

Blayney Shire Council



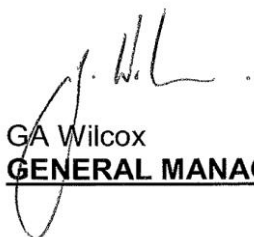
11 June 2013

Dear Councillor

Your attendance is requested at an Ordinary Council Meeting of the Blayney Shire Council to be held in the Chambers, Blayney Shire Community Centre on Monday, 17 June 2013 at 6.00 pm for consideration of the following business -

- (1) Acknowledgement of Country
- (2) Recording of Meeting Statement
- (3) Apologies for non-attendance
- (4) Confirmation of Minutes - Ordinary Council Meeting held on 13.05.13
- (5) Matters arising from Minutes
- (6) Disclosures of Interest
- (7) Public Forum
- (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

**PRESENTATION TO COUNCILLORS BY:
DIANNA KUREEN FOR CENTRAL WEST CMA**

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HELD ON MONDAY 17 JUNE 2013

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GENERAL MANAGER'S REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 17 JUNE 2013



01) **INDEPENDENT REVIEW PANEL INTO LOCAL GOVERNMENT REVIEW - FUTURE DIRECTIONS FOR NSW LOCAL GOVERNMENT**
(General Manager)

RECOMMENDED:

1. That Council submit its response to the Independent Review Panel into Local Government – Future Directions for NSW Local Government: Twenty Essential Steps discussion paper.

REPORT

Council has previously considered the Independent Review Panel's discussion papers on the future of Local Government in NSW and made detailed submissions to provide a positive response to guide the direction of local government and ensure that support for rural communities and especially Blayney Shire is maintained.

The Twenty Essential Steps report is a major disclosure of the direction that the Review Panel is proposing to the NSW State Government. Council has made a submission to Centroc in response to a draft paper that was prepared as a regional overview. This submission has been amended to reflect a Blayney Shire position on the key proposals and options contained in the paper. The attached document also reinforces a need to look again at boundary adjustments to reflect community of interests around Blayney Shire and to allow improved servicing of adjacent rural and village areas.

The Review Panel has identified that Blayney Shire should consider merging with Orange and Cabonne council areas to strengthen the regional centre around Orange. This suggestion is not proposed until 2020 and only following a further review by the State government. The proposed submission agrees that Council should remain independent. This will allow Blayney Shire to undertake essential asset upgrading and to ensure that its residents are well supported by this time, should a merger be undertaken. It also allows the Shire to allow major developments to potentially occur that will provide strong underlying support for rates, community funding and growth across the Shire. Council is asked to support the proposed review timeframe.

Council has been working with its WBC Alliance partners to develop a shared services model which in the WBC and Blayney Shire submissions was directed towards a county council. This model has been proposed by the Review Panel and is very supportive of the submissions made by Council. Larger councils within the Centroc region are not supportive of this model for a number of varied reasons and Centroc has indicated that their submission will not support the county council model. As the WBC Councils have worked towards higher levels of shared services and will continue to work to find cost effective service delivery, the attached submission is supportive of the Review Panels direction.

Council has also been approached by its adjoining councils to discuss the future directions of the region, mining developments, sharing services and assistance across staff areas. The sharing of staff and joint purchasing or contracting has been happening for many years without a need to merge the council areas. It is considered that Blayney Shire should continue to support better service delivery and support discussion of shared services and staff with all our adjoining councils. Blayney Shire does not need to rush into any discussions about mergers or amalgamations and ensure that, as in the past, any agreements entered into are to provide a higher level of service to its community.

BUDGET IMPLICATIONS

No effect of making this submission. Future budget considerations would be required under a county council model, any boundary adjustments or future merger proposals.

POLICY IMPLICATIONS

Council will need to further refine the shared services model and seek support from the Division of Local Government to work towards a county council structure with its Alliance partners. Policies and workforce plans will need to be modified at that time.

IP&R

DP 6.3.3 Support actions for the sustainable future of local government.

Attachments

1 Submission to Independent Panel - June 2013

CORPORATE SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 17 JUNE 2013



02) **CONTRIBUTION TO LEGAL EXPENSES - MID WESTERN REGIONAL COUNCIL**
(Director Corporate Services)

RECOMMENDED:

1. That Blayney Shire Council not contribute to the cost of legal expenses incurred by Mid Western Regional Council, and
2. That Council write to Local Government NSW and the Association of Mining Related Councils to request that all rating methodologies for all types of mining are reviewed as part of the Local Government Act Review to determine a fair and equitable method of land categorisation or volumetric measure for the application of rating.

REPORT

Council has received a request from Local Government NSW to make a contribution towards the legal expenses of Mid-Western Regional Council for a matter before the Land and Environment Court challenging councils categorisation of land as mining for rates purposes.

The Association believes that this matter is important to all NSW Councils and a voluntary contribution of \$1937.72 towards costs is requested. No details are available as to the court case and how that may impact on councils that are outside coal or coal seam gas areas.

The rating of mines varies dependant on mining type e.g. coal, mineral or gas. Challenges have successfully been made to valuations by the Valuer Generals determination and this has impacted considerably on councils such as Broken Hill City Council. As this area of valuation causes concern both to the industry and councils it should form a major part of rating review in the new Local Government Act.

BUDGET IMPLICATIONS

Council has not budgeted for this funding and a voluntary contribution would be required to come from operational sources.

POLICY IMPLICATIONS

Nil effect

IP&R Link

DP 6.3.3 Support actions for a sustainable future for local government.

Attachments

Nil

03) REPORT OF COUNCIL INVESTMENTS AS AT 31 MAY 2013
 (Manager Financial Services)

RECOMMENDED:

