

Blayney Shire Council



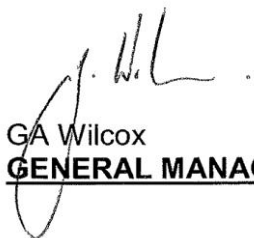
8 October 2013

Dear Councillor,

Your attendance is requested at an Confidential Ordinary Council Meeting of the Blayney Shire Council to be held in the Blayney Shire Community Centre Chambers on Monday, 14 October 2013 at 6.00pm for consideration of the following business -

- (1) Acknowledgement of Country
- (2) Recording of Meeting Statement
- (3) Apologies for non-attendance
- (4) Confirmation of Minutes
- (5) Matters arising from Minutes
- (6) Disclosures of Interest
- (7) Public Forum
 - Mr David Hoadley - Canobolas Zone Rural Fire Service
 - Mr John O'Malley - Auditor
 - Mrs V Hempel – DA 230/2012
 - Mr D Hempel – DA 230/2012
- (8) Mayoral Minute
- (9) Notices of Motion
- (10) Reports of Staff
 - (a) General Manager
 - (b) Corporate Services
 - (c) Engineering Services
 - (d) Environmental Services
- (11) Delegates Reports
- (12) Committee Reports
- (13) Questions from Councillors
- (14) Closed Meeting

Yours faithfully



GA Wilcox
GENERAL MANAGER

5:45 PM CITIZENSHIP CEREMONY

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HELD ON MONDAY 14 OCTOBER 2013

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23) CONSULTANT EXPENDITURE FOR 2012/13	ERROR! BOOKMARK NOT DEFINED.
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NOTICES OF MOTION
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 14 OCTOBER 2013



01 **NEVILLE COTTAGE, LOT 2, SECT 1 DP 37459, 9
MACQUARIE STREET NEVILLE**
(Cr Kevin Radburn)

RECOMMENDED:

That Council undertake an amendment to the Blayney LEP2012 to remove the house listed as Schedule 5 – Environmental Heritage – Neville, Cottage, 9 Macquarie Street, Lot 2, Section 1, DP37459, Local, 1327 and owned by Mr R Newman.

Reason

The owner requested Council remove this house from the heritage list prior to LEP 2012 being finalised. The item was considered by a council workshop and discussion as to its removal. Mr Newman's request should have been included in the changes to the Draft LEP prior to submission to the Department of Planning. It appears that the Department has not removed this item or that the numerous changes undertaken prior to gazettal did not remove the item.

The proposed house does not retain any significant heritage features other than the shape. There are many houses of this design across the Shire and this property is not unique

Cr K Radburn
25/09/2013

Cr S Oates

Attachments

Nil

02 **DEBT RECOVERY POLICY**
(Cr David Kingham)

RECOMMENDED:

1. That Council undertake a review of the Rates and Debtors Recovery Procedure(5D) and Pensioner and Hardship Assistance policy (5E) including the period of non payments of rates, to be extended from two period of non payment to three period and that the review include a procedure for the notification to ratepayers of non payment, and that a written process of agreement be developed that allows ratepayers under financial difficulty to sign an agreement to pay off the outstanding debts prior to legal action to recover the debt being undertaken.

REASON

It has been brought to attention that some ratepayers at periods of time suffer financial stress and require longer periods of time to be able to pay rates and other debts to Council.

It is considered that a revised process is required to extend the period of non payment of rates from two periods to three periods and that staff have a procedure to follow that allows written agreement with ratepayers that sets out the required payments, interest rates and action to be taken should the rate payer default on the payment.

Attachments

- 1 Policy 5E: Pensioner and Hardship Assistance Policy 4 Pages
- 2 Procedure 5D: Rates and Debtors Recovery 4 Pages

CORPORATE SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 14 OCTOBER 2013



03) 2012/2013 FINANCIAL STATEMENTS
(Manager Financial Services)

RECOMMENDED:

1. That Council adopt the 2012/2013 Financial Statements and accept the Auditor's Report, as submitted by Intentus Chartered Accountants.
2. That the 2012/2013 transfers to and from Council's internally restricted cash be adopted.

REPORT

Section 413(3) of the Local Government Act 1993, requires Council to prepare Financial Reports and refer those reports to audit within four (4) months after the end of the financial year (s416 (1)). On completion, section 419 of the Act requires Council to present its audited financial statements, together with the signed auditor's reports, at a meeting of the council. The date of the above meeting must be no more than five (5) weeks after the signing of the auditor's report.

For the 2013 financial year Council has presented a net operating result of \$85,000, with a net operating result before the inclusion of grants and contributions for capital purposes of (\$1,551,000).

After the exclusion of non-cash items incorporated into the income statement there is a cash surplus from operating activities of \$6,775,000. This operating cash surplus contributed to funding Council's capital works program for the year, with the remainder of the required funding coming from the proceeds from asset sales and Council's reserves.

Council expended \$2,947,000 on new non-financial assets throughout the year. A large amount of this was spent on improving Council's road infrastructure and ongoing expenditure on plant and fleet replacement.

A copy of the Auditors report for the 2012/2013 Financial Statements is included as an attachment

Income Statement for the financial year ended 30 June 2013

	Actual 2013 \$ '000	Actual 2012 \$ '000
Income from Continuing Operations		
Rates & Annual Charges	7,457	5,640
User Charges & Fees	1,425	3,232
Interest & Investment Revenue	482	513
Other Revenues	227	191
Grants & Contributions provided for Operating Purposes	3,815	4,301
Grants & Contributions provided for Capital Purposes	1,636	765
Net Gains from Disposal of Assets	-	-
Total Income from Continuing Operations	15,042	14,642

Expenses from Continuing Operations

Employee Benefits & On-Costs	4,951	4,821
Borrowing Costs	155	161
Materials & Contracts	3,357	3,898
Depreciation & Amortisation	4,627	4,424
Other Expenses	1,843	1,597
Net Losses from the Disposal of Assets	24	277
Total Expenses from Continuing Operations	14,957	15,178
Operating Result for the Year	85	(536)
Net Operating Result for the year before Grants & Contributions provided for Capital Purposes	(1,551)	(1,301)

Balance Sheet as at 30 June 2013

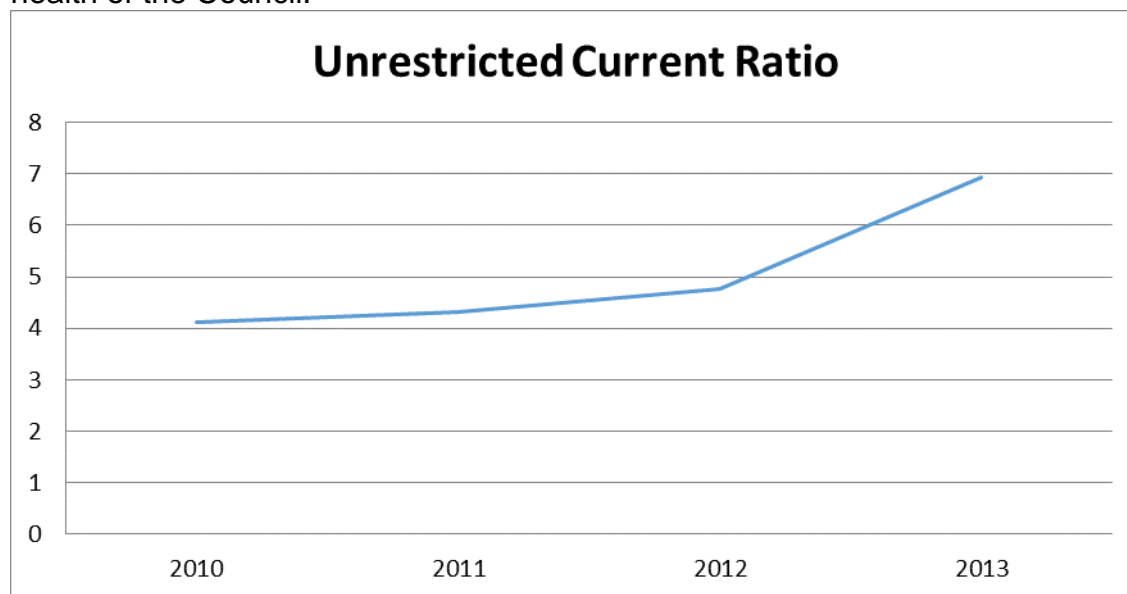
	Actual 2013 \$ '000	Actual 2012 \$ '000
Current Assets		
Cash & Cash Equivalents	10,144	7,102
Investments	1,233	-
Receivables	642	2,974
Inventories	900	854
Other	149	160
Total Current Assets	13,068	11,090
Non-Current Assets		
Investments	-	233
Receivables	61	178
Inventories	-	-
Property, Plant & Equipment	184,173	183,774
Total Non-Current Assets	184,497	184,185
Total Assets	197,565	195,275
Current Liabilities		
Payables	762	1,106
Borrowings	98	92
Provisions	1,233	1,174
Total Current Liabilities	2,093	2,372
Non-Current Liabilities		
Payables	2	-
Borrowings	1,710	1,809
Provisions	506	459
Total Non-Current Liabilities	2,218	2,268
Total Liabilities	4,311	4,640
Net Assets	193,254	190,635
Equity		
Retained Earnings	60,583	60,498
Asset Revaluation Reserve	132,671	130,137
Total Equity	193,254	190,635

Performance Indicators

These indicators are intended to be indicative of the financial health and presence of good business management practices being conducted at Council.

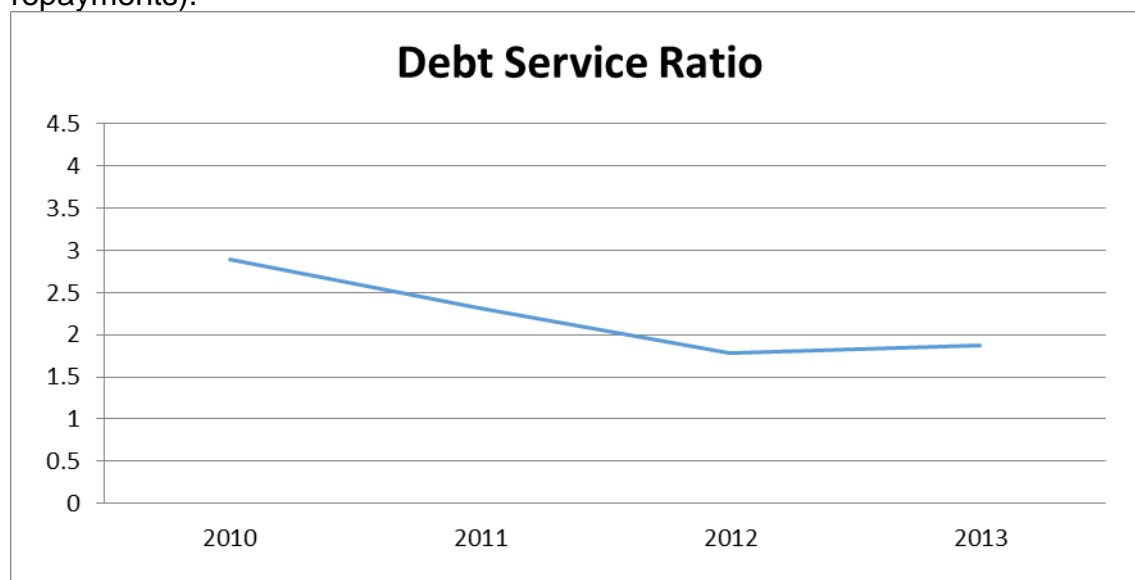
1. Unrestricted Current Ratio – 6.94:1

This ratio demonstrates the ability of Council to satisfy its financial obligations in the short term. The higher the ratio the stronger the short-term financial health of the Council.



