for consumption, and other plants stunted and unable to thrive.
- Effect of toxic waves on local bee populations for bee keepers.
- Even the EME Fact Sheet suggested “However, the possibility of harm cannot be ruled out”.
- Dept of Education object to wireless towers being closer than 500m to a school. This tower would be 400m away, and only 200m from the local day care centre.

NBN Comment: The radio frequency signals emitted by the tower would equate to devices such as baby monitors, mobile phone networks, AM/FM radio broad casts, commercial television and emergency service communications. In addition the facility is regulated 24 hours a day through national safety regulations (taken from World Health Organisation regulations) which limit the strength of signal that all antennae can transmit. The regulations do not impose any general public distance-based restrictions.

As such, many towers are now actually located within school grounds under agreements with the Dept of Education, so that the schools may receive better service.

NBN works with Australian regulators for the protection of health and safety of both people and the environment from the effects of radiation.

The Millthorpe facility would be designed and certified in accordance with all relevant Australian Standards, in compliance with the mandatory standard for human exposure. An (Electromagnetic Radiation Human Exposure) EME report was provided for the Millthorpe facility.

In regard to impact on bees, organic fruit and vegetables, plant growth, and flora/fauna, there are no restrictions limiting the placement of communications facilities across Australia within national parks etc. This does not presuppose a lack of scientific understanding.

Radio communications is a well-established, well understood and long regulated activity, with no known threats to flora and fauna.

NBN does not consider there to be any risk to people living or working within 500m of the pole due to the low frequencies used, and the fact that the waves are directed horizontally and to the horizon.

Locations where people live and work are common location for the location of radio communications facilities, including for mobile phone networks, emergency services radio and other such services.

Council Comment: Given the regulation applied to this industry, and the circumstances which require a facility to be located somewhere in the vicinity of the village of Millthorpe to complement the NBN network in the region, the issue of emissions is more than covered by national and international telecommunications standards, and has been considered under the *NSW Telecommunications Facilities Guideline including Broadband 2010* earlier in this report.

5. Property Values

Submissions suggested that property values would be adversely affected, due to the unsightly and unhealthy presence of the tower.

Previous investment in Millthorpe would be negated and the value of businesses and residences would be reduced.

NBN Comment: Price fluctuation is subject to a vast number of factors, many of which are subjective. Wireless broadband supports the community and the economy, and so demand is increasing. NBN is not aware of any credible evidence that directly links to the siting of a telecommunications facility to either an increase or decrease in property prices.

Council Comment: The potential impact on property values is not a relevant matter for consideration in the development assessment process under S79c of the EP & A Act. Council is not aware of any evidence that directly links siting of a telecommunications facility to property values.

B: Submissions in Support of Proposal

A number of submissions were received in support of the proposal. Generally people acknowledged that there was a need for the facility and that on balance it would benefit the community and businesses and as a whole, and in the long term, in relation to speed and reliability of internet services.

79C (e) The public interest

Comment: There are no other matters of public interest relevant to the development that have not already been considered in this report.

Conclusions

The above assessment illustrates that the proposed development is not particularly appropriate for the location. It does provide for enhancement of existing internet services in accordance with industry guidelines, services which are welcome in certain sectors of the community.

Matters such as property values, emissions and health, climatic conditions and the consultation process have been thoroughly examined above and satisfactorily addressed.

The matter of location of the tower remains a matter for concern. The need for the service was acknowledged by many of the submissions. However the visual impact of a 22m high tower in the vicinity of much lower structures and features (trees, power poles and the tallest building are for the most part not over 15m high), suggests that the tower detracts from the scale of existing development. In addition, given that the tower is proposed for the lowest point in the town, it would be visible from many high points around the village, albeit that existing vegetation within the village (mature trees) may assist with screening such views.

However, the impact on the visual amenity of streetscapes and landscapes within the heritage precinct is potentially adverse, given that the community bases its tourism promotion on these features. A long established heritage trail encourages visitors to explore the village, with Elliott Street being a major contributor to the experience.