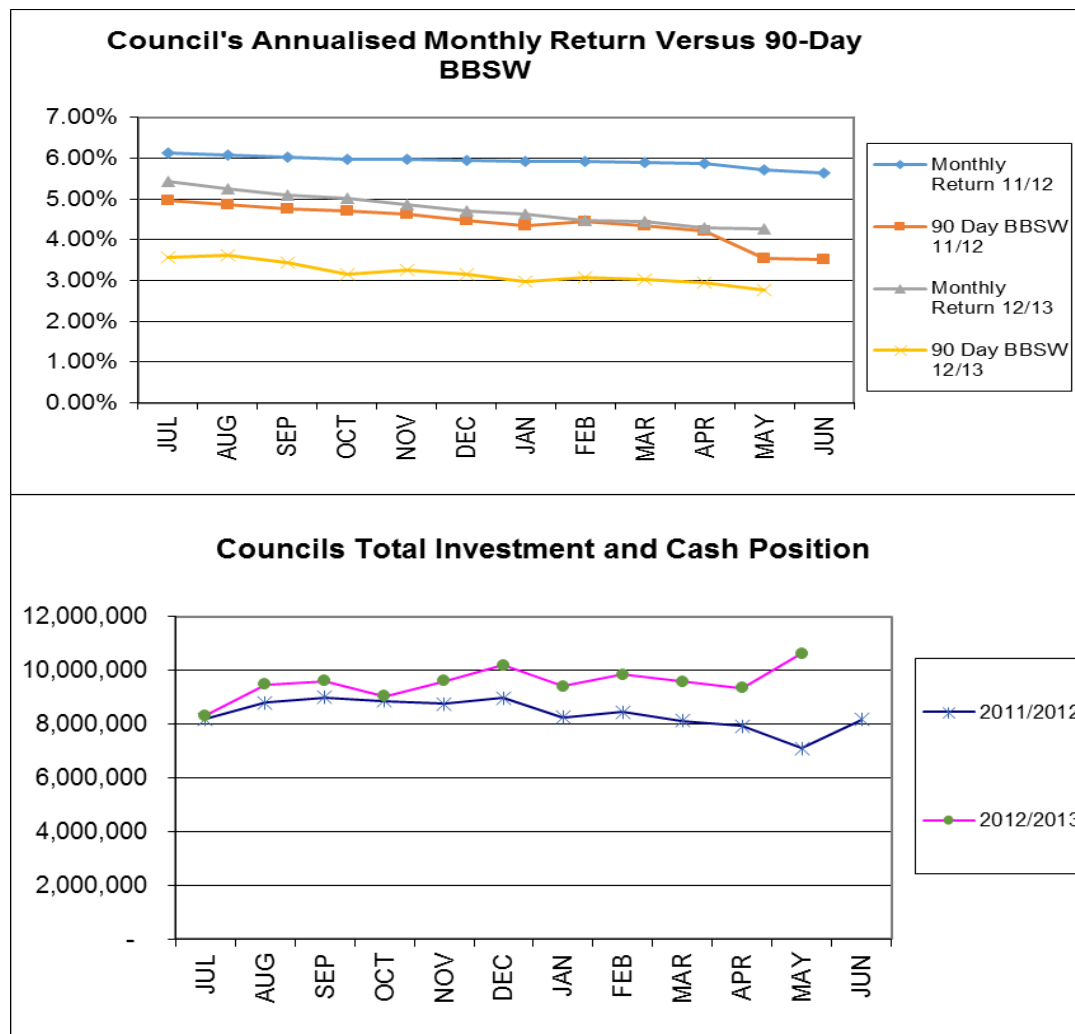
1. That the report indicating Council’s investment position as at 31 May 2013 be received and noted.
2. That the certification of the Responsible Accounting Officer be noted and the report be adopted.

REPORT

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

Council’s total investment and cash position as at 31 May 2013 is \$10,626,368. Investments earned interest of \$34,566.02 for the month of May 2013.

Council’s monthly net return annualised for May of 4.27% outperformed the 90 day Bank Bill Swap Rate of 2.77%.



REGISTER OF INVESTMENTS AND CASH AS AT 31 MAY 2013

Institution	Maturity	Amount \$	Monthly Net Return Annualised
<u>Term Deposits</u>			
NAB	9/07/2013	500,000.00	4.24%
Bankstown City Credit Union	4/06/2013	500,000.00	4.20%
Rural Bank	4/06/2013	500,000.00	4.55%
Bank of Sydney	23/07/2013	500,000.00	4.45%
The Rock Building Society	16/07/2013	500,000.00	4.25%
ME Bank	27/08/2013	500,000.00	4.25%
St George Bank	27/08/2013	500,000.00	4.20%
Bank of Queensland	13/08/2013	500,000.00	4.25%
Railways Credit Union	18/06/2013	500,000.00	3.96%
IMB	2/07/2013	500,000.00	4.15%
Westpac Bank	17/09/2013	500,000.00	4.18%
Gateway Credit Union	4/06/2013	500,000.00	4.21%
ING	30/07/2013	500,000.00	4.49%
Peoples Choice	16/07/2013	500,000.00	4.16%
Bendigo & Adelaide Bank	11/06/2013	500,000.00	4.65%
Police Credit Union	25/06/2013	500,000.00	4.35%
Warwick Credit Union	23/07/2013	500,000.00	3.81%
Total		8,500,000.00	4.26%
<u>Collateralised Debt Obligation (CDO's)</u>			
ANZ Custodian (Kakadu, BBSW + 140 points)	20/03/2014	500,000.00	4.17%
Total Investments		9,000,000.00	4.25%
Benchmark: BBSW 90 Day Index			2.77%
Commonwealth Bank - At Call Account		1,000,081.66	
Commonwealth Bank Balance		626,286.34	
TOTAL INVESTMENTS & CASH		10,626,368.00	

Summary of Investment movements - MAY		
Financial Institution	Invst/(Recall) Amount \$	Commentary
<u>Term Deposits</u>		
Bank of Queensland	(505,356.16)	Term Deposit matured 08/05/2013
Bank of Queensland	500,000.00	Term Deposit invested 08/05/2013
Police & Nurses Credit Union	(505,633.97)	Term Deposit matured 15/05/2013
Westpac Bank	500,000.00	Term Deposit invested 15/05/2013
ME Bank	(505,780.14)	Term Deposit matured 21/05/2013
ME Bank	500,000.00	Term Deposit invested 21/05/2013

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 \$165,720 as at 31 March, 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 May on the CDO is 4.17% outperforming the 90 day Bank Bill Swap Rate of 2.77%.

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

04) 2013/2014 COUNCILLOR AND MAYORAL FEES
(Director Corporate Services)

RECOMMENDED:

1. That the Councillor annual fee be increased to \$10,480 and the additional Mayoral annual fee be increased to \$22,870 for the 2013/2014 financial year effective from 1 July 2013.

REPORT

The Division of Local Government has advised Council the outcomes of the Local Government Remuneration Tribunal's 2013 Annual Review.

The Tribunal's report and determination provides details of the matters and submissions which it had taken into account in its determination that an increase of 2.5 per cent in fees for councillors and mayors was appropriate. The increases are effective on and from 1 July 2013.

The groupings of councils have remained unchanged. Blayney Shire Council remains one of the 77 councils within the Rural Council category determined under Section 239 of the Act for the purposes of the annual fees, and the relevant scale of fees is therefore:

	Minimum \$	Maximum \$
Councillor	7,930	10,480
Mayor (payable in addition to Councillor fee)	8,430	22,870

The current Mayoral and Councillor annual fees are \$22,310 and \$10,220 respectively. In accordance with Section 249(2) of the Local Government Act, 1993, the annual fee payable to a Mayor must be paid in addition to the fee paid to the Mayor as a Councillor.

In recent years, Councillors and the Mayor have received the maximum under the scale as approved, and the current budget has provided for that to be continued. The recommendation above follows that practice.

A copy of the Report and Determination of The Local Government Remuneration Tribunal is provided as an attachment.

BUDGET IMPLICATIONS

Council's 2013/2014 budget was prepared on the anticipation of a 2.5% increase being approved for both the Councillor and Mayoral annual fees.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

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

Attachments

- 1 Local Government Remuneration Tribunal Report and Determination

10
Pages

05) **REPORT ON CONTRACTUAL CONDITIONS OF SENIOR STAFF**
(Director Corporate Services)

RECOMMENDED:

1. That the Council receive and note the report on the contractual conditions of senior staff in accordance with section 339 of the Local Government Act, 1993.