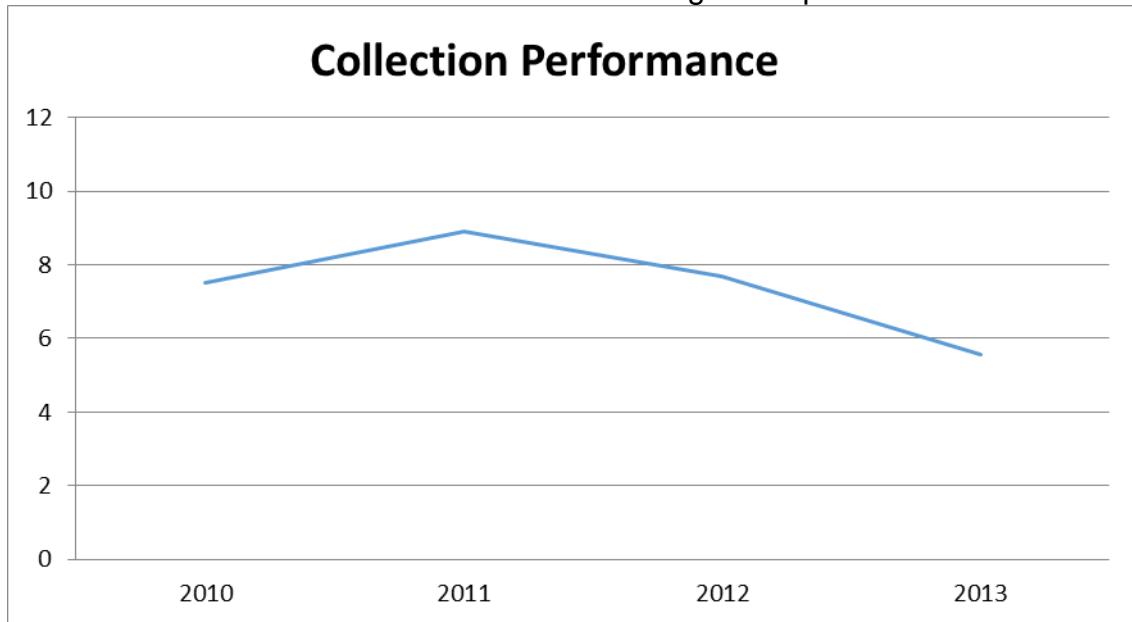
2. Debt Service Ratio – 1.87%

This ratio reflects the ability of Council to service its debt. It shows the amount of annual revenue necessary to service annual debt obligations (loan repayments).



3. Collection Performance – 5.57%

This ratio measures the effectiveness of Council in recovering debts legally owed to it. This ratio is a reflection of debt management policies.



Internally Restricted Cash 30 June 2013

2013 \$ '000	Opening Balance	Transfers to Restrictions	Transfers from Restrictions	Closing Balance
Internal Restrictions				
Plant & Vehicle Replacement	1,188	563	-	1,751
RMS Debtor Restriction	(1,375)	1,375	-	-
Employees Leave Entitlement	564	-	-	564
Asset Replacement Reserve	728	942	-	1,670
Blayney Town Works	185	-	-	185
Cemeteries	6	-	-	6
Community Centre - PA	50	-	(50)	-
Construction of Buildings	8	-	-	8
Election Reserve	42	15	(45)	12
Financial Assistance Grant	1,156	36	-	1,192
Golden Gully	23	-	-	23
Inala Units	12	-	-	12
Local Museums	15	-	-	15
Multipurpose Centre	163	-	-	163
Property Account	468	-	-	468
Quarry	364	39	(73)	330
Showground Improvement Fund	6	-	-	6
Tourism Promotion Fund	20	40	-	60
I.T Reserve	-	40	-	40
Grant Matching Reserve	-	25	-	25
Total Internal Restrictions	3,623	3,075	(168)	6,530

BUDGET IMPLICATIONS

Council produced a budget surplus for 2012/13 with the surplus restricted to the asset replacement reserve.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

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

Attachments

1 Financial Statements 2013 115 Pages

04) REPORT OF COUNCIL INVESTMENTS AS AT 30 SEPTEMBER 2013
 (Manager Financial Services)

RECOMMENDED:

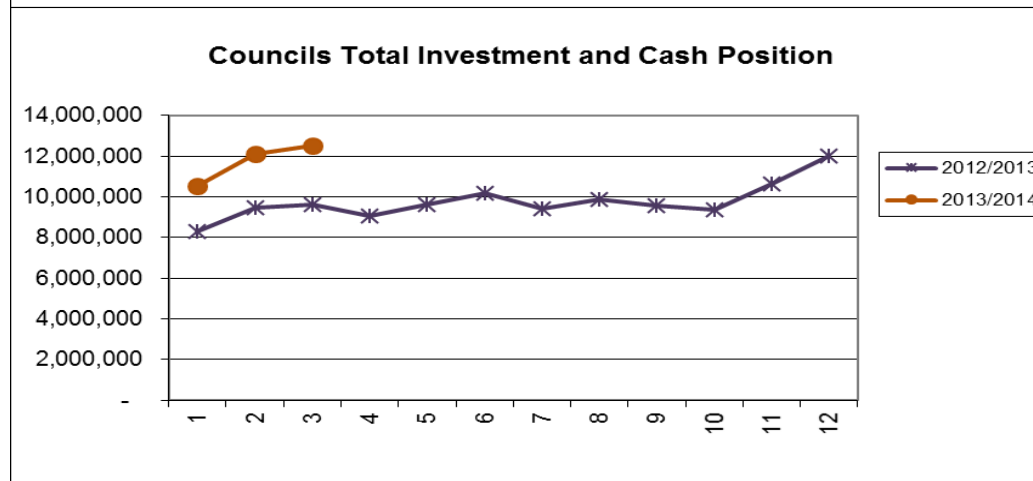
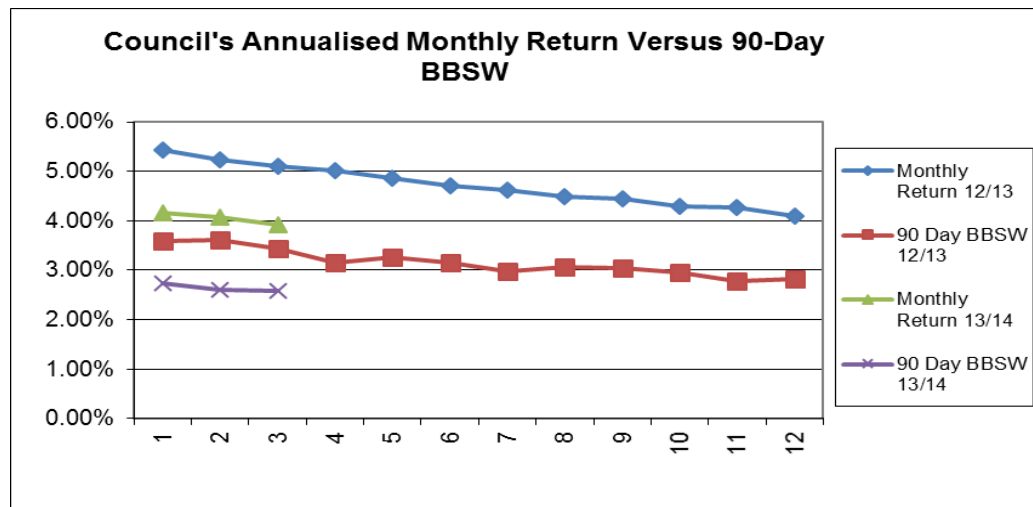
1. That the report indicating Council’s investment position as at 30 September 2013 be received and noted.
2. That the certification of the Responsible Accounting Officer be noted and the report be adopted.

REPORT

This report provides details of Council’s Investment Portfolio as at 30 September 2013.

Council’s total investment and cash position as at 30 September 2013 is \$12,539,379.45. Investments earned interest of \$39,255.78 for the month of September 2013.

Council’s monthly net return annualised for September of 3.82% outperformed the 90 day Bank Bill Swap Rate of 2.58%.



REGISTER OF INVESTMENTS AND CASH AS AT 30 SEPTEMBER 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	3/12/2013	500,000.00	3.85%
Rural Bank	7/01/2014	500,000.00	3.80%
Bank of Sydney	21/01/2014	500,000.00	4.10%
ME Bank	25/02/2014	500,000.00	3.80%
St George Bank	26/11/2013	500,000.00	3.40%
Bank of Queensland	11/02/2014	500,000.00	3.80%
Railways Credit Union	17/06/2014	500,000.00	3.61%
Westpac Bank	22/07/2014	500,000.00	3.63%
Gateway Credit Union	5/12/2013	500,000.00	3.48%
B & E Ltd	10/12/2013	500,000.00	3.45%
ING	4/02/2014	500,000.00	4.13%
Peoples Choice	22/10/2013	500,000.00	4.04%
Bendigo & Adelaide Bank	11/03/2014	500,000.00	3.60%
Police Credit Union	25/03/2014	500,000.00	3.60%
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%
Beyond Bank Australia	20/02/2014	500,000.00	3.85%
Investec Bank	25/02/2014	500,000.00	3.83%
Macquarie Bank	4/03/2014	500,000.00	3.70%
Southern Cross Credit Union	11/02/2014	500,000.00	3.45%
Total		11,000,000.00	3.81%
<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		11,500,000.00	3.82%
Benchmark: BBSW 90 Day Index			2.58%
Commonwealth Bank - At Call Account		657,769.82	
Commonwealth Bank Balance - General		381,609.63	
TOTAL INVESTMENTS & CASH		12,539,379.45	

Summary of Investment Movements - September		
Financial Institution	Invst/(Recall) Amount \$	Commentary
<u>Term Deposits</u>		
Bankstown Credit Union	(505,041.09)	Term Deposit Matured 04/09/2013
Bankstown Credit Union	500,000.00	Term Deposit Reinvested 04/09/2013
Gateway Credit Union	(505,192.33)	Term Deposit Matured 04/09/2013
Gateway Credit Union	500,000.00	Term Deposit Reinvested 04/09/2013
Rural Bank	(506,506.85)	Term Deposit Matured 04/09/2013
Rural Bank	500,000.00	Term Deposit Reinvested 04/09/2013
Macquarie Bank	500,000.00	Term Deposit Invested 04/09/2013
Bendigo & Adelaide Bank	(505,104.11)	Term Deposit Matured 11/09/2013
Bendigo & Adelaide Bank	500,000.00	Term Deposit Reinvested 11/09/2013
B & E Limited	(505,571.23)	Term Deposit Matured 11/09/2013
B & E Limited	500,000.00	Term Deposit Reinvested 11/09/2013
Australian Defence Credit Union	(505,638.36)	Term Deposit Matured 11/09/2013
Southern Cross Credit Union	500,000.00	Term Deposit Invested 11/09/2013
Westpac	(507,100.27)	Term Deposit Matured 17/09/2013
Westpac	500,000.00	Term Deposit Reinvested 17/09/2013
Railways Credit Union	(505,230.14)	Term Deposit Matured 17/09/2013
Railways Credit Union	500,000.00	Term Deposit Reinvested 17/09/2013
Police Credit Union	(505,267.95)	Term Deposit Matured 25/09/2013
Police Credit Union	500,000.00	Term Deposit Reinvested 25/09/2013

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 \$134,242 as at 31 August 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 August on the CDO is 4.20% outperforming the 90 day Bank Bill Swap Rate of 2.58%.

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

I, Chris Hodge, certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, the Local Government (General) Regulation 2005 and Council Policy.

BUDGET IMPLICATIONS

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

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

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

Attachments

Nil

05) **SALE OF LAND FOR UNPAID RATES AND CHARGES -
CHANGE OF AUCTION DATE**
(Manager Financial Services)

RECOMMENDED:

1. That the auction date for the sale of land for unpaid rates be changed to Friday 14 February 2014 commencing at 10:00 am at the Blayney Shire Community Centre.
2. That Council advertise all land in accordance with the Local Government Act, 1993.

REPORT

As reported at the July meeting of Council, Council records indicate that there are 11 properties with in excess of five (5) years rates owing and an amount outstanding of \$94,212.78 in total.

At the above meeting it was resolved to sell the listed properties at a public auction to be held at the Blayney Shire Council Chambers on Friday 8 November, 2013 commencing at 10:00 am.

Due to unexpected delays experienced with Land Title searches to verify land descriptions and owners for the preparation of Sale documents, Council was unable to meet the advertising legislative requirements under S713 of the Local Government Act 1993.

To comply with the above legislative requirements, Council needs to advertise the auction not more than 6 months and no less than 3 months prior to the auction date.

It is proposed that the auction for the sale of land for unpaid rates and charges be scheduled for Friday, 14 February 2014 at the Blayney Shire Community Centre commencing at 10:00 am.

Pursuant to legislation advertisements will be placed in the Government Gazette and at least one newspaper to advertise the sale.