The bowling club precinct is already occupied by a number of electricity poles and a tall lamp standard, and the site backs onto the railway line. The proposed tower would extend beyond the height of these features, at which point it would also be narrower than at the base and less conspicuous.

In saying this, it may still be appropriate that further investigation be undertaken to satisfy Council that there are no alternate sites that could be considered for this facility. In light of the submissions received and the issues raised in regard to visual amenity in a heritage precinct, it is imperative that a more appropriate location be sought if available, given that more information is now available to NBN in regard to the nature of the town and the significance of streetscapes and landscapes to the community of Millthorpe.

BUDGET IMPLICATIONS

No budget implications.

POLICY IMPLICATIONS

Assessment undertaken as per legislation.

IP&R LINK

DP 3.4.1 Pursue sustainable land use practices based on the protection and restoration of natural resources, innovative land use policies and government and community partnerships.

DP 5.4.1 Develop and implement a community engagement process and policy.

Attachments

1	Plans	5 Pages
2	Summary of Submissions	10 Pages
3	NBN Response Document	38 Pages
4	Draft Schedule A - Conditions of Consent	2 Pages

15) **COMMERCIAL DOG BREEDING FACILITY - 1445 HOBBS YARDS ROAD, HOBBS YARDS**
(Director Planning and Environmental Services)

RECOMMENDED:

1. That Council note the contents of the report and endorse the possible future legal action to be taken to cease the unauthorised use at the subject premises.

REPORT

This is an on-going and protracted matter related to the unauthorised use of the property at 1445 Hobbs Yards Road, Hobbs Yards and the nuisance being caused to adjoining property owners due to noise from the large number of dogs, pups and dingoes kept on the property.

The matter has been on-going since, at least, 2009, and culminated in a development application, to operate a commercial dog breeding facility, at the property, being lodged with Council in January 2010.

A report, regarding the development application, was submitted to Council on the 10 May 2010 and Council resolved the following:

1. *That Council refuse Development Application 145/2009 for the operation of a commercial dog breeding facility at 1445 Hobbs Yards Road, Hobbs Yards.*
2. *That Council continue to mediate with the applicant to:*
 - a. *reduce the number of animals on site, within a six month time frame, so as not to constitute a commercial breeding facility;*
 - b. *reduce the number of structures on the site, previously used in association with the operations, to a number suitable for the keeping of companion animals.*

Notice of determination was provided to the applicant, by mail, on 24 May 2010. The applicant acknowledged receipt of the letter, on the 28 May 2010. Since that time several meetings have been held with the applicant, site inspections have been carried out and many letters have been exchanged regarding the owner complying with Council's resolution.

The owner has given Council an undertaking, on several occasions, to relocate the commercial dog breeding facility to another site.

To date this relocation has not happened. A letter was sent to the owner on the 17 January 2011 advising that if the relocation was not completed within 3 months of the date of that letter that Council may commence legal action.

Several follow-up inspections and discussions with the owner and/or her advocate have all resulted in the undertaking to relocate being re-affirmed and to date nothing, of any substance appears to have been done in this regard.

During this time the adjoining property owners have continued to raise the noise nuisance with Council and have been extremely tolerant and understanding of Council staff's efforts to resolve this issue and achieve compliance with Council's resolution.

It is important to remind Council that the owner, apparently, suffers from respiratory problems and because of this Council staff have been cooperating with her, by way of providing time to relocate and to date have not been successful in achieving cooperation or compliance.

Following on-going requests from the adjoining land owners and the owners failure to relocate, as offered, the matter was placed in the hands of Council's lawyer for advice and action.

Council's lawyer wrote to the owner, on the 30 July 2013, backgrounding the history of the matter and requesting the owner to provide her confirmed timetable for relocation to Council by 30 September 2013 and that failure to do so, would result in Council taking the matter to the Land and Environment Court seeking to have the Court require the owner to cease the unlawful operation on the land.