REPORT

This report is to advise on the statutory requirement, under section 339 of the Local Government Act, 1993 (LG Act), to report to Council on the contractual conditions of senior staff.

The General Manager is a senior staff member by virtue of section 334(2) of the LG Act (*“The position of General Manager is a senior staff position”*). A General Manager’s senior staff position is not reliant upon a Council determination under section 332 (re: Council determination of a structure) however the General Manager has a mandatory obligation under section 339 to report to Council at least once annually, on the contractual conditions of senior staff.

Council is advised that there is no senior staff (as defined in the dictionary at the end of the LG Act) apart from the General Manager.

Council is also advised that the General Manager’s contractual conditions are reported in the Council annual report, as required by clause 217(1) (b) of the Local Government (General) Regulation 2005.

The following disclosures are furnished for the 2012/13 reporting period:

Contract term: 5 years commencing 8 November 2011
Remuneration package: \$190,035

Timing and outcome of performance assessment:
Review 25 June 2012 – outcome: Satisfactory
Next review to be scheduled at June meeting

Other material matters: Nil

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

06) SALE OF INDUSTRIAL LAND
(Director Corporate Services)

RECOMMENDED:

1. 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.

REPORT

Council at its meeting held 10 December 2012 considered a report pertaining to sale of land to Mid West Concrete who are seeking to purchase 112 Marshalls Lane (Lot 22 DP1056047), or part thereof, as part of proposed expansion plans.

Council has reviewed the future potential of this land and potential for sale. As a consequence a plan for a six lot subdivision has been developed. Whilst it is not planned progress the full development of the land at this point, development of lots 5 and 6 (12,500 square metres) in Stage 1 of the attached concept plan will facilitate the sale of land sought.

The 2011 Valuer General valuation of adjoining properties is \$7.39/square metre on the south side and \$4.97/square metre on the north side. There has been no movement in the Valuer General valuation from 2007 and 2011 and very little sales activity in that area. Based on an average land value of \$6.18/square metre, lots 5 and 6 would be valued at \$78,000.

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

BUDGET IMPLICATIONS

Council will benefit from proceeds of sale. Sale of the property will however see the part write off of the asset held in Council's books. Proceeds from such land sales are held as Restricted cash for future land development purposes.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP 1.6.3 Support and encourage the establishment or expansion of local businesses.

Attachments

1 Concept Plan Lot 22 DP1056047 1 Page

07) **CENTRAL WEST LIBRARIES JOINT AGREEMENT**
(Director Corporate Services)

RECOMMENDED:

1. That the Central West Libraries Joint Agreement 2012 to 2016 be endorsed; and
2. That Council endorse execution of the agreement by the Mayor and General Manager under Council seal.

REPORT

The Central West Libraries Joint Agreement has been issued to member councils for consideration and endorsement.

Central West Libraries provides library management services to Blayney Shire and four other local government authorities being Orange, Forbes, Cabonne and Cowra.

The agreement is a five (5) year agreement and outlines obligations and responsibilities of participating Councils. The effective date of the agreement will be from date of signature. The current agreement remains in force until this date.

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

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil.

IP&R LINK

DP 2.3.4 – Provide library services in Blayney Shire.

Attachments

1 Central West Libraries Joint Agreement 17 Pages

08) ENDORSEMENT OF COMMUNITY REPRESENTATIVES
(Director Corporate Services)

RECOMMENDED:

1. That the community representatives to Council's committees, as detailed within this report, be endorsed.

REPORT

Council at its meeting held 3 October 2013 endorsed the formation of committees of Council. Community representation to these committees has been actively sought with varying levels of success.

An induction workshop for community representatives to these committees was held 2 May 2013 and committee meetings for most committees has already commenced.

The following appointments to Council's committees have been made to following committees:

Blayney Shire Tidy Towns Committee

- Alvaro Marques
- Anthony Kearney
- Cathy Griffiths
- Cecily Walters
- Elizabeth Russ
- Jan Dickie
- Jann Harries
- Judy Belecky
- Kerry Adams
- Loretta Kervin
- Narelle Riley
- Richard Bloomfield
- Sally Ryan
- Vivianna Hamilton

Blayney Shire Access Advisory Committee

- Tom Williams
- Sharon Kearney
- Jenny McMahon
- (1 vacancy)

Blayney Shire Sports Council Committee

- Bryce Toohey (Blayney Rugby Union)
- Adam Hornby (Blayney Senior Cricket)
- Cameron Townsend (Blayney Little Athletics)
- Cheryl Rutherford (Blayney Junior Tennis)
- Chris Smith (Heritage Country Schools)

- Jodi Spencer (Central Western Dressage)
- Lisa Oborn (Blayney Junior Rugby League)
- Matthew Lewis (Blayney Little Athletics)
- Michael Tyrell (Blayney Golf Club)
- Peter Wakem (Swimming Club)
- Rodney Corbett (Blayney Junior Soccer)
- Rosemary Reid (Blayney Senior Tennis)
- Teresa Beuzeville (Blayney Senior Football)
- Tom Williams (Blayney Acclimatisation Society)
- Trevor Jones (Blayney Harness Club)
- Phillip Nankivell (Blayney Show Society)

Blayney Shire Economic Development Committee

- Cathy Griffiths
- Elizabeth Russ
- Lesley Morris
- Max Osborne
- Rebecca Price

Blayney Shire Financial Assistance Committee

- Tony McPaul (Cadia representative)
- David Kennedy
- Graeme Summerson

Blayney Shire Cemetery Forum Committee

- Sylvia Lovenfosse
- Kevin Radburn (Snr.)
- Gerry Nolan
- Geoffery Avard
- (3 vacancies)

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil.

IP&R LINK

DP 6.1.1 – Councillors to exhibit leadership on Council and participate in Council and regional committees as well as community organisations.

Attachments

Nil

09) **ADOPTION OF SIGNS AS REMOTE SUPERVISION POLICY**
(Director Corporate Services)

RECOMMENDED:

1. That the Signs as Remote Supervision Policy be adopted and included in Council's Policy Register.

REPORT

Council has developed a policy pertaining to signage to assist to manage Council's risk exposure to public liability emanating from the provision of services to the community.

The Signs as Remote Supervision Policy seeks to ensure clear and concise directions as to the location, content and frequency of signs at Council facilities to minimise public liability exposure arising from the provision of these facilities to the community.

As members of Statewide Mutual, councils are asked to develop a Risk Management Action Plan (RMAP) based on insurable and non-insurable risk exposures to their organisation, and risk exposures to the Scheme. One of the operational risk initiatives in Blayney Shire Council's 2012/13 RMAP is to ensure compliance of signage at CentrePoint Sport and Leisure Centre.

As part of this compliance Council must adopt a Signs as Remote Supervision Policy.

Statewide Mutual has prepared a Best Practice Manual for "Signs as Remote Supervision" to assist member councils in preparing their own procedures and standards.

In accordance with the Best Practice Manual – "Signs as Remote Supervision" Blayney Shire Council will inspect all facilities being reserves, parks and pools identified as being a parcel of land either owned, operated or under Council's care and control.

A copy of the Signs as Remote Supervision Policy has been provided as an attachment to this business paper.

BUDGET IMPLICATIONS

The development and implementation of the RMAP accounts for a significant portion of the Incentive Bonus allocation and will assist Council to minimise its risk exposure to public liability.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

DP 6.4.4 Review risk management of Council operations.

Attachments

- 1 Signs as Remote Supervision Policy 2 Pages

INFRASTRUCTURE SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 17 JUNE 2013



10) **DEDICATION AS PUBLIC ROAD - FOUR MILE CREEK ROAD**
(Director Infrastructure Services)

RECOMMENDED:

1. In accordance with the Roads Act 1993, Section 10, Council approve the dedication of Lot 9 DP211387 and Lot 11 DP211388 as public road.
2. Council approve the transfer of that part of Four Mile Creek Road from Crown Road reserve to Council Public Road, as identified in the Director Infrastructure Services report.
3. Council grant authority for the use of the Common Seal on any necessary documentation, should it be required, to give effect to these resolutions.

REPORT

It has come to Council's attention that various sections of Four Mile Creek Road, North of Panuara are currently identified as Crown Road reserve or not dedicated as public road.

This report outlines the situation and the process to resolve it.

In 1961 surveys were undertaken along what is now known as Four Mile Creek Road, between Panuara Road and Wallace's Road as part of a private subdivision that created the Four Mile Creek Road Reserve. Unfortunately the statements placed on the deposited plans, DP 211387 and DP 211388 **(Attachments 1 & 2.)** did not make direction for Lots 9 and 11 to be dedicated as Public Road.

Council has recently received a request from Cadia Holdings Pty Ltd (CHP) to have Lots 9 and 11 dedicated. CHP has been undertaking a subdivision of its land holdings alongside Four Mile Creek Road, however upon lodgement with NSW Land and Property Information (LPI) they have received a requisition that has identified the matters associated with Four Mile Creek Road.

In discussion with the Crown Lands Office, a further section of Four Mile Creek Road was also identified as crossing an existing Crown Road reserve **(Attachment 3.)**. The Crown has requested that Council arrange transfer of the subject section to Council as public road.

In order to address the matter, Council is required to:

1. Place a notice in the NSW Government Gazette dedicating Lots 9 and 11 as public road, and,
2. Make application to the Crown Lands Office to have a further section transferred from Crown to Council public road.

BUDGET IMPLICATIONS

Nil

POLICY IMPLICATIONS

Nil

IP&R REFERENCES

DP.1.2.1 – Manage the development of mining as it develops in the hire in order to preserve sustainable industrial diversity into the future.

Attachments

- | | | |
|---|--------------------------|--------|
| 1 | Lot 9 DP 211387 | 1 Page |
| 2 | Lot 11 DP211388 | 1 Page |
| 3 | Crown Road Locality Plan | 1 Page |

11) **SEWER RETICULATION - SMOKE TESTING PROGRAM**
(Director Infrastructure Services)

RECOMMENDED:

1. That the report on Council's smoke testing program be received and noted.

REPORT

Executive Summary

Council has recently undertaken a smoke testing program within parts of Blayney. The aim of the program is to identify and prevent the discharge of rainwater, subsoil water and stormwater entering the sewerage reticulation network.

This report identifies the reasoning behind the program and summarises some of the issues identified as a result of the initial phase of this program.

Background

Council's current strategic Business Plan for Sewerage Services identifies Smoke Testing be undertaken with the direct aim of reducing infiltration and identifying connections that are in contravention of Clause 638 of the Local Government Act 1993.

638 Discharge of prohibited matter into sewer or drain

A person who discharges any prohibited matter (being matter prescribed by the regulations for the purposes of this section) into:

- (a) a public sewer, or*
 - (b) a fitting connected to a public sewer, or*
 - (c) a public drain, or*
 - (d) a gutter of a council,*
- is guilty of an offence.*

As part of the regional approach to Best Practice in Water Utilities Management, In early 2012 Centroc undertook a joint tender for Smoke Testing services. The successful contractor was All About Pipes from south west Sydney.

It is also noted that Council records indicate an increase in sewer pump station run time and hence electricity consumption during periods of rainfall.

Testing has recently been undertaken in Blayney in the area bounded by the Main Western Railway, Water Street, Belubula River, and Osman Street.

Issues identified include:

- roof water being directly connected to the sewer network
- damaged or low set boundary shafts, enabling ground/stormwater to enter the sewer network.
- damaged vent shafts, enabling ground/stormwater to enter the sewer

- network.
- Open plumbing and inspection openings, enabling ground/stormwater to enter the sewer network.
 - Damaged or out of date manhole covers, enabling ground/stormwater to enter the sewer network.

A sample of these is provided as an **attachment** for Councillor Information.

In accordance with the Local Government Act, Council shall issue defect notices for each property, directing owners to rectify the identified defects within 60 days of the notice.

It should be noted that the work required to be done may only be done by or under the immediate supervision of the holder of an endorsed license or a supervisor certificate, relating to plumbing and drainage issued by the Building Services Corporation of NSW.

The project is being undertaken within existing budget limitations and will be furthered delivered in a staged approach over coming financial years, in order to ensure work is undertaken within the capacity of existing tradesman available within Blayney Shire.

An immediate reduction in electricity consumption is not expected however over time, consumption should be stabilised without extreme spikes occurring during periods of rain.

BUDGET IMPLICATIONS

The smoke testing program is being undertaken within existing budget limitations; however the capital cost of undertaking repairs/improvements to manhole infrastructure will need to be further considered.

POLICY IMPLICATIONS

Nil

IP&R REFERENCES

DP.4.2.3 – Provide an effective and safe Sewerage Collection Network for Blayney Shire.

DP 6.3.4 – Develop strategies that respond to the impact of climate change on the community.

Attachments

1 Examples of identified issues. 5 Pages

12) **ROADSIDE VEGETATION MANAGEMENT PLAN**
(Director Infrastructure Services)

RECOMMENDED:

1. That Council adopt the Blayney Shire Roadside Vegetation Management Plan documentation, and that it be made available on Council's website.

REPORT

Road reserves in Blayney Shire include vegetation of various levels of conservation value including threatened species and endangered ecological communities.

In 2012 Council received funding from the Lachlan Catchment Management Authority for a project including the preparation of a Roadside Vegetation Management Plan (RVMP).

The development of a RVMP provides a framework for implementation of best practice vegetation management along the shires' roadsides. The project also involves the preparation and delivery of training to ensure effective uptake of the plan by relevant Council staff and contractors and preparation of a handbook to guide on-ground works.

The project included the on ground assessment of roadside vegetation on Shire roadsides, which categorises the roadsides into high, medium or low values depending on the quality of remnant vegetation existing on the roadside.