As resolved at the July Council Meeting and pursuant to Section 715 (2) of the Local Government Act 1993, Council will not withdraw any property from the sale unless all unpaid rates and charges are paid in full.

It should be noted that pursuant to Local Government Act - section 716 land may be sold to a Council, a Councillor, a relative of a Councillor, a member of staff of a Council, or any relative of a member of staff in the case of sale by public auction, but not by a way of private treaty.

BUDGET IMPLICATIONS

It is estimated that all costs relating to the sale will be recovered through the sale proceeds. Should the proceeds from the sale of land not cover the costs

of sale or amount of rates and charges owing then the balance will need to be borne by Council. Unpaid rates and charges would be funded from the provision for bad and doubtful debts. Council will bear costs of sale associated with any unsold blocks and provision will be made in Council's 2013/14 Operational Plan for this purpose.

IP&R LINK

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

POLICY IMPLICATIONS

Nil.

Attachments

Nil

06) **COUNCIL CHRISTMAS SHUTDOWN**
(Director Corporate Services)

RECOMMENDED:

1. That Council approve the Christmas Shutdown and notification is prepared for media outlets and Council's electronic media.

REPORT

Council's determination is requested to allow Council Offices and the Depot to close for the Christmas Shutdown period on Friday 20 December 2013, with employees returning to work on Monday 6 January 2014. An outdoor staff skeleton crew will be working during the Christmas/New Year period to ensure that Council is able to respond to any urgent situations over this period. The closure days include Monday 23, Tuesday 24 and Friday 27, Monday 30 and Tuesday 31 December 2013.

As has been the practice in previous years the emergency numbers, as detailed below, will be advertised in the local press, on Council's web page, electronic media and on the front doors of Council's office during the month of December.

Emergency Contact Numbers:

Ranger	0407 295 604
Engineering/Roads	0409 307 041
Sewerage	0428 287 509

BUDGET IMPLICATIONS

Costs associated with public holidays will be borne by budget approved in Council's Operational Plan and staff taking annual and other leave entitlements.

POLICY IMPLICATIONS

Nil.

IP&R LINK

DP6.3.1 Provide a framework for the efficient and effective administration of Council.

Attachments

Nil

07) REPORT ON CODE OF CONDUCT COMPLAINTS FOR PERIOD 1 JULY 2012 TO 30 SEPTEMBER 2013
(Director Corporate Services)

RECOMMENDED:

1. That the report on Code of Conduct complaints for the period 1 July 2012 to 30 September 2013 be received and noting that no complaints have been lodged.

REPORT

Clause 12.1 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW requires the Complaints Coordinator to report annually to Council on Code of Conduct complaints as follows:

12.1 The complaints coordinator must arrange for the following statistics to be reported to the council within 3 months of the end of September of each year:

- a) the total number of code of conduct complaints made about councillors and the general manager under the code of conduct in the year to September,*
- b) the number of code of conduct complaints referred to a conduct reviewer,*
- c) the number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints,*
- d) the number of code of conduct complaints investigated by a conduct reviewer,*
- e) the number of code of conduct complaints investigated by a conduct review committee,*
- f) without identifying particular matters, the outcome of code of conduct complaints investigated by a conduct reviewer or conduct review committee under these procedures,*
- g) the number of matter reviewed by the Division and, without identifying particular matters, the outcome of the reviews, and*
- h) the total cost of dealing with code of conduct complaints made about councillors and the general manager in the year to September, including staff costs.*

The following statistics are provided for Council's information:

Detail	No.
Total number of complaints made about councillors and the general manager under the code of conduct in the period to 30 September, 2013	0
Number of code of conduct complaints referred to a conduct reviewer	0
Number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints	0
Number of code of conduct complaints investigated by a conduct reviewer	0
Number of code of conduct complaints investigated by a conduct review committee	0

Number of matters reviewed by the Division	0
Total cost of dealing with code of conduct complaints made about councillors and the general manager in the year to September, including staff costs	0

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

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

Attachments

Nil

08) **DRAFT PROCUREMENT OF GOODS AND SERVICES POLICY**
(Director Corporate Services)

RECOMMENDED:

1. That the draft Procurement of Goods and Services Policy be placed on public exhibition for a period of at least 28 days.

REPORT

Council has a Purchase of Goods Policy, titled 3G, in need of review following an internal review of Procurement, Contracts and Project Management in 2012 through Council's Audit Committee function and recent external audit recommendations. A number of NSW Councils have also faced scrutiny in 2012 following the ICAC probe, Operation Jarek, into procurement practices of Councils.

The original policy has been largely overhauled and expanded upon. The amendments inserted can be summarised as follows:

- Change of Title to better reflect the policy purpose.
- Introduction of seven (7) key policy principles.
- Policy directives on statutory requirements, conduct, delegations, budget constraints, intentions to proceed, tenders, offers; Government procurement arrangements, procurement in emergency situations, and reporting to Council.

The draft policy is a significant statement by Council on its procurement principles and the standard by which Council will conduct its procurement activities.

This step towards the adoption of this policy will help satisfy the above outstanding internal and external audit recommendations.

A copy of the draft Procurement of Goods & Services Policy as amended has been provided as an attachment to this business paper. This document shows an audit trail of amendments to the original document.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

As outlined above.

IP&R LINK

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

Attachments

1 Draft Procurement of Goods & Services Policy 8 Pages

09) **APPOINTMENT OF INDEPENDENT EXTERNAL MEMBER TO
AUDIT COMMITTEE**
(Director Corporate Services)

RECOMMENDED:

1. That Council approve the appointment of Mr Phillip Burgett FCA as the independent external member on the Blayney Shire Audit Committee.

REPORT

The Blayney Shire Audit Committee has a vacancy following the passing of an independent external member earlier in the year.

Council's Audit Committee Charter provides the following:

Composition and Tenure

Members (voting)

- *Mayor (or delegate)*
- *Two independent external members (not members of the Council) who have relevant experience or qualifications.*

The WBC as advocate for all member Councils, excluding Wellington, has been active over the last month in attracting independent representation to fill this vacancy for their respective Council Audit Committees.

At the close of applications the WBC received only one application from Mr Phillip Burgett FCA. Mr Burgett is a Fellow of the Institute of Chartered Accountants, Life Fellow of the Local Government Auditors' Association, Registered Company Auditor and has 24 years' experience as Partner in a Public Accounting Practice.

The proposed appointment would be within the DLG Internal Audit Guidelines and Council Audit Committee Charter. The appointment of Mr Burgett as an independent external member will permit the Audit Committee to have its complement of two independent external members and support a framework of internal governance within Council.

BUDGET IMPLICATIONS

The position of independent external members is paid an allowance and provision exists in Council's 2013/14 Operational Plan for such costs.

POLICY IMPLICATIONS

Nil.

IP&R LINK

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

Attachments

Nil

10) **DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS**

(Director Corporate Services)

RECOMMENDED:

1. That the “Disclosures by Councillors and Designated Persons” returns as tabled be received.

REPORT

In accordance with Sect 450A of the Local Government Act 1993, all returns disclosing interests of Councillors and designated persons, for the period 1 July 2012 to 30 June 2013, must be tabled at the first meeting of Council following the last day for lodgment of the returns. This date was 30 September 2013.

Accordingly, a copy of the returns will be tabled at this meeting for each Councillor, who held office at 30 June 2013, and the following designated persons as determined by the General Manager:

- General Manager
- Director Corporate Services
- Director Planning & Environmental Services
- Director Infrastructure Services
- Manager Financial Services
- Operations Manager
- Infrastructure Manager
- Senior Health & Building Surveyor
- Relief Senior Town Planner
- Senior Town Planner
- Human Resources Manager

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil.

IP&R LINK

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

Attachments

Nil

11) **SALE OF INDUSTRIAL LAND - 112 MARSHALLS LANE**
(Director Corporate Services)

RECOMMENDED:

1. That Council accept the offer from Midwestern Engineering Pty Ltd for sale part lots 5 and 6 (12,500 square metres) on Lot 22 DP1056047 (112 Marshalls Lane) for the amount of \$78,000; and
2. That Council endorse execution of relevant contracts and associated documentation by the Mayor and General Manager under Council seal.

REPORT

Council at its meeting held 17 June 2013 considered a report pertaining to sale of industrial land at 112 Marshalls Lane, Blayney (Lot 22 DP1056047), or part thereof, as follows:

Resolved:

That Council offer for sale part Lots 5 and 6 (12,500 square metres) on Lot 22, DP1056047 to the market for the amount of \$78,000 plus subdivision costs of said parcels.

Council called for public expressions of interest in August with offers being closed 20 September 2013. At the closing date Council had received one (1) offer for part lots 5 and 6, 112 Marshalls Lane, Blayney (Lot 22 DP1056047) from Midwestern Engineering Pty Ltd in the amount of \$78,000.

Should the sale proceed, costs of subdivision associated with the sale would be in the order of \$9,000 would have to be borne by Council.

Sale of the land will encourage economic growth of business in the industrial area and aligns to Council's corporate plan objectives.

BUDGET IMPLICATIONS

Should the sale proceed Council will bear costs of subdivision that will be offset by proceeds of sale. Sale of the property will however see the part write off of the asset held in Council's books. Nett proceeds from such land sales are held as Internally Restricted cash available for future land development purposes.

POLICY IMPLICATIONS

Nil.

IP&R LINK

DP1.6.3 Support and encourage the establishment or expansion of local businesses

Attachments

1 EOI Application Form Midwestern Engineering 1 Page

INFRASTRUCTURE SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 14 OCTOBER 2013



12) **KING GEORGE OVAL HIRE FEES**
(Director Infrastructure Services)

RECOMMENDED:

1. That Council adopt the proposed fees for inclusion into the 2013-2014 Operational Plan Fees and Charges;
2. That the fees be exhibited for public comment for 28 days in accordance with Section 610F of the Local Government Act.

REPORT

Executive Summary

Councillors would be aware that the Blayney Little Athletics (Little A's) Club has recently been re-established and is seeking to commence operations shortly at King George Oval (KGO).

Approval is sought for the adoption of a seasonal hire fee, to be included into Council's Fees & Charges for the hire by Little A's for the summer season 2013-14.

This report provides a recommendation to adopt an appropriate seasonal hire fee for the use of the ground.

Background

Approximately twelve months ago, Little A's supporters indicated a desire to re-establish the Blayney club, with a view to using the facilities at KGO. Recent registration days have generated a membership in the order of 120 persons ranging in age from 6 – 16.

King George Oval provides extensive facilities for the undertaking of athletics events. These include a recently remarked/sized 400m, 6 lane running track, shot putt and discus rings, and long jump pit.

As many would be aware the grassed surface is regionally regarded to be of high quality.

Little A's have recently been issued with approval to undertake the erection of a discus cage to protect adjoining properties from errant throws.

Consideration has been made of the level of works required to prepare Little A's facilities, including such matters as line marking. In the past, athletics line marking was not remarked as there was no demand during the summer season. However with the commencement of Little A's, it is anticipated that lines will be required to be remarked an additional three times during the season. Whilst there are additional costs in undertaking this work, there are indirect savings, as the time taken to remark over existing lines, and not have to re-establish lines requires less time.

The level of maintenance to sustain the surface is reduced during summer (exclusive of water consumption) as the impact from users is less, and the warmer weather induces growth, providing improved self repair.

Based upon the level of usage at King George Oval, and in consideration of the level of maintenance required for the athletics facilities, it is considered appropriate that the seasonal hire fee be set similar to that for Blayney Cricket, in the first commencing year.

A review of hire fees in adjoining Local Government Areas provided no clear guidance on fees charged by other Councils for Little Athletics. Larger regional centres were also reviewed and are outlined below.

Council	Charge (\$)	Comment
Dubbo	1733	Per club. Barden Park under redevelopment
Tamworth	2488	Regional Sports Complex
Wagga	650	Jubilee Park

The proposed fee for Blayney Little Athletics Seasonal (Summer) hire for 2013-14 is \$421.00 being similar to that charged to Blayney Cricket.

BUDGET IMPLICATIONS

User charges and hire fees for sporting facilities have not historically been developed on a full cost recovery basis, and should this occur it is expected this would place significant financial pressure on sporting clubs within the shire. Notwithstanding this a review of hire fees should be undertaken, and Council determine a suitable percentage of cost recovery.