BUDGET IMPLICATIONS

Possible legal expenses in the future.

POLICY IMPLICATIONS

Nil.

IP&R LINK

DP 6.4.2 Undertake regulatory responsibilities for environmental health and animal control.

Attachments

1 Original Report and Resolution of Council 11 Pages

16) **LOCAL HERITAGE ASSISTANCE FUND 2012-2013**
(Senior Town Planner)

RECOMMENDED:

1. That the information be received.

REPORT

Blayney Shire Council, in conjunction with the NSW Heritage Office, has continued to offer the Local Heritage Assistance Fund.

The Blayney Local Heritage Assistance Fund was set up in 1995. Prior to this, projects in the Blayney Local Government Area (LGA) received funding via the NSW Heritage Assistance Program, run by the then NSW Department of Planning.

The aim of the program is to assist and encourage positive conservation work on places and buildings of heritage significance within the Blayney Shire Local Government Area.

Funding provides grants on a \$ for \$ basis, and has been up to the value of \$1,000.00 per project, with occasionally one project nominated by Council's Heritage Advisor for additional funding.

During the past financial year, Council has received six (6) applications seeking funding to assist positive work on places and buildings of heritage significance within the Blayney LGA, and issued grants accordingly.

Please refer to the attached schedule which outlines a summary of the grants issued during this period.

Council is currently processing applications for the 2013-2014 LHAF.

BUDGET IMPLICATIONS

The 2012-2013 Management Plan allocated \$17,381.87 for Local Heritage Assistance Fund expenditure and \$4,345.47 in grant income.

POLICY IMPLICATIONS

Nil.

IP&R LINK

DP3.3.1 Pursue recognition of heritage items in LEP 2012.

Attachments

1 Local Heritage Assistance Fund Schedule of Works 2012-2013 1 Page

COMMITTEE REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 12 AUGUST 2013



17) **MINUTES OF THE BLAYNEY SHIRE SPORTS COUNCIL
EXTRAORDINARY MEETING HELD ON 25 JULY 2013**
(Director Infrastructure Services)

RECOMMENDED:

1. That the recommendations of the Blayney Shire Sports Council extraordinary meeting held on 25 July 2013 be adopted.

REPORT

The minutes of the Blayney Shire Sports Council extraordinary meeting held on Thursday 25 July 2013 are attached and Councillors attention is drawn to the following item:

- Napier Street Toilet Block

Attachments

- 1 Blayney Shire Sports Council Minutes 25/07/2013 2 Pages

18) **MINUTES OF THE BLAYNEY SHIRE ECONOMIC
DEVELOPMENT COMMITTEE MEETING HELD ON 11 JULY
2013**

(Director Corporate Services)

RECOMMENDED:

1. That the Minutes of the Blayney Shire Economic Development Committee meeting held on 11 July 2013 be received and noted.

REPORT

The minutes of the Blayney Shire Economic Development Committee meeting held on Thursday 11 July 2013 are attached.

Attachments

- 1 Economic Development Committee Minutes 2 Pages

19) **MINUTES OF THE BLAYNEY SHIRE TIDY TOWN
COMMITTEE MEETING HELD ON 13 JUNE 2013**
(Director Corporate Services)

RECOMMENDED:

1. That the recommendations of the Blayney Shire Tidy Town Committee meeting held on 13 June 2013 be adopted;
2. That the title of the Blayney Shire Tidy Town Committee be amended to the Blayney Shire Towns and Villages Advisory Committee; and
3. That the draft Charter of the Blayney Shire Towns and Villages Advisory Committee be adopted.

REPORT

The minutes of the Blayney Shire Tidy Town Committee meeting held on Thursday 13 June 2013 are attached and Councillors attention is drawn to the following item:

- Draft Committee Charter incorporating amendment to the title of Committee.

Attachments

- | | | |
|---|--|---------|
| 1 | Blayney Shire Tidy Town Committee Minutes 13/06/2013 | 2 Pages |
| 2 | Draft Committee Charter | 2 Pages |