The location of rare, endangered or uncommon species was also identified. This information has been transferred to a Shire map and included in the Plan.

Roadside Management policies were formulated, taking into account the information provided by the roadside vegetation assessment. One of the major aims of the Plan is to conserve and properly manage the valuable remnant vegetation still existing on Shire roadsides.

Due to the extensive nature of the documentation including:

- Roadside Vegetation Assessment Report,
- Prioritisation and Rehabilitation Report
- Roadside Management Guidelines

It has not been reproduced as an attachment to this report, however will be made available upon request and shall be tabled at the June Council meeting.

The consultant has also provided detailed mapping that will be uploaded to Council's Geographic Information System (GIS).

The development of the RVMP will further inform Council planning decisions, provide detailed information for office based and on-ground field staff on

environmentally sensitive roadsides, and provides council with additional opportunities to seek funding for environmental improvement works as and when they become available.

BUDGET IMPLICATIONS

Funding has been provided by Lachlan Catchment Management Authority.

POLICY IMPLICATIONS

Nil

IP&R REFERENCES

DP.1.1.1 – Maintain and strengthen partnerships with organisations responsible for natural resource management.

DP.3.1.2 – Facilitate the delivery of more planting on council owned and controlled land.

Attachments

Nil

13) **TENDER FOR PILING WORKS - NEWBRIDGE AND GARLAND ROADS**
(Director Infrastructure Services)

RECOMMENDED:

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

REPORT

Blayney Shire Council called tenders for the installation of piles for the new bridges on Garland Road and Newbridge Road in the Blayney Council area. While 15 sets of tender documents were provided, only one tender was received.

By way of history, Council originally called tenders for these works last year but as the prices received at that time were well above the estimate at both sites, a review of the designs was undertaken. This review highlighted that the pile lengths could be reduced and accordingly, tenders were recalled for the construction of the piles at the revised lengths. It has always been Council's intention to construct the bridges on the piles using Council's own staff and a proprietary system developed by Rocla known as M-Lock Bridges. Council has previously used this system on a number of bridges, including Ashburtons and Fagans bridges within the Council area.

Tenders were made available on Council's electronic tendering portal on Monday 6 May 2013, and advertised in the Sydney Morning Herald on Tuesday 7 May 2013.

Tenderers were requested to submit separate pricing for each bridge with the intention that the tender be let for both bridges. While the Garland Road Bridge was straight forward, the piling work for Newbridge Road Bridge was to be carried out in two parts to facilitate the bridge being built in 2 halves. This method of construction was chosen so that vehicular access could be maintained throughout the construction period.

Tender Analysis

The tendered price for the piling at Garland Road is within Council's budget while the price received for Newbridge Road is not. It should be pointed out

that the basis of the estimate provided to Council was based on the previously received tenders.

Following receipt of only one (1) tender when tenders closed on Monday 27 May 2013, those prospective tenderers who had received or downloaded documents but had not tendered were contacted and asked why they hadn't provided a price. To this question, there was no clear reason determined, but it is reasonable to assume that the smallish size of the project at Newbridge Road, combined with the difficulty in coming to the site on 2 occasions has inflated the price for this part of the work beyond what was anticipated.

Having now undertaken two unsuccessful tender processes to try and facilitate the piling works for the two sites, Council is now in a position where, as per the Local Government Regulation, Council, in this instance, may elect to not accept the tenders received and enter into negotiations with known suppliers to achieve a more satisfactory contractual arrangement. Wagstaff Piling has indicated that they remain interested in working with Council on this project. This Company did tender previously and have maintained an active interest in the project during the design reconsideration process. This Company is well known and respected in the industry.

On this basis, Council would be able to enter into negotiations with Wagstaff Piling to carry out the work at Garland Road, based on their tendered price and to ask them to work with Council to determine how the Newbridge Road site could be built within the allocated budget.

Further, as established earlier in the tender process, the project price in relation to the Newbridge Road project was significantly hampered by the need to retain vehicular access to the site whilst the job is being undertaken. By entering into an agreement with Wagstaff Piling, Council may be able to build a bypass road around the site so that the project can continue unhindered by traffic, if the total cost of the project including the bypass construction is able to fit within Council's budget.

The Local Government (General) Regulation 2005 does also allow Council to enter into negotiations with other suppliers other than Wagstaff Piling.

BUDGET IMPLICATIONS

Acceptance of the tendered price for Newbridge Road is outside Council's budget. Any negotiations which take place following this tender process is to provide an outcome which is within Council's available funds or, if the negotiation process is unable to achieve this outcome, then a separate report will be provided to Council at that time in the future to seek additional funding.

POLICY IMPLICATIONS

Nil

IP&R REFERENCES

DP 4.1.1 – Ensuring cost effective methods are available for maintenance of Council's road network

Attachments

Nil

PLANNING AND ENVIRONMENTAL SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 17 JUNE 2013



14) **SUBMISSION OF A PLANNING PROPOSAL TO THE DEPARTMENT OF PLANNING & INFRASTRUCTURE TO AMEND THE BLAYNEY LOCAL ENVIRONMENTAL PLAN 2012 (BLEP)**

(Director Planning and Environmental Services)

RECOMMENDED:

1. That Council:
 - a. forward a Planning Proposal to the Minister for Planning & Infrastructure seeking an Amendment to the Blayney Local Environmental Plan 2012 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 and request that a Gateway Determination be made, enabling the exhibition of the Planning Proposal pursuant to Section 29 of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979, as amended;
 - b. upon receipt of a Gateway Determination under Section 56 of the Environmental Planning and Assessment Act 1979, Council place the Planning Proposal on public exhibition pursuant to any requirements of the Gateway Determination, Section 57 of the Environmental Planning and Assessment Act 1979, in accordance with 'LEP Practice Note (PN09_003): Classification and reclassification of public land through a local environmental plan' dated 12 June 2009 and the Local Government Act 1993;
 - c. conduct a Public Hearing no less than 28 days after the Public Exhibition period concludes in accordance with Section 29 of the Local Government Act 1993; and
 - d. prepare a further report for Council's consideration at the conclusion of the public exhibition period and following the public hearing addressing any submissions received from the public, public authorities and the report prepared by the facilitator of the public hearing.

REPORT

The purpose of this report is to seek Council resolution to submit a Planning Proposal to the Department of Planning & Infrastructure (DPI) which seeks to amend the Blayney Local Environmental Plan 2012 (BLEP) so as 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 and undertake those actions necessary to publicly exhibit the Planning Proposal.

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.

Reclassification of Land

The Local Government Act 1993 (LG Act) requires that all public land under the control of Council should be classified as either 'Community' or 'Operational'. Community land is that used to identify land managed by Council for a public use, such as a library or park, while Operational land is used to identify land owned by Council that can be held as a temporary asset or used to generate a commercial return (including its sale).

Under the LG Act a Council has no power to sell, exchange or otherwise dispose of Community land. However, in circumstances determined by the Act, Council may pass a resolution to reclassify land from Community to Operational allowing it to be disposed of, if appropriate.