POLICY IMPLICATIONS

Nil.

IP&R REFERENCES

DP 2.1.4 Work proactively with the community groups to assist with event management.

DP 2.2.1 Encourage active participation in sport.

Attachments

Nil

13) **NSW GRAIN HARVEST MANAGEMENT SCHEME**
(Director Infrastructure Services)

RECOMMENDED:

1. That Council
 - a. provide in principle support for a trial of the Grain Harvest Management Scheme 2013/14.
 - b. recommend the scheme include incentives for operators to implement on-board mass management systems.

REPORT

Transport for NSW (TfNSW) has released a discussion paper on the proposed Grain Harvest Management Scheme for 2013/14 (**Attached**).

The main aim of the proposed scheme is to increase the productivity of the transport of grain from the farm gate to the silo.

Following consultation with major stake holders, a review of the 2012/13 mass exemption and the Queensland Grain Harvest Management Scheme, TfNSW have developed the discussion paper putting a case for grain harvest management that would build the foundation for a long term plan to support productivity gains in the grain industry.

Figures presented in the paper, indicate that 65% of all grain truck movements are loaded at or below the legal limit; approximately 34% are loaded at less than 5% over the limit and approximately 1% exceed 5% overloading.

Under current arrangements, vehicles that exceed the limit can be turned away from the silo until they meet the limit. This can result in dumping of excess material which has the combined effect of wasting product, potentially causing environmental issues on public roads and returning overloaded vehicles to local roads.

The structure of the 2013/14 Scheme contains some 10 key elements. They are described in the attachment. Some of the key elements include;

- Flexibility of up to 5% over General Mass Limits (GML) for both gross vehicle mass and axle group masses for eligible grain vehicles moving from farms to point of first receipt across NSW.
- To cater for the potential of mass shifting during transit an additional 0.5t on each tri-axle would be allowed but the total mass would be limited to that of the 5% over GML. This is to recognise that loading in the field is generally reliant upon the experience of the operator often under difficult conditions.
- All participating vehicles would be required to be accredited under the Mass Management module of the National Heavy Vehicle Accreditation Scheme (NHVAS).

The load tolerance of 5% over GML would not have a measurable impact on road infrastructure.

It is noted that Council has received further advice from TfNSW via CENTROC (**attached**) seeking approval for an additional 200kg (total 0.7t) on the tri-axle of a semi trailer be permitted for operators accredited under the NHVAS.

Membership of the scheme would be a choice of the truck operator and compliance provisions apply. TfNSW would engage a third party to administer the scheme.

It is anticipated there would be limited demand for the scheme within the Blayney Shire, however the transport of grain over local and regional roads could be expected. Council support is therefore recommended.

BUDGET IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

IP&R LINK

Nil

Attachments

- | | | |
|---|--|----------|
| 1 | Grain Harvest Management Scheme Discussion Paper | 22 Pages |
| 2 | TfNSW Letter to CENTROC | 1 Page |

PLANNING AND ENVIRONMENTAL SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 14 OCTOBER 2013



14) **NETWASTE 2013 HOUSEHOLD CHEMICAL CLEANOUT**
(Director Planning and Environmental Services)

RECOMMENDED:

1. That the report be received for information.

REPORT

The 2013 NetWaste Household Chemical Cleanout will be held in Blayney Shire Council on Saturday 2 November 2013 from 1.00pm to 4.00pm at Blayney Waste Depot.

The cleanout provides an opportunity to safely and easily dispose of unwanted or out-of-date chemicals kept at people's homes.

It is a free service for the safe disposal of a range of common household chemicals, many of which could cause harm if not disposed of correctly.

The cleanout accepts household waste only (no commercial waste) and includes:

- paint and paint related products;
- pesticide, herbicides and poison;
- solvents and household cleaners;
- household batteries (not lead acid);
- gas bottles;
- fire extinguishers;
- pool chemicals;
- acids and alkalis and hobby chemicals;
- fluorescent tubes and smoke detectors; and
- pharmaceuticals.

Items not accepted include:

- tyres;
- asbestos;
- general rubbish;
- infectious waste;
- empty containers;
- explosives;
- flares; and
- mobile phones.

Further information about the cleanout is available from the link, to NetWaste, provide on Council's webpage.

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

IP&R LINK

DP 4.5.1 Develop and promote programs that increase the participation of the community in recycling and reducing waste going to landfill.

Attachments

1 NetWaste Chemical Cleanout Information Sheet 2 Pages

15) **PLANNING PROPOSAL TO AMEND NOS 1 AND 11
BEAUFORT STREET, BLAYNEY FROM COMMUNITY TO
OPERATIONAL LAND**

(Director Planning and Environmental Services)

RECOMMENDED:

1. That Council pursuant to Section 59 of the *Environmental Planning and Assessment Act 1979*, forward the Planning Proposal to the Department of Planning and Infrastructure, for the Minister to make a Local Environmental Plan:
 - a. To reclassify Lot 19, DP 244853 – 1 Beaufort Street, Blayney and Lot 7, DP 236443 – 11 Beaufort Street, Blayney (subject sites) from ‘Community’ to ‘Operational’ land for residential purposes under Blayney Local Environmental Plan 2012.

REPORT

At its meeting of 17 June 2013, Council resolved to prepare a Planning Proposal to amend Blayney Local Environmental Plan 2012 to Lot 19 DP 244853 – 1 Beaufort Street, Blayney and Lot 7 DP 236443 – 11 Beaufort Street, Blayney (subject sites) from ‘Community’ to ‘Operational’ land for residential purposes.

Council staff prepared a Planning Proposal to re-classify the subject sites and forwarded it to the Department of Planning & Infrastructure on 28 June 2013. A Gateway Determination was issued on 18 July 2013. A copy of the Gateway Determination is attached.

Community Consultation

In accordance with the Gateway Determination the Planning Proposal was placed on public exhibition for a period of 28 days from Thursday 1 August 2013 to Thursday 29 August 2013. During the public exhibition period the Planning Proposal and all relevant documents were publicly available at the Council office, Blayney Post Office and on Council’s website.

An advertisement was placed in the Blayney Chronicle on Thursday 1 August 2013 and Thursday 8 August 2013. Three (3) submissions were received during the public exhibition period. Copies of the submissions are attached.

The submissions outlined the following concerns:

- The subject sites are affected by localised flooding, which leads to drainage issues onsite and adjoining residential properties;
- Loss of parkland and recreational space; and
- Loss of views and privacy on adjoining residential properties.

Consideration has been given to the submissions by the independent chairperson of the public hearing, within the chairperson’s report, and by Council. As such, the following is acknowledged:

- Council can design an adequate storm drainage system should the site be subject to future subdivision and/or residential development.
- The subject sites have been identified as being surplus to the community's needs for open space and recreation within the Town of Blayney as per Council's Operational Plan. As such, the sites are considered appropriate for residential development which will respond to a demand for housing in the Town of Blayney.
- Development that has the potential to impact on views and privacy could be constructed on both community and operational land.

In summary, Council and the independent chairperson's report conclude that no amendment is required to the Planning Proposal.

In accordance with section 29 of the *Local Government Act 1993*, a public hearing was independently chaired under section 57 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), on 11 September 2013 at the Blayney Community Centre.

21 days' notice of the public hearing was provided to the public from 1 August 2013 to 29 August 2013. An advertisement was placed in the Blayney Chronicle on 1 August 2013 and notification was given to the public on Council's website. Notification was sent via written form to the three (3) persons who made submissions during the public exhibition period.

One (1) member of the public attended the public hearing.

An independent chairperson's report was prepared by the chairperson and provided to Council on 16 September 2013. In accordance with section 47G of the *Local Government Act 1993*, the report was made publicly available on Council's website on 25 September 2013.

The independent chairperson's report recommends that Council support the Planning Proposal. A copy of the chairpersons report is attached.

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

IP&R LINK

DP 1.1.2 Promote sustainable development and protection of our natural resources through the planning system.

Attachments

- | | | |
|---|--------------------------|----------|
| 1 | Submissions | 16 Pages |
| 2 | Gateway Determination | 3 Pages |
| 3 | Report on Public Hearing | 6 Pages |

16) **MODIFICATION TO DEVELOPMENT APPLICATION
NO.230/2012 - STORAGE SHEDS AT 142 ADELAIDE
STREET, BLAYNEY**

(Director Planning and Environmental Services)

RECOMMENDED:

1. That Council take the opportunity to amend errors within the original development consent, relating to repetition of conditions and clarification, as outlined in the following report.
2. That Council consent to the modification to DA230/2012, subject to the following conditions.

**SCHEDULE A
CONDITIONS ISSUED WITH DEVELOPMENT
APPLICATION NO.230/2012**

1. Development is to take place in accordance with the Development Application 230/2012, documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent.

Note: Any alterations to the approved development application plans must be clearly identified WITH THE APPLICATION FOR A CONSTRUCTION CERTIFICATE. The Principal Certifying Authority (PCA) for the project may request an application for modification of this consent or a new application in the event that changes to the approved plans are subsequently made.

STATUTORY

REASON: To comply with legislative statutory requirements.

2. Prior to the use of the building, an Occupation Certificate is to be obtained and, where Council is not the PCA, a copy is to be submitted to Council.
3. Provide a clearly visible sign to the site stating:
 - a. Unauthorised entry is prohibited;
 - b. Builders name and licence number, or owner builders permit number;
 - c. Street number or lot number;
 - d. Contact telephone number/after-hours number;
 - e. Identification of Principal Certifying Authority.
4. There shall be no burning of waste material, felled trees or other material on the site.
5. The building shall be constructed and maintained in accordance with the requirements of the Building Code of Australia.

ENVIRONMENTAL**REASON: To comply with Council's statutory requirements.**

6. Prior to the commencement of works, the applicant shall install and maintain adequate sediment and soil erosion controls in accordance with WBC Engineering Guidelines which are available from Council's website www.blayney.nsw.gov.au.

DRAINAGE**REASON: To comply with Council's requirements to ensure the site/buildings are adequately protect from storm water.**

7. All drainage and plumbing work is to be carried out in accordance with the current Plumbing and Drainage Code of Practice.
8. All plumbing and drainage work shall be carried out by a licensed plumber and drainer.
9. A Works As Executed Plan, drawn to the scale of 1 in 200, of drainage is to be submitted to Council at the time of inspection.
10. All roofed and paved areas are to be drained and the water from those areas and from any other drainage must be conveyed to the proposed gutter drainage system along the unnamed Council owned laneway.
Storm water disposal drains shall be connected to all roof gutter down pipes within fourteen (14) days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roof water to the approved method of disposal.
Where kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) shall be installed in the kerb.
Note 1: Two copies of a plan showing the location of the storm water disposal system are to be submitted to Council before occupation.
Note 2: 'Pump-out' storm water drainage systems are not acceptable.
11. The ground surrounding the building shall be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both shall be provided to all excavated areas, hard standing areas and depressions. The invert of such drains shall be a minimum of 200 mm below the finished floor level and shall have a minimum grade of 1:100 to the approved storm water disposal location. This work shall be carried out within fourteen (14) days of the installation of roof gutter down pipes.

AMENITY

REASON: To limit the impact of the development on adjoining and nearby residents and to comply with Council's policies on development.

12. Roads and Maritime Services require:
 - a. Advertising signage must be permissible under the current zoning of the subject land.
 - b. Advertising signage is not to flash, move or be objectionable glaring or luminous.
 - c. Advertising signage is not to be replicate and regulatory signage or give direction to traffic.
13. The hours of operation are to be limited to:
 - Monday to Friday 7am to 9pm
 - Saturday 7am to 9pm
 - Sunday 7am to 9pm
14. That noise generating construction activities are to be restricted to the hours of:
 - Monday to Friday 7am to 6pm
 - Saturday 8am to 5pm
 - Sunday and Public Holidays Nil
15. A Fire Safety Schedule specifying the proposed fire safety measures to be implemented in the building is to be submitted with the Construction Certificate application, in accordance with Part 9 clause 168 of the Environmental Planning and Assessment Regulation 2000.
16. Any signage associated with the development shall not be illuminated.

ENGINEERING

REASON: To ensure the proper design and construction of an adequate access for the proposal.

17. The applicant is to submit three (3) copies to Council of engineering plans, specifications and calculations in relation to Conditions 18, 20, 25, 27, 28, 29, 30, 32, and 35. Further, the works are to comply with *WBC Guidelines for Engineering Works* prior to issue of the Construction Certificate.
18. The construction and sealing of the road, to a width of 5m, with barrier kerbing and guttering on both sides of the Unnamed Lane from the intersection of Ogilvy Street to the northern boundary of the subject land. These works are to include kerb returns into Ogilvy Street, and the provision of street drainage where necessary. All works are to comply with the *WBC Guidelines for Engineering Works* and be completed prior to the issue of an Interim or Final Occupation Certificate.
19. The applicant is to arrange an inspection of the development works by Council's Engineering Department at the following stages of the development. This condition applies notwithstanding any private certification of the

engineering works.

	COLUMN 1	COLUMN 2
A	Road Construction	<ul style="list-style-type: none"> • Following site regarding, and prior to installation of footway services; • Excavation and trimming of subgrade; • After compaction of base, and prior to sealing; • Establishment of line and level for kerb and gutter placement; • Subsoil Drainage; • Road pavement surfacing; • Pavement test results (compaction, strength).
B	Drainage	<ul style="list-style-type: none"> • After laying of pipes and prior to backfill; • Pits after rendering openings and installation of step irons.
C	Water	<ul style="list-style-type: none"> • After laying of mains and prior to backfill; • After laying of services and prior to backfill; • Pressure testing.
D	Sewerage	<ul style="list-style-type: none"> • After laying of pipes and prior to backfill; • Main – air pressure testing; • Manhole – water test for infiltration, exfiltration.

20. A 6 metre wide reinforced concrete vehicular crossing over the footway adjacent to the proposed ingress/egress point including splays measuring 500 mm to the street and 1000 mm perpendicular to the street and along both sides of the crossing, is to be designed and constructed in accordance with *WBC Guidelines for Engineering Works*.
21. The new entrance and exit are to have adequate clearance from the top surface of the footway crossings as constructed to the underside of any overhead electricity or telephone wires, to the satisfaction of Essential Energy and/or relevant telecommunications authority respectively. Written evidence of compliance with the Authorities' requirements is to be provided to Council.
22. The developer is to make a payment to Council for the provision of a stop sign. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.
23. The developer is to lodge a bond with Council equal to 5% of the total civil construction costs at practical completion to

- be held by Council for a minimum period of twelve (12) months. **The bond must be lodged with Council before an Occupation Certificate can be issued by the PCA.**
24. The payment of \$10.00 per lineal metre for the inspection of the road during construction being a total of \$800.00. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's fees and charges for the financial year in which payment is made.
 25. The developer is to submit a Soil and Water Management Plan for the site in accordance with *WBC Guidelines for Engineering Work*. No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended has been issued by Council or an accredited certifying authority certifying that the plan is in accordance with Council's *WBC Guidelines for Engineering Works*. Upon certification, the measures in the Soil and Water Management Plan are to be implemented during the course of the development.
 26. The developer is to relocate, if necessary, at the developer's cost any utility services.
 27. The building footings shall be piers and beamed to below the sewer main invert level. The design shall be carried out by a structural engineer.
 28. The existing sewer main shall be replaced with a ductile iron cement lined material between the two manholes either side of the development. **All works are to comply with the *WBC Guidelines for Engineering Works* and be completed prior to the issue of an Interim or Final Occupation Certificate.**
 29. All road drainage is to be conveyed to a legal point of discharge in accordance with *WBC Guidelines for Engineering Works*.
 30. All earthworks, filling, building, driveways or other works, are to be designed and constructed (including Stormwater drainage if necessary) so that at no time will any ponding of stormwater occur on adjoining land as a result of this development.
 31. Prior to the issue of an Interim or Final Occupation Certificate, the applicant is to submit an electronic copy of the works as executed for the works required by conditions 18, 27 & 28 in AutoCAD 2013 format. Further the works are to comply with *WBC Guidelines for Engineering Works*.
 32. The paving (in concrete) and permanent line marking or all vehicular manoeuvring and parking areas, in accordance with *WBC Guidelines for Engineering Works*.
Note: If other hard standing, dust free and weather proof

surfaces are proposed instead of concrete, written approval is to be obtained from Council that the proposed alternative is acceptable.

33. The applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, from Council, certifying that the engineering work required have been constructed in accordance with the approved plans and *WBC Guidelines for Engineering Works notwithstanding PCA*.
Note: Council is the Certifying Authority in relation to engineering works. Fees will be payable in accordance with Council's Revenue Policy.
34. The applicant is to obtain a Construction Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, from Council, including certification that the proposed civil works are in accordance with *WBC Guidelines for Engineering Works*, prior to any works commencing, **notwithstanding PCA**.
Note 1: No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificate or certificates have been obtained.
*Note 2: **YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a construction certificate at the same time as you lodged with development application.***
35. The footway crossings, driveways, loading and unloading areas, manoeuvring areas and parking areas, are to be designed/redesigned so that a single unit truck 12.5 metres in length and a passenger vehicle with trailer attached may perform a left turn into the site, turn around, and exit the site in a forward direction. **A plan drawn to scale showing all parking and manoeuvring areas is to be submitted to Council for approval prior to issue of the Construction Certificate.**
Note: All vehicle turning movements are to be based on the Austroads design vehicle.

HERITAGE

REASON: To comply with statutory requirements and conserve heritage significance

36. The developer is to have regard for the heritage recommendations, as follows:
- The storage units are to be constructed in neutral tones, compatible with surrounding development, particularly the heritage premises at 41 Ogilvy Street. **The choice of colours should be provide to Council prior to the issue of the Construction Certificate.**
 - The developer is to undertake landscaping along the

southern and eastern boundaries of the site to screen the building from adjoining properties, particularly from the heritage premises at 41 Ogilvy Street. **Such landscaping should be in place prior to the issue of the Construction Certificate, and maintained for the life of the development.**

- c. **Detail of signage content is to be provided to Council prior to the issue of the Construction Certificate.** Colour scheme for the signage should be in neutral tones, to not detract from the streetscape in the Heritage Conservation Area along Adelaide Street.
37. Condition Nos 15, 17, 21, 24, 35 and 36 are to be satisfied **prior to the issue of a Construction Certificate.**

ADVICE AND NOTES

Protective Guard Rail

In accordance with the Anti Discrimination Board letter of 1 October 2013, the applicant is requested to provide a design for, and construct a suitable engineer barrier for the length of the road that adjoins the dwellings at 43 and 45 Ogilvy Street, Blayney.

Inspection Schedule

The Water Authority is required to ensure all work is carried out in accordance with the consent, Building Code of Australia (BCA), and relevant standards, which is done during inspections at nominated stages of the work. The “Inspection Schedule” lists the mandatory inspections that must be carried out by Blayney Shire Council during construction of the work.

As the water authority, Council must undertake inspections of the various stages of construction as follows:

- a. Internal and External sanitary drainage.
- b. Hot and Cold water prior to internal lining.
- c. Final for water once all water using fixtures are installed.

Notice of Commencement of Building Works

The attached form needs to be completed and faxed or mailed to Council at least two (2) days before any works commences on the site.

REPORT

Applicant:	Peter O’Brien Constructions P/L
Owner:	Peter O’Brien
Application No:	230/2012
Zone:	B2 Local Centre
Date Received:	22 November 2012, modification received 25 May 2013

Assessment No:	A306854
Property:	Lot 17 Sec 2 DP 758121, 142 Adelaide Street, Blayney
Proposed Development:	Storage sheds

Description of Proposal

The proposed development was originally to erect a large number of storage units (40) at the rear of the existing office premises at 142 Adelaide Street, Blayney (see plans at **Attachment A**). Some 34 of the units were to be 3m x 6m, and the remainder was to be smaller with varying sizes, all under the one roof.

The site achieves access off an unnamed lane into the rear of 142, which feeds off lower Ogilvy Street.

The units are to be constructed of steel frame, colorbond steel walls and roof, on a concrete slab. Dividing walls are to be constructed with fire walls to comply with the requirements of the Building Code of Australia.

The colours chosen for the units are to be in neutral tones, and the colorbond colours of Shale Grey for the roof, Windspray for the walls and roller doors, and Monument for the guttering and flashings. These are generally grey tones.

The application was notified to adjoining owners and Roads and Maritime Services and submissions were received. The RMS responded with conditions for the consent relating to signage. One other submission was lodged against the proposal and the last was in favour.

The developer had requested pre development application advice in regard to the application, and was advised by correspondence of 13 November 2012 that the development was permissible under the Blayney LEP 1998, with Council consent.

The developer was also advised that under the Draft Blayney Local Environmental Plan 2012 the land would be zoned B2 Local Centre, where the storage sheds would not be permissible. The application was duly lodged on 22 November 2012.

The Blayney Local Environmental Plan 2012 came into place on 23 November 2012. However, as the development had been lodged under the previous LEP, it was assessed under that planning instrument, and the issues reviewed.

It was considered that the issues raised could be satisfactorily addressed, Council's Director of Planning and Environmental Services exercised his delegations, and development consent was issued, subject to conditions, on 31 January 2013.

The issues raised were assessed, and addressed as follows:

Issue	Assessment
Width of laneway	From the information available to Council, the lane is 6.035m wide.
Traffic generation expected	The developer suggests an increase in two vehicle movements per day.
Hours of operation	Proposed to be 7am to 9pm, 7 days a week, see Condition No. 15.
Use of Quality Hardware land	The development is subject to the use of the lane only.
Condition of lane	The lane is to be upgraded by the developer, see Condition Nos. 20, 21, 22, 23, 38.
Drainage of lane	The lane drainage is to be addressed, see Condition Nos. 20, 21, 27, 31, 33.
Power poles, gas mains, hot water service	Any utility services are required to be relocated, and the sewer through the site addressed, see Conditions No. 6, 29, 30
Noise to adjacent dwellings	The hours of operation are limited, the noisy gravel surface would be sealed.
Fencing	Fencing of the land is not a Council matter, but falls under the Dividing Fences Act.
Oversupply of storage sheds	Council has no record of any other such style of facilities in the Blayney Shire.

Subsequently a modification was lodged on 25 May 2013 which sought to alter the configuration of the sheds and reduce them in number to 30.

The modification was notified to adjoining landowners and a submission was received, which related to the permissibility of the development. Another submission was received which was in support of the development, stating that the development would have minimal traffic and that it would be an asset.

A further submission related to a number of issues, which are considered in the following assessment.

Subsequent discussion with Council in relation to the turning and manoeuvring areas on the site and at the entrance resulted in the number of units being reduced further to 29 (see **Attachment B**). The application then required re-notification, and submissions were again received.

Development assessment

It is noted that the modification is in regard to the re-configuration of the shed footprint on the site only, and any adjustments to be made to the conditions of consent that relate to this.

Council cannot assess or consider any unrelated aspects of the modification or the existing development consent, other than matters such as typographical or formatting errors. In this instance (see original consent at **Attachment C**) the following matters require attention:

- Conditions 6, 28 - relocation of utility services – repetition – delete 28.
- Conditions 7, 37 - requirement for Construction Certificate – repetition – delete 7.
- Condition 24 - STOP sign – not street sign.
- Conditions 26, 32 - Inspection fees for civil works – repetition – delete 32.
- Conditions 19, 34 – adjust Condition numbers to suit altered conditions of consent.

Section 79C Evaluation - matters for consideration

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

1. State Environmental Planning Policies

There are no particular SEPPs that are relevant to this development.

2. 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.

3. Local Environmental Plans

The land was zoned 2(v) Village under the BLEP 1998 when the application was lodged, and the objectives of that zone are now considered in relation to the modification:

- The objective of this zone is to promote development in existing towns and villages in a manner which is compatible with their urban function.

Comment: Under this LEP the 'urban function' encompassed a wide range of facilities which included commercial and light industrial development, such as the sheds, all of which would serve to compliment and support each other with minimal landuse conflict.

Under the modification the reconfiguration of the units and the reduction in the number of units down to 29 reduces the impact on the neighbourhood somewhat, in relation to traffic numbers.

Clause 21: Development along arterial roads – the development is located on an arterial road and the RMS were notified as a result of the modification, providing a response relating to advertising signage.

Clause 25: Protection of heritage items and heritage conservation areas

The application was lodged prior to the BLEP 2012 and under the previous Blayney LEP 1998, when there was no Heritage Conservation Area, and the site is assessed as such.