The process of reclassifying land from Community to Operational is as follows:

Local Government Act 1993

The LG Act is the principle legislation concerned with the classification and management of public land. The mechanism for reclassifying Council owned public land is the Local Environmental Plan (LEP) and hence the LG Act defers to the Environmental Planning and Assessment Act 1979 (EP&A Act) for this process. The LG Act does have some direct influence on the LEP process such as the mandatory requirements for a public hearing.

Accordingly, Section 29 of the LG Act requires that a public hearing be conducted to discuss the reclassification proposal as it relates to the reclassification of Community land. This public hearing is required to be conducted within 28 days following the conclusion of the public exhibition period.

Environmental Planning and Assessment Act 1979

The EP&A Act is the principle legislation concerned with the processes of reclassification and rezoning proposals, as well as, considering development matters.

The EP&A Act and the Environmental Planning and Assessment Regulation 2000, specifies the process by which amendments to LEPs should be prepared, notified, exhibited and reported.

In July 2009, the NSW Government changed the way that LEPs are developed and approved due to an amendment to Part 3 of the EP&A Act. This system is known as the Gateway plan making process and requires the preparation of a Planning Proposal for any requested amendments to LEPs.

NSW Department of Planning LEP Practice Note

In June 2009, the NSW Department of Planning (DoP) released LEP Practice Note PN 09-003 regarding the classification and reclassification of public land through a Practice Note. This guideline superseded previous Department Guidelines and is now the sole reference document used to help Council's preparing amendments to LEPs that deal with their own land. The purpose of the LEP Practice Note is to ensure transparency in the process where Council is both the owner of the land and the authority for changing the zoning, classification or some other provisions of the local planning instrument (i.e. the LEP).

The LEP Practice Note sets out a process (in addition to the EP&A Act requirements) that Council's should follow when preparing LEPs. When an amendment to an LEP is exhibited, the LEP Practice Note requires a list of information to be placed on exhibition.

All documentation and procedures are to be prepared and undertaken in relation to this Planning Proposal and will comply with relevant legislative and LEP Practice Note requirements.

Public Exhibition

It is proposed that the Planning Proposal will be publicly exhibited for a period of 28 days which includes consultation with public authorities in accordance with the Gateway Determination from the DPI.

Public Hearing

In accordance with Section 32 of the Local Government Act 1993, the reclassification of land requires a public hearing to take place and facilitated by an independent person. At the conclusion of the public hearing, a report will be prepared by the facilitator of the public hearing for Council's consideration.

The outcomes of the public exhibition and hearing will be reported back to Council at the conclusion of the exhibition period.

The proposal seeks to reclassify the subject sites from 'Community' land to 'Operational' land for residential development which will respond to a demand for housing in the Town of Blayney.

The draft Planning Proposal has been prepared for submission to the DPI. The Planning Proposal, should a favourable Gateway Determination be received from the DPI, will be placed on public exhibition and a public hearing will be held at the conclusion of the exhibition period.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

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

Attachments

1	Planning Proposal - Reclassification of Land - Beaufort St, Blayney	38 Pages
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15) **DEVELOPMENT APPLICATION NO.14/2013 - ZTAG KITCHEN
ADDITION, NESTLE AUSTRALIA LTD, 1 JARMAN
CRESCENT, BLAYNEY**

(Director Planning and Environmental Services)

RECOMMENDED:

1. That Council note the submission made in regard to the proposed development, and that Council consent to the Development Application No. 14/2013 subject to the following conditions of consent.

STATUTORY

REASON: Statutory requirement

1. Development is to take place in accordance with the attached stamped plans (Ref No. DA 14/2013), 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.*

2. The proposal is to be constructed and maintained in accordance with the requirements of the Building Code of Australia.

ENVIRONMENTAL

REASON: Statutory requirement and public interest

3. Prior to the commencement of works, the applicant shall install and maintain adequate sediment and soil erosion controls in accordance with WBC Engineering Guidelines. (reference the website)

4. All rubbish and debris associated with the development, including that which can be windblown, must be contained on site in a suitable container at all times. The container shall be erected on the development site prior to work commencing.

Materials, sheds or machinery to be used in association with the development must be stored and stacked wholly within the worksite unless otherwise approved by Council

Note 1: No rubbish or debris associated with the development will be placed or permitted to be placed on any adjoining public reserve, footway or road.

Note 2: Offenders are liable for prosecution without

further warning.

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

CONSTRUCTION

REASON: To comply with legislative statutory requirements.

6. Prior to the occupation or use of the building an Occupation Certificate is to be obtained and where Council is not the PCA a copy is submitted to council.
7. Prior to the issue of a Construction Certificate, the following matters are required to be addressed:
 - a. A fire assessment report on the proposed development shall be prepared by a suitably qualified person and be provided to the Principal Certifying Authority prior to the issue of a Construction Certificate.
 - b. 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*.
 - c. The owner of the building/s must cause the Council to be given a Final Fire Safety Certificate on completion of the building in relation to essential fire or other safety measures included in the schedule attached to this approval.
 - d. Plans and specifications are to be provided indicating all details in relation to the energy efficiency of the building in accordance with Section J (Energy Efficiency) of the Building Code of Australia.
8. 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.
9. There shall be no burning of waste material, felled trees or other material on the site.

DRAINAGE

REASON: To comply with Council's requirements to ensure the site/buildings are adequately protected from

storm water.

10. That all drainage and plumbing work be carried out in accordance with the current Plumbing and Drainage Code of Practice.
11. All plumbing and drainage work shall be carried out by a licensed plumber and drainer.
12. 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.
13. 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 existing drainage system on site.
14. Storm water disposal drains shall be connected to all roof gutter down pipes before the Final Occupation inspection 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.

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

15. That noise generating construction activities are to be restricted to the hours of:-

Monday to Friday	7am to 6pm
Saturday	8am to 5pm
Sundays and Public Holidays	Nil

Hours of operation are to be restricted to:-

Monday to Friday	7am to 5pm
Saturday	Nil
Sundays and Public Holidays	Nil

ADVICE AND NOTES**Inspection Schedule**

The Principal Certifying Authority (PCA) 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 and other required inspections that must be carried out by Blayney Shire Council during construction of the work.

Council as the Principal Certifying Authority, Council must be contacted to undertake inspections of the various stages of construction as follows:

- a. Internal/External sanitary drainage, Prior to the covering of any pipework.
- b. Stormwater, Prior to the covering of any pipework.
- c. Final for water and sewer at time of completion of all works.

Notice of Commencement

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

Duration of Construction Certificate

A construction certificate becomes effective and operates from the date endorsed on the certificate.

A construction certificate lapses 5 years after the date endorsed on the certificate.

A construction certificate does not lapse if the development to which it relates is physically commenced on the land to which the certificate applies within the period of 5 years after the date endorsed on the certificate.

Reference to the Building Code of Australia

A reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

REPORT

Applicant:	Nestle Australia Ltd c/- Anthony Daintith Town Planning
Owner:	Nestle Australia Ltd
Application No:	DA14/2013
Zone:	IN1 General Industrial, BLEP 2012
Date Received:	4 April 2013
Assessment No:	A315243
Property:	1 Jarman Crescent, Blayney
Proposed Development:	ZTAG Kitchen Addition

Description of Proposal

The proposed development is for the addition of a ZTAG kitchen facility to the existing Nestle pet food operation at Jarman Crescent, Blayney. It would replace the facility which is currently operated within another larger building on site.

The existing site contains the Nestle Purina factory which manufactures pet food. It consists of various factory buildings across the site and a large car park on the Millthorpe Road frontage.

The new kitchen facility would be utilised to undertake small scale trials of current and new products at the facility, and would be 21.4m x 22.3m in area. The proposed hours of operation are 7am till 5pm.

The building would be of prefinished metal insulated sandwich panel walls and roof on a concrete slab, and contain wet and dry kitchen areas, dry storage and finished product storage areas.

The proposed facility would not generate additional traffic or requirement for additional employment. A small amount of land clearing is required. The facility would comply with the relevant zoning, hygiene, air handling and wash down requirements.

Section 79C Evaluation - matters for consideration

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

1. State Environmental Planning Policies

State Environmental Planning Policy 55 – Remediation of Land applies to the Nestle site. The site operated as a mine prior to the establishment of the current facility, therefore Council must be satisfied that the site is suitable for the development.

In the vicinity of the kitchen site there is no evidence of mining activity or any other features which might indicate the existence of contaminated land. No sensitive land uses are proposed for the site.

There are no other 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 is zoned IN1 General Industrial under the Blayney Local Environmental Plan 2012, and the proposal is permissible in the zone with development consent.

The objectives of the IN1 General Industrial zone are considered as follows:

- To provide a wide range of industrial and warehouse land uses.
Comment: The proposal is an addition to an existing industrial factory.
- To encourage employment opportunities.
Comment: The site of the proposal is historically high employment generating, although no further employee numbers will result from the proposal.

- To minimize any adverse effect of industry on other land uses.
Comment: The proposal is a structural addition to an existing industrial facility. The kitchen is within the bounds of other structures on the site and is unlikely to impact upon adjoining rural landuses.
- To support and protect industrial land for industrial uses.
Comment: The proposal is an addition within an existing industrial facility.

Clause 6.4 Groundwater vulnerability

The proposal is located on an allotment identified by the LEP's Groundwater Vulnerability map and therefore this report is required to address certain objectives as follows:

- To maintain the hydrological functions of key groundwater systems.
Comment: Due to location and function the proposal will have a negligible impact on any groundwater system. All activities are contained within the building which would be operated under relevant industrial standards for a ZTAG facility.
- To protect vulnerable groundwater resources from depletion and contamination as a result of development.
Comment: The proposal and its operation will have minimal impact on groundwater resources, with no polluting aspects. Sediment and erosion controls would be implemented during the construction stage of the development.

Considerations for development

- The likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals).
Comment: The likelihood of groundwater contamination due to the proposed addition is negligible, due to location and processes on site. All activities are contained within the building which would be operated under relevant industrial standards for a ZTAG facility.
- Any adverse impacts the development may have on groundwater dependent ecosystems.
Comment: The proposal will have a negligible impact due to the nature of the development and the existing use of the site. Some minor land clearing of exotic trees is required for the development.
- The cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply).
Comment: The cumulative impact has been determined within the context of the existing use of the site. The minor addition in relation to the large industrial facility is expected to have a minor cumulative impact.

- Any appropriate measures proposed to avoid, minimize or mitigate the impacts of the development.
Comment: The development itself is a development that is of a minor nature within a larger facility with no foreseen polluting aspects to be created by the developments operations. Sediment and erosion controls will be implemented during the construction stage of the development.
- The development is designed, sited and would be managed to avoid any significant adverse environmental impacts.
Comment: If the proposal is managed in accordance with the consent conditions and the detail provided with the application, it will have a minimal adverse environmental impact. A landscaping plan has been provided outlining replacement of existing vegetation.
- If that impact cannot be minimized the development will be managed to mitigate that impact.
Comment: The development's impact as proposed is minor due to the addition having no known polluting aspects. The proposed landscaping plan and sediment and erosion controls that will be implemented during the construction stage of the development should alleviate any unforeseen circumstances.

Clause 21 Development along arterial roads

The proposed development would utilise the existing access onto the Millthorpe Road via Jarman Crescent. The impact on the safety and efficiency of the main road would be minimal, with no increase in traffic nature, volume or frequency. No additional smoke or dust would be emitted from the site.

4. Guidelines and policies

Council's Notification Policy applies to the development and the proposal was notified accordingly. One submission was received.

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

Draft State Environmental Planning Policies

There are no Draft SEPPs relevant to this development.

Draft Local Environmental Plans

There are no Draft LEPs relevant to this proposal.

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

There are no DCPs relevant to this development.

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

There are no such matters relevant to the development.

79C (b) the likely impacts of that development

Context and setting

The proposed development seeks to provide for replacement of an existing kitchen facility which is currently located within another factory precinct. The site is located in an isolated area of the property adjacent to the northern boundary of the site. It is not expected to be highly visible from adjoining properties to the north and north west of the site. Existing landscaping assists in screening the development, and vegetation removal is to be replaced as set down on the landscaping plan submitted with the application.

The facility would be accessed via the existing internal road network, and would not interfere with other activities on the land. Adjoining land to the north and north west is rural and the rail line passes by to the north east. Beyond the rail line is also rural land and a large quarry. The proposed site is almost flat and would require minimal cut or fill for construction.

Access, transport and traffic

The site is to be accessed via the existing sealed road from the Millthorpe Road into Jarman Crescent. There is not expected to be any increase in traffic nature, volume or frequency. Council's Engineer has no particular upgrading requirements.

Services/utilities

No additional services or utilities are required for the development. Electricity, sewer and water supply are already available to the site.

Site design, internal design and construction

The construction work required for this development includes a building constructed of prefinished metal insulated sandwich panel walls and roof on a concrete slab, containing wet and dry kitchen areas, dry storage and finished product storage areas.

The works are to be located immediately adjacent to the existing facility. They are to be constructed to industry standard and the requirements of the Building Code of Australia.

Hazards – technological, natural

There are no known natural or technological hazards which might affect the development.

Noise and vibration

There are no particular matters relating to noise and vibration which might apply to this development. Noise levels may increase slightly during construction, but should not increase overall as a result of the development.

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 industrial property. No other land resources such as extractive industries are affected. Air pollution is minimized,

and existing mitigation measures would continue to prevent environmental impact.

Water

There are no particular significant water requirements for the development. Sediment and erosion control measures would be established around the site to direct surface water away from the site and into existing sumps.

Waste

The development seeks to enhance an existing industrial facility. Waste management would be carried out as under existing operations, where all effluent waste is currently directed separately into Council's sewer. Domestic waste is collected, stored and removed off site for disposal at an approved waste facility.