The proposed modified development is located at the rear of an existing commercial premise on Adelaide Street, and comprises a number of storage units, constructed of colorbond cladding. The units would not be visible from the street and therefore the streetscape is unlikely to be affected by the modification.

The developer proposed signage to be located on the Adelaide Street frontage. This choice of location was referred to the RMS for comment, who provided conditions to be placed on the consent.

Clause 27 Development in the vicinity of a heritage item

Under the BLEP 1998, there were no heritage items in this vicinity.

The proposed modified development is located at the rear of an existing commercial premises on Adelaide Street, and now comprises 29 attached storage units, constructed of colorbond cladding, steel frame on a concrete slab. It is noted that the height of the building would be 4.2m at the highest point.

The site is accessed via an unnamed lane at the rear of the site. Traffic would enter the lane off Ogilvy Street. It is unlikely that the modified development would impact upon any heritage items due to their proximity away from the development site.

The developer has agreed to provide landscaping along the southern boundary of the site, and colour the units in neutral tones.

4. Guidelines and policies

Council's Notification Policy applies to the development and the proposal was notified to adjoining owners accordingly for 14 days from 4 December 2012. Two submissions were received, one for and one against. The issues raised were considered and addressed as above.

The modification application was notified for 14 days from 17 July 2013, and submissions were received, the issues raised are to be considered later in this report.

The second notification of the modification was for 14 days from 23 August 2013 and resulted in submissions, the issues raised to be considered later in this report.

79C (a)(ii) the provisions of any draft environmental planning instrument**Draft State Environmental Planning Policies**

Comment: There are no Draft SEPPs relevant to this development.

Draft Local Environmental Plans

There are no longer any draft local environmental plans relevant to this development. However, at the time of lodgement, the Draft Blayney Local Environmental Plan 2012 was relevant. The Draft Plan set the zoning for the land as B2 Local Centre, and the modification is now considered under the objectives of that zone as follows:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.

Comment: This modified development would serve the community in regard to storage facilities, to complement both business and residential activities. There are other facilities within the town, but not in the immediate vicinity.

- To encourage employment opportunities in accessible locations.

Comment: The development would create an opportunity for employment during the construction phase.

- To maximize public transport patronage and encourage walking and cycling.

Comment: The proposed development is unlikely to address this objective due to the nature of the development.

- To preserve Adelaide Street as the retail and commercial centre of the Town of Blayney to support the needs of Blayney.

Comment: The development site is located off Adelaide Street, and would support residents, and business, within the local centre. The Adelaide Street frontage would not be impacted upon.

Comment: Since the inception of Blayney Local Environmental Plan 2012, the instance has arisen where developments such as this have been lodged prior to the commencement of BLEP2012, and consents issued, and under BLEP2012 they are not permitted uses in the new zone. In this instance they are able to operate under “existing use rights” (*Environmental Planning & Assessment Act 1979, Clause 106*), as long as they are commenced, or ground works undertaken, within 12 months of the inception of the new LEP. In other words, the Construction Certificate must be obtained and works commenced within 12 months of the date of the LEP, or the development consent lapses.

DA consent 230/2012 was lodged prior to the new BLEP 2012 when storage sheds were permissible in the 2(v) Village zone. Once BLEP 2012 commenced, the storage sheds become a prohibited use. The development can operated under existing uses unless it is not commenced before 23 November 2013. The developer is currently working towards the issue of the Construction Certificate, in order that he can commence works.

Clause 5.10 Heritage conservation

The site was subject to the Draft HCA under the Draft BLEP 2012.

Heritage items under the Draft BLEP 2012 in the vicinity included the “Pines” house at 41 Ogilvy Street, and a dwelling at 134 Adelaide Street. Under the BLEP 1998, these sites were not heritage listed. No. 41 Ogilvy Street is a brick federation bungalow, with original features, garden and fencing which compliments the building and the streetscape. No. 134 Adelaide Street is a Federation brick dwelling with an iron roof in typical Edwardian style, with turned timber columns, decorative timber valances, and elaborate bargeboards to gables on both elevations, in a prominent corner position.

The relevant objective is to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views.

No particular statement of significance was been set down for the Blayney Heritage Conservation Area in the Draft LEP or the related heritage inventory sheet. Although Adelaide Street is historically the centre of the town, and significant for that reason, the integrity of the significance has been eroded over time and is not demonstrated by the current streetscape.

There are a number of heritage items in the general vicinity. However the modified development site does not front the main street, or a street where it would be viewed in association with a heritage item.

The building at the front of 142 Adelaide Street itself is not heritage listed. The development site is at the rear of 41 Ogilvy Street, and not in the immediate vicinity of the heritage listed property on the corner of Ogilvy and Adelaide Streets (No. 134).

Comment: It is unlikely that the proposed modified development would impact upon the Blayney Heritage Conservation Area or any listed heritage items, due to the location at the rear of the premises.

However, the developer has agreed to provide landscaping along the southern boundary of the site, and colour the units in neutral tones, to alleviate impact on the rear of 41 Ogilvy Street.

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

There are no development control plans relevant to this development.

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

Comment: Condition 17 of the development consent required that a Fire Safety Schedule be provided specifying the proposed fire safety measures to be implemented in the building, which has been provided. There are no other such matters relevant to the development under Clauses 92, 93, 94 & 94A of the Environmental Planning & Assessment Regulation 2000.

79C (b) the likely impacts of that development

Context and setting

The proposed development, as modified to reconfigure the layout of the sheds on the site and reduce the number of units from 40 to 29, is located at the rear of an existing commercial property within the Blayney CBD. The site can be viewed from the Mid-West Highway to the north, across the railway line. It is not visible from any other public space other than from the access lane.

It would not be visually intrusive, made more so by the reduction in the number of units, and would be constructed in neutral grey tones to further reduce adverse impact upon visual amenity, Landscaping would be carried out along the southern and eastern boundaries.

Access, transport and traffic

The site is accessed via an un-named lane off Ogilvy Street, which is noted at only 6.035m wide. It is expected that an increase in traffic nature and volume will likely result from this development, and impact on the lane has been addressed by Council. However, any such impact will be lessened to a degree through the modification to reduce the number of units from 40 to 29 Council has a number of particular road related upgrading requirements. The major works include:

- Installation of sediment and erosion control measures prior to commencement
- Provision of engineering plans, specifications and calculations for the sewer works prior to the issue of the Construction Certificate
- Construction and sealing of the lane, including kerbs and drainage, and reconstruction of any existing entrances into private property.
- A footway crossing into the property is to be constructed.
- Requirements of electricity and telecommunications authorities are to be established
- Provision of a stop sign at Ogilvy Street.
- Payment of a civil works bond.
- Payment of road inspection fees.
- Works on sewer relating to relocation and protection of the line.
- Stormwater control
- Works-as-Executed drawings for civil works
- Paving and line marking of all vehicle moving areas on site.
- Design on the driveways and manoeuvring areas to accommodate a 12.5m truck.

The conditions of consent have addressed these matters, and the modification does not alter these requirements. Some of the matters have already been addressed since the consent was issued. However this does not warrant alteration of the development consent conditions.

Services/utilities

Additional services and utilities are required for the development. The cost of any relocation of utilities required for the development is to be borne by the developer.

The developer has had to investigate the location of a power pole within the lane, and arrangements have been undertaken with the electrical contractor to address this matter in terms of relocation.

A Council sewer line traverses the site and Council has set down conditions which address the replacement of part of the existing sewer line, and the protection of the remaining sections.

The modification requires no alterations to these requirements.

Site design, internal design and construction

The storage units are located on the centre of the allotment, with the driveway being one way, encircling the units. Under the modification, turning circles would provide for suitable clearances at both entrances onto the un-named lane, and around the site for a 12.5m length vehicle. Emergency vehicles (which are usually approximately 10.5m in length) should still be able to negotiate the site if required.

The units are to be constructed in neutral grey tones to minimize visual impact, and each unit would have firewall separation in accordance with the Building Code of Australia.

Heritage

Adelaide Street in this vicinity was not within a heritage conservation area under the Blayney LEP 1998, and there were no listed heritage items in the vicinity under that planning instrument.

However the developer has addressed visual amenity through choice of a neutral tone colour scheme, and landscaping around the site. These details will not vary under the modification.

Hazards – technological, natural

There are no particular known natural or technological hazards affecting the development or the modification. Potential hazards would be minimized through attention to legislation and building standards.

Noise and vibration

There are no particular significant matters relating to noise and vibration which might apply to this development or the modification. Noise levels may increase slightly during the construction period.

Construction hours could be limited through a condition of development consent.

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

There are no 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 under the modification.

Water

There are no additional water requirements or impacts resulting from this modified development.

Any stormwater is to be directed into the lane, and drainage along the lane addressed during construction, to direct water out to Ogilvy Street.

Sediment and erosion control measures during construction would be established to direct surface water away from the building and into the stormwater system.

Waste

Construction waste would be collected, stored and removed off site for disposal at an approved waste facility. The modification does not alter this arrangement.

Air

The development is not expected to generate dust. Construction works would be carried out to industry standard to minimize dust generation. This would still be applicable to the modification.

Safety, Security and Crime Prevention

The developer intends to erect security fencing around the site to enable site/premises security, safety and crime prevention.

Any modifications to the building must continue to have regard for the safe and effective operation of site security and surveillance, and the safety and protection of users access the site.

Economic impact

The economic impacts from this modified development include employment for local people during the construction phase, and the provision of a storage facility for the wider community.

Social Impact

The social impacts relating to this modified development relate to the effective operation of a local activity within regulations and industry standard, which works with the local community on a number of different levels. Construction works would provide employment, and the environment is protected with minimal adverse impact on visual and environmental amenity.

An existing laneway is to be upgraded, drainage works addressed, and a vacant site no longer subject to degradation and weed infestation.

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

Cumulative Impact

The cumulative impact of the modified development is for the operation of a local business to compliment other activities in the CBD, within effective industry standards, that leads to minimization of environmental and community impact.

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 modified proposal: flooding, contamination, bushfire.

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

Comment: The building is located within a commercial area, where the site is suitable for the development.

Following the required civil construction works, access would be appropriate for the level of use, that is the modified development, and soil/water movement across the site would be controlled during construction. Hazard is minimized through attention to construction standards and best practice.

Visual amenity is addressed through colour schemes and landscaping, and civil works carried out by the developer would benefit adjoining landowners in

regard to access. These requirements and outcomes are not lessened as a result of the modification.

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

Notification of this development and its subsequent modification was carried out on three occasions. The issues raised from the original modification have been addressed above. The issues raised from the two modification notifications are as follows:

One submission was in favour of the development, which felt that traffic would be a minimum and that the storage sheds would be an asset.

The second submission was received by Council via four copies, signed by two separate signatories, as well as a version via email. The issues raised referred to:

1. The development approval is for a prohibited development.
2. The modification is termed “alter configuration of storage units on site”. There are no storage units on this site.
3. The developer states the un-named lane is 6.1m wide. The actual survey states it is 6.033m wide. The *WBC Guidelines for Engineering Works* state the minimum standard of urban roads is an 8 metre formation. Therefore the development cannot operate on this lane. Council’s Engineer states the lane cannot accommodate two (2) way traffic.
4. A Council stamped plan accompanying a letter to Paul Toole MP from Council in March 2013, includes a photograph of the land marked 7.3m wide. Why, when the lane is 6.033m? This is misleading.
5. There is no Austroad radii templates for either cars with vehicles in tow, or 12.5m trucks, turning through 90 degree from a 5 or 6 metres access laneway into the 3 metre O’Brien storage shed complex or turning through 90 degree 3 metre exit out onto the 5 or 6 metre access laneway. It can’t be done.
6. The local press states that the units will store boats, caravans in the units. These contain fuel, diesel, petrol, gas bottles, which are flammable. Fire trucks could not access the site due to the narrow drive through and lack of manoeuvrability within the development and on the lane way. The site is close to the Shell service station, and in the event of a fire the consequences would be serious.
7. In the Agenda-Ordinary Council Meeting-08.07.13, page 21 under Crown Road transfers, the report refers to the un-named lane being an extension of Farm Lane. The lane is not named and it is incorrect to say it is an alternate access to Lot 17 DP 758121. It is not an alternate access, but the only access. Lot 17 has no access from Adelaide Street.
8. The un-named lane is a Public Crown Road with the Crown being the road authority. Council does not have the authority to give permission for the road works under this DA.
9. The added traffic would be very disturbing and upsetting to their daughter who is severely disabled both mentally and physically, with the traffic within a metre of the window of their fibro house. She has “post-traumatic stress” with no tolerance for increased or excessive noises.

10. If a vehicle hit their gas utility she would be endangered by smoke/fire or explosion.
11. Her existing access points to their home would be curtailed.
12. The development is not compatible with the existing urban function of the surrounding residential land, and the following safety, security and crime related issues were raised:
 - Poor natural surveillance and visibility from Adelaide and Ogilvy Street
 - No measures for safety, security and crime prevention to adjoining residential properties are not included in the site and operational design.
 - No safety lighting within the lane or on the applicant's property.
 - Potential for accident, injury and safety in relation to the timber yard storage facility, and the two existing residences on the lane which also already use the lane for access.
13. Within the proposed development there are no parking spaces, no room to pass, inadequate manoeuvring and turning spaces for vehicles. One vehicle loading or unloading will create a gridlock. Creates reversing situations, waiting – safety problems on the lane.

The third submission outlined the following matters:

- The access way is not wide enough for two vehicles and cannot support the level of traffic expected.
- Near the supermarket access, where trucks and customers move around. Potential for accidents.
- Concern from traffic adding to the safety of children already walking to school through this area.
- Boats and caravans stored within the units risk highly “flammable” materials stored in the sheds. This is a risk of gas/fuel explosion in a residential area.
- Other areas of Blayney would be more suitable.

A fourth response was received, from the people who lodged the second submission. They raised further issues as follows:

- Notification advice states “alter configuration of storage units on site”. This is an incorrect statement. There are no storage units on the site. The site is vacant.
- Site must comply with *BCA C2.4 Requirements for open space and vehicular access*, access for fire brigade vehicles. The developer falls short of these requirements. The developer will never achieve minimum unobstructed width (6m) for his driveway.
- Western vehicular turning radius on his internal road is only 9.5m (1st modification plan)
- A fire brigade truck is 10.1m long, and needs a minimum turning radius of 11.3m. This cannot be achieved on this site without three point turns.
- The second modification plan shows a multi-point turn which is unacceptable by the Fire Dept rules and regulations, or by the Austroad radius template.

- The developer suggests no water is required by the development. This is unacceptable by BCA, Fire Dept and legislation. No fire hydrants on any plans.
- No unimpeded path of travel to exit. No vehicles can turn directly around within the complex due to the restricted internal road width. Unacceptable by BCA, Fire Dept and legislation. Restricted further by required landscaping. Landscaping not mentioned in turning circle diagram or developer's plans.
- Not a 6m continuous width around the internal road within this complex. Insufficient open space around the facility required by a 7b complex.
- Non-combustible materials – storage for boats, caravans and anything else. These could contain petrol, diesel, gas. Classified as combustible. Unacceptable by BCA, Fire Dept. legislation and EPAR.
- Automatic fire detection and alarm systems not provided. Unacceptable by BCA, Fire Dept. legislation and EPAR.
- No water on site, no fire hose reels, no static water storage, no static water supply. Unacceptable and does not comply with BCA, Fire Dept. legislation and EPAR. The site is unsuitable, unsafe, restrictive, and unfit for this development.
- Close to petrol station, a fuel depot, and adjoining residences in Ogilvy Street. The development is a fire trap.
- Plan shows a “no stopping sign”. Falsely suggests unimpeded access for fire trucks. People have to stop to unload/unload. No parking or stopping space located on site. Not to requirements of Fire safety Regulations.
- A fire cannot be fought within this complex, and a fire truck cannot turn around in the dead end un-named laneway.
- “No stopping” onto the access laneway? The radius does not meet Austroads standards, and the telegraph pole is right in front of the exit gate. The pole cuts into the width of the un-named laneway, reducing the width. The 12.5m radius required is not met, does not comply with conditions of consent. Must meet Austroad and WBC Alliance requirements.
- The development does not meet the legally required fire safety conditions; the developer has not met the conditions of consent.
- Only one fire rated wall within the 29 bay storage sheds facility. Woefully inadequate under the BCA for this development. Should be shown on all plans.
- The development is prohibited in the B2 zone. The application was lodged just one day before the new LEP came in, and not approved until 31 January 2013. There for it is a prohibited development.
- On turning movement diagram, a truck is purported to achieve a 12.5m minimum turn. The developer has deceptively tapered the diagram road to different widths, and contorted the radius to appear to fit.
- The developer has used a 6m width for the laneway. Vehicles would hit the corner boundary on the property on the adjoining property. The 0.6m either side has not been allowed for, for safe turning radius. Does not allow for inexperienced or learner drivers. He has not met the conditions of consent, in that the lane is to have a 5m seal for its entire length.

- There is a one way sign in the un-named lane opposite his entrance. Further up this dead end lane at the complex entrance, there is a sign stating exit/no stopping. How is this to work? Leaving the site and heading down the 5m lane into oncoming traffic. The “inevitable” collision. This is dangerous and unbelievable.
- The developer has not removed the two power poles, which need to be removed to achieve the 5m width in the laneway. This is in breach of the conditions of consent.
- The photograph of the lane from the developer has lines drawn on it which comes out to Ogilvy Street. This deceptively shows a width of 7.5m, instead of the correct 6.1m width. This is a false impression of width to comply with WBC requirements, and is not lawful.
- A condition of consent requires concrete sealing of the site driveway. The developer’s plan suggests this will be gravelled aggregate. This is in breach of consent conditions. Gravel is a loose surface that creates dust and is noisy.
- A condition of consent requires line marking of manoeuvring and parking areas. This not shown on the plans, and not possible on a gravel surface.
- There is no provision for parking or manoeuvring on the site anyway.
- There was no detail in the notifications about signage on the site. The developer is supposed to provide details about this.
- A condition of consent states that signage shall not be “luminous”. But the sign post at the southern boundary of the development is to be illuminated. In breach of RMS requirements.
- RMS state that advertising signage “is not to be replicate and regulatory signage”, or give direction to traffic. The developer presents a photograph showing O’Brien “Master Builder Office” with attached residence, situated in Adelaide Street, with a picture of a proposed directional sign, showing “O’Brien’s Self Storage – Access via Ogilvy Street”. This is lodged with the DA for new storage sheds on the vacant block, with the only access being the 6m wide crown lane, off Ogilvy Street. This sign is in breach of RMS regulations, as it is a directional sign.
- The self-storage sign that the developer has shown on the overall site plan, on the corner of Ogilvy Street and the un-named laneway, is only allowable if it is a tourist sign. Not allowable by the RMS. A breach of conditions of consent.
- No engineers report sent to residents with the notifications. Disturbing, highly reckless and dangerous. This must be addressed.
- The proposed signage for the Builders Office in Adelaide Street, has nothing to do with the self-storage sheds. This deception, and falsifying information to Council. This incites the idea that the sheds are already in existence, and hence he can rely on “existing use rights”. Both he and Council are aware that in the BLEP2012 storage sheds are prohibited.
- The developer has falsified the width of the crown un-named laneway, despite Council already refusing the car wash DA in 2011. The developer provides a photograph used in that DA falsely showing the laneway being 7.5m wide.
- Only 2 vehicle movements per day, “as studies would confirm”? This is only from the developer.

A further “**PRIVATE AND CONFIDENTIAL**” submission has been received from Anti-Discrimination Board of New South Wales, which raise matters regarding road and associated access matters relating to an adjoining property.

It is considered that these matters are addressed in the existing development consent conditions, which require Council approval of all engineering design details before a Construction Certificate can be issued.

In addition, a **submission from John Holland Rail P/L** requested security fencing and attention to stormwater. These matters were addressed in the original consent.

The issues

The issues raised as outlined above, which relate directly to the modification under consideration, are summarized and commented upon as follows:

- **Turning circles on the site** – The modification of the development to reduce the number of units on the site resulted in Council having to reconsider turning circles around the site. The developer has consulted with Council’s Engineer in the determination of a turning radius at the western end of the site. The NSW Fire Brigade suggests an emergency vehicle’s (a fire truck) overall maximum length is 10.1m long. Longer vehicles include trucks with aerial appliances, but these trucks are not relevant to the development site, as they apply to mid-high rise buildings, and heavy industrial sites.

Council has advised a turning radius which would accommodate a 12.5m truck undertaking a three point turn at the western end of the development to negotiate the site. This standard is brought from the Austroads Design Vehicles & Turn Paths Templates (2013), and would more than accommodate an emergency vehicle. These templates have been developed as a guide ONLY for designing intersections, or for vehicle access to and from roads. It is more appropriate to utilise AS 2890.2-2002 for heavy vehicles for designing off road facilities. This standard does not alter the requirements that Council has placed on the developer.

Outer circle radius for general appliance access for an emergency vehicle is 11.3m, recommended by NSW Fire Brigades.

- **Turning radius into/from the site** – Council’s Engineer has examined the entrance to the site as it was originally proposed, and has recommended that the developer should provide turned/rolled kerbs and splay corners at the entrance/exit points into and from the site, to accommodate a vehicle turning into and onto the laneway, to avoid a direct 90 degree turn. These details will be set down in the final engineering details to be provided to Council under an existing condition of consent.

- **Width of driveway** – the driveway through the site is a variable width. At its narrowest point along the northern and southern boundaries the driveway

is 4m wide, which is the minimum width recommended by the NSW Fire Brigades for access for a general appliance vehicle. At the rear the driveway is 8m wide. It is intended that the driveway be a one-way road, with vehicles entering at the southern entrance and leaving via the northern entrance, such that vehicles enter and leave the site in a forward direction. Entrances would be signposted accordingly.

Part C of the Building Code of Australia “*Fire Resistance*”, sets out requirements for vehicular access (6m width) which relates specifically to this part of the BCA. However, these provisions apply to “large isolated buildings”. Based on floor area and volume, the proposed development is not determined to be a “large isolated building”.

- **No parking, passing or manoeuvring areas on site** – there are no particular requirements for small storage units, and the RTA Guideline for Traffic Generating Development suggests that such developments are so variable in scale that no standards can be set. As there are no employees required on site, and clients park in front of the unit whilst unloading, no separate parking area is warranted. As the driveway is one-way, a passing lane is not required. The area at the rear of the units is wide enough for a 12.5m truck to manoeuvre around the corner. Lesser vehicles have more room again.
- **Fire safety** – Council has not made particular requirements in regard to fire safety on the site. However it has required compliance with the Building Code of Australia. As Council is not the Principal Certifying Authority for this development, it will be the responsibility of the Principal Certifier to ensure compliance with the BCA with ALL aspects of the development, including fire safety.

In addition the applicant is happy to install a barrier to protect the private gas installation along the laneway.

- **Fire rated walls** – Council has assessed the development in regard to the Building Code of Australia, and the storage units require only the one fire rated wall within the development, based on overall floor area.
- **Sealing of driveway** – although the developer has indicated a gravel surface on the driveway on the approved plans, Council has placed a condition within the development consent which overrides this plan, requiring a sealed driveway, entrances and manoeuvring areas. In his submission to the objections the developer has indicated that the driveway will be concreted.
- **Landscaping** – Council has required landscaping along the southern boundary of the site to screen the development. This would only be undertaken where it does not impede the flow of traffic. The condition has been applied as advice only.

Other issues raised which are not related to the modification, include:

- **Signage** – the developer was required to provide details of proposed signage relating to the development, which he did. State Environmental Planning Policy (Advertising and Signage) requires that any signage relating to the storage units site shall be located upon the land to which it relates. The placement of signage at the frontage of the site onto Adelaide Street is appropriate, in that the building office and the storage units are located on the same Land. The RMS were contacted in this regard and provided a response which had no objections to the proposed signage, subject to conditions, which were placed on the development consent. In addition Council has required that no signage on the site be illuminated, via a condition of consent.
- **Permissibility** - DA 230/2012 was lodged under the previous Local Environmental Plan 1998, where the land was zoned 2 (v) Village, and storage premises were permissible. Council was obliged to assess the development under that LEP, and the original consent was issued accordingly.