Safety, Security and Crime Prevention

The company has an elaborate system in place, including site inductions, to enable site security, safety and crime prevention.

Economic impact

The economic impacts from this development include more effective operation of the Nestle complex, together with employment during construction.

Social Impact

The social impacts relating to this development relate to the more effective operation of a local industry, which works with the local community on a number of different levels. The company provides employment and family support. The environment is protected and amenity unaffected.

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

The cumulative impact of the development is for the continued operation of a local industry, 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 proposal: flooding, contamination, bushfire, heritage.

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

Comment: The site is suitable for the development, being separated from the main plant and screened from adjoining properties. The footprint of the site will allow for future expansion of the kitchen with minimal impact under separate application. Access is appropriate for the level of use, and soil/water movement across the site would be controlled.

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

Comment: Adjoining landowners were notified for 14 days from 16 April 2013. One submission was received. The objector advised that they had given permission twice before to extensions at the plant over the last seven years, and since that time they have experienced increased adverse impact. The submission outlined a number of matters that are outlined as follows:

- 1) An increase in the 24hr per day factory sound.
- 2) An increase in the vapor (smell) that emanates from the facility.
- 3) An increase in the light that shines into their house from the facility.
- 4) An increase in the extremely heavy flow of heavy vehicles to the factory.

The developer was advised of these matters and provided the following response:

- 1) There will be no increase to the *24 hr per day factory noise* as the process carried out in the ZTAG kitchen is currently carried out on the Nestle Purina Blayney facility in an existing building.
- 2) There will be no increase in *vapors that emanate from the facility* as the process carried out in the ZTAG kitchen is currently carried out on the Nestle Purina Blayney facility in an existing building. There is no plan to increase the function of the ZTAG kitchen. The purpose of the Development Application is to consolidate the process and create a specific functional space.
- 3) There will be no increase in *light that shines from the facility* as the process carried out in the ZTAG kitchen will not be carried out at night; the proposed hours of operation are between 7.00am and 5.00pm Monday to Friday.
- 4) There will be no increase in the *extremely heavy flow of heavy vehicles to the factory* as the process carried out in the ZTAG kitchen is currently carried out on the Nestle Purina Blayney facility in an existing building. There is no plan to increase the function or production of the ZTAG

kitchen. The purpose of the Development Application is to consolidate the process and create a specific functional space.

Comment by Council:

The points raised by the submission have specifically been stated as applying to the Nestle site over the last seven years, and as such, applicable to the wider facility. As a result of the above assessment and the information provided by the developer in relation to the proposed ZTAG kitchen, it is unlikely that the matters raised by the objector would be a result solely of the installation of the new kitchen.

That is, as the kitchen generates no additional traffic, noise, odour or lighting, the objections raised will have little bearing on its construction and operation.

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 further enhancement of existing facilities on the site in accordance with industry guidelines in the protection of the environment, and compliance with appropriate legislative requirements.

BUDGET IMPLICATIONS

No budget implications.

POLICY IMPLICATIONS

Assessment undertaken as per legislation.

IP&R LINK

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

DP 1.6.3 – Support and encourage the establishment or expansion of local businesses.

Attachments

1 DA14.2013 - Plans 4 Pages

16) **SWIMMING POOL REGISTER**
(Director Planning and Environmental Services)

RECOMMENDED:

1. That Council note the content of the report and resolve to adopt the following fees to commence 1 June 2013
 - a. Council register a pool on behalf of a pool owner - \$10.00.
 - b. The fee for each inspection undertaken be \$150.00 and \$100.00 for a re-inspection resulting from the first inspection.

REPORT

The NSW Government Swimming Pool Amendment Act 2012 has been amended by the NSW Government to require, in regard to pool owners and Council, the following:

Pool Owners:

1. Swimming pool owners are required to register their swimming pools on an online register to be provided by the NSW State Government.
2. Swimming pool owners will be required to self-assess, and state in the register that, to the best of their knowledge, their swimming pool complies with the applicable standard when registering their pool.
3. There is a penalty for owners who fail to register a swimming pool (penalty notice amount of \$220).
4. Swimming pool owners will be required to provide a valid swimming pool compliance certificate before being able to sell or lease a property with a pool.
5. Accredited certifiers under the Building Professional Act 2005 may conduct swimming pool inspections initiated by the pool owner.

Councils:

1. Councils are required to:
 - i. develop and implement a swimming pool barrier inspection program in consultation with their communities.
 - ii. report annually on the number of pool inspections undertaken and the level of compliance with the requirements.
 - iii. inspect pools associated with tourist and visitor accommodation and multi-occupancy developments at three year intervals.
 - iv. at the request of a pool owner, inspect pools prior to sale or lease.
 - v. issue compliance certificates after an inspection which finds a pool barrier compliant with the requirements of the legislation.
Compliance certificates are valid for three years.
2. A swimming pool subject to an occupation certificate is exempt from an inspection program for three years from the date of issue of the occupation certificate.
3. Councils may inspect any swimming pool that is the subject of a complaint to the Council.

4. Council powers of entry will be consistent with the Local Government Act 1993.
5. Councils may charge a fee for each inspection undertaken (up to a maximum of \$150.00 for the first inspection and \$100.00 for one re-inspection resulting from the first inspection).

The Act commenced on the 29 October 2012 requires the following:

1. NSW Swimming Pools Register available for use by 29 April 2013.
2. NSW Swimming pools to be registered by owners by 29 October 2013.
3. Pool owners require a compliance certificate before sale or lease of their property from 29 April 2014.

BUDGET IMPLICATIONS

The requirements placed on Council to inspect and report on pools will be an additional cost to Council and is likely to be offset by the fees charged.

POLICY IMPLICATIONS

Nil

IP&R LINK

Nil

Attachments

Nil

17) **CADIA OPEN DAY EVENT**
(Director Planning and Environmental Services)

RECOMMENDED:

1. That Council host an open day at CentrePoint in association with the Cadia Open Day event and allow free entry for residents and visitors to use the facilities and promote membership.

REPORT

Council has been working with Cadia Operations to prepare for the proposed November mine open day. As part of these discussions, council has booked CentrePoint as the venue from which the buses will depart to the mine site and this will allow Cadia to set up mining displays and administration for the day.

Council has also undertaken promotion of this day to allow shire businesses to participate and work to make the day a success for the estimated 2500 people who will visit the mine site. From the initial meeting at the community centre an event committee has been formed by local people to ensure this event is successful and to promote the Shire. The community is also working to promote this day and are looking at opportunities for local businesses and others to bring people to this event and to encourage them to stay longer. This will require the use of the open area surrounding CentrePoint, the adjoining roads and Carrington Park for passive use.

As part of the Open Day being held at CentrePoint, the opening of this facility to residents and visitors free of charge would allow promotion of the centre and assist to attract future membership and usage. CentrePoint over past years has held promotional events, cheap entry and open days to promote its facilities and usage. Council as the current operator of this facility should take this opportunity to promote the venue and to allow residents and visitors to experience the centre and to allow families and individuals to stay longer.

The Cadia Open Day is being promoted across the region and allowing