Under the *Blayney Local Environmental Plan 2012*, the land is located within the B2 Local Centre zone, where storage premises are prohibited. Now that the new LEP is in place, the storage sheds approved under DA 230/2012 would exist (once built) under *existing use rights*.

Should a person approach Council to lodge a development application for storage sheds in the B2 zone now, Council would advise that it is prohibited.

- **Laneway width and construction** – from the information available to Council, the road reserve on the un-named laneway is 6.035m wide. Council has addressed the construction of this laneway to the standards set down in the *WBC Guideline for Engineering Works*, which would include the travelling lane, stormwater management, and access into adjoining properties along the lane where required. The construction details are to be provided to Council and approved, prior to the issue of a Construction Certificate by the Private Certifier.

It is understood that the photograph alluded to by the objector which shows the lane to be 7.5m wide, is labelled with arrows to the kerb corners where the lane meets Ogilvy Street. The photograph indicates that at this point the design would incorporate splay corners - "Kerb to be removed and redone to extend entry width", in which case it would be 7.5m wide.

It is noted that the *WBC Guidelines for Engineering Works* sets the minimum standard width for urban roads is 8m. However this relates to construction of new roads, not the upgrading of existing road reserves.

- **Storage of combustible materials** – storage units usually have restrictions on the materials that can be stored in units. This includes any goods that are illegal, stolen, inflammable, explosive, environmentally harmful, hazardous, perishable or that are a risk to the property of any person. e.g. Chlorine, acid, paint, petrol, oils and lubricants.

- **Un-named Crown lane** – at its meeting of 8 July 2013, Council considered a number of Crown roads within the township of Blayney, which were recommended for transfer to Council. Council resolved that this be undertaken, and application has been made. Therefore the process is underway to have the Crown un-named lane transferred to Council as a public road.
- **Traffic and noise levels on the lane, and at the Ogilvy Street intersection** – the developer has estimated that traffic movements, that is within the storage units site, would amount to only about 2 per day, based on studies of similar facilities. No particular traffic counts have been undertaken on the un-named laneway. However, given that currently there only two residences and a hardware storage shed accessing the lane now, it is not expected that existing traffic numbers would be significant, feeding out onto Ogilvy Street.

In addition, due to the width of the lane, speed limits would be low, as a STOP sign is required at the Ogilvy Street intersection. With the lane being sealed road noise would be kept to a minimum.

- **Access to adjoining property where a resident is a disabled person** – the final design plans are required to show relevant access construction design details into any existing properties along the laneway. The construction details are to be provided to Council and approved, prior to the issue of a Construction Certificate by the Private Certifier.
- **Lighting, safety, security and crime related issues** – the developer has proposed security fencing right around the site. John Holland Rail has also made this requirement. The gates are to be locked, only being opened by authorized persons loading or unloading goods on site, or by the landowner for emergency vehicles if required. Hours of operation are limited to 7am to 9pm.

The developer indicates there would be no lighting on the site. Council has conditioned that no signage shall be illuminated. Natural surveillance is possible from the developer's office/premises at the western end of the site.

- **Water for fire fighting** – in terms of a fire hydrant, with the floor space being broken into two spaces by the fire wall, and as no space is over 500sqm in area, no fire hydrant is required.
- **Telegraph poles on laneway** – the developer has made arrangements with Essential Energy (via ActivEnergy) for the replacement of the existing poles and provision of underground power to the development site. The developer has provided a written quote to Council in this regard.
- **Engineers report** – all engineering design details in regard to the storage facility site, the laneway construction and the sewer works are to be provided to Council and approved, prior to the issue of the Construction Certificate by the Private Certifier.

Note: It should be noted that at the writing of this report, the engineering design details have not been received by Council. No works are able to be commenced on the site or in the laneway until the conditions of consent have been met, and a Construction Certificate has been issued by the Private Certifier.

Applicant's response:

The applicant was advised of the issues raised by the developer, and has provided a written response. **See Attachment D.**

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 suitable for the site, provides for development of a facility in accordance with industry guidelines and compliance with appropriate legislative requirements, for the provision of an accessible storage facility within the CBD.

BUDGET IMPLICATIONS

No budget implications.

POLICY IMPLICATIONS

Assessment undertaken as per legislation.

IP&R LINK

DP3.4.1 Pursue sustainable land use practices based on the protection and restoration of natural resources, innovative land use policies and government and community partnerships.

DP4.1.3 Ensure Ancillary Road facilities are serviceable and in line with current standards e.g. footpaths, cycleways, kerb and gutter, bus stops etc.

Attachments

- | | | |
|---|-------------------------|----------|
| 1 | A: Original Plans | 1 Page |
| 2 | B: Modification Plans | 1 Page |
| 3 | C: Original Consent | 20 Pages |
| 4 | D: Applicant's Response | 3 Pages |

17) **COLLECTION AND RECYCLING OF E WASTE FOR COUNCILS IN THE NETWASTE REGION**

(Director Planning and Environmental Services)

RECOMMENDED:

1. That Council note this report.
2. That Council sign the Agreement once circulated appointing E Waste as the exclusive service provider for E Waste collection and recycling.
3. That Council agree to meet the requirements of the arrangement.

REPORT

Of the 28 NetWaste Councils, 20, including Blayney Shire Council, have expressed an interest in having a single contractor collect and recycle E Waste from their respective Waste Facilities on a regular basis.

NetWaste, on behalf of the interested Councils liaised with the following companies regarding an E Waste service; Sims E Recycling, Matthews Metal Management, DHL, MRI and Reverse E Waste.

Following extensive negotiations with the respective companies, and an evaluation involving Bathurst Regional, Dubbo City, Orange City and Parkes Councils, Reverse E Waste was selected as the exclusive contractor, for removing and recycling E Waste from within the local government areas of the NetWaste Councils.

Reverse E Waste is an approved Co-regulatory Arranger for the Product Stewardship (Televisions and Computers) Scheme. The Scheme recycles televisions, computers, printers and computer products (such as keyboards, mice and hard drives), regardless of their brand or age and is funded by the Television and Computer Industry. The Scheme aims to significantly increase the recycling and resource recovery rate of these materials.

Reverse E Waste have a 95-98% resource recovery rate. In time, they will consult with participating councils to establish a centrally located CRT pre-processing plant where leaded and non-leaded glass would be separated and crushed before transportation to an EPA approved lead glass sanitising facility.

The agreed term between the participating Councils and Reverse E Waste is for an initial 24 month period with an option of 2 x 12 month extensions.

Reverse E Waste have offered and agreed to the following conditions;

- a. Collecting both in scope and out of scope E Waste free of charge, including household electrical (such as hair dryers), power tools, audio equipment, adaptors, printers and medical supplies.
- b. Supply of collection cages to each Council site.

- c. Monthly collections of E Waste from nominated Council sites.
- d. Advising individual Councils of collection dates at least three days in advance to allow time to organise forklifts etc.
- e. Phoning individual Councils prior to collection date to check quantities and whether a service is required.
- f. Providing Council collection site staff with a step by step operational procedures guide for handling of E waste.
- g. Staff or Sub Contractors will carry NetWaste ID card when accessing landfills.
- h. Provide the driver's phone number on the day of collection for Councils to contact them if necessary.
- i. Sub Contractors and or logistics drivers will call Councils when they are on their way so that forklifts can be driven out to collection points.
- j. Carrying out the works safely, efficiently and effectively in full compliance with the legal, regulatory requirements enforced by the NSW EPA, WorkCover and any other body that is required to enforce the abovementioned requirements and objectives.
- k. Inspect each site upon arrival on site to identify any foreseeable problems and notify Council of the same.
- l. Obey the direction of the participating member Council whilst on site.
- m. Provide competent and efficient personnel to carry out the service and adequate supervision to ensure efficient collection.
- n. Comply with the participating member Council's procedures manuals and Management Plans.
- o. Use only efficient and safe equipment that complies with all required WorkCover standards;
- p. Follow procedures that are safe and comply with standards required by appropriate authorities including the Workcover Authority, Roads and Traffic Authority, and the NSW EPA.
- q. Provide a suitable safety zone between the worksite and general public areas at the Depots.
- r. Provide quarterly reports or as requested to NetWaste on material collected from the participating Councils.

Participating NetWaste Councils will be responsible for arranging a forklift or handling equipment to assist with loading of E Waste onto collection vehicles once prior notice is provided, displaying clear signage to communicate relevant information and accepting E Waste from the public free of charge.

It will be each Councils responsibility to provide a suitable work site that will facilitate a high recovery rate for collected material.

BUDGET IMPLICATIONS

No payment is required for the services provided by either Reverse E Waste or participating Councils. NetWaste will fund the production of standard signage for E Waste drop off points and the majority of the production and campaign costs for regional media coverage, however Councils may be required to contribute minimal funds to assist with this.

POLICY IMPLICATIONS

Councils will be required to comply with the Product Stewardship Regulations, and accept E Waste free of charge in order to participate in the Scheme.

IP&R LINK

DP 4.5.1 Develop and promote programs that increase the participation of the community in reducing waste going to landfill.

Attachments

Nil

COMMITTEE REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 14 OCTOBER 2013



- 18) **MINUTES OF THE CENTRAL WEST LIBRARIES COMMITTEE MEETING HELD ON 26 JULY 2013**
(Director Corporate Services)

RECOMMENDED:

1. That the minutes of the Central West Libraries Committee meeting held on 26 July 2013 be received and noted.

REPORT

The minutes of the Central West Libraries Committee meeting held on Friday 23 July 2013 are attached.

Attachments

- 1 Central West Libraries Committee Minutes 26/07/2013 2 Pages

- 19) **MINUTES OF THE UPPER MACQUARIE COUNTY COUNCIL
MEETING HELD ON 2 AUGUST 2013**
(Director Infrastructure Services)

RECOMMENDED:

1. That the minutes of the Upper Macquarie Country Council meeting held on 2 August 2013 be received and noted.

REPORT

The minutes of the Upper Macquarie Country Council meeting held on Friday 2 August 2013 are attached.

Attachments

- 1 Upper Macquarie County Council Minutes 02/08/2013 4 Pages

- 20) **MINUTES OF THE BLAYNEY SHIRE SPORTS COUNCIL
MEETING HELD ON 12 SEPTEMBER 2013**
(Director Infrastructure Services)

RECOMMENDED:

1. That the recommendations of the Blayney Shire Sports Council meeting held on 12 September 2013 be adopted.

REPORT

The minutes of the Blayney Shire Sports Council meeting held on Thursday 12 September 2013 are attached.

Attachments

- 1 Blayney Shire Sports Council Minutes 12/09/2013 2 Pages

21) **MINUTES OF THE BLAYNEY SHIRE TOWNS AND VILLAGES COMMITTEE MEETING HELD ON 12 SEPTEMBER 2013**
(Director Corporate Services)

RECOMMENDED:

1. That the recommendations of the Blayney Shire Towns and Villages Committee meeting held on 12 September 2013 be adopted.
2. That Council investigate a way forward to resolve the administrative issues associated with halls, managed by the Community, under Council control and that individual Village communities be invited to take control of facilities through an appropriate mechanism (lease or otherwise).

REPORT

The minutes of the Blayney Shire Towns and Villages Committee meeting held on Thursday 12 September 2013 are attached and Councillors attention is drawn to the following item:

- Village Halls.

Attachments

1 Towns and Villages Committee Minutes 12/09/2013 2 Pages

22) **MINUTES OF THE BLAYNEY SHIRE AUDIT COMMITTEE
MEETING - 29 AUGUST 2013**
(Director Corporate Services)

RECOMMENDED:

1. That the Minutes of the Blayney Shire Audit Committee held on 29 August 2013 be received and noted.

REPORT

The minutes of the Blayney Shire Audit Committee meeting held on 29 August 2013 in the Blayney Shire Audit Committee.

BUDGET IMPLICATIONS

Costs associated with holding of Audit Committee meetings and associated service reviews have been provided for in Council's 2013/14 budget.

POLICY CONSIDERATIONS

Nil.

IP&R LINK

DP6.3.1 Provide a framework for the efficient and effective administration of Council

Attachments

- 1 Audit Committee minutes 29 August 2013 2 Pages

Cr S Ferguson
MAYOR

Mr GA Wilcox
GENERAL MANAGER

CONFIDENTIAL MEETING REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 14 OCTOBER 2013



23) CONSULTANT EXPENDITURE FOR 2012/13
(Director Corporate Services)

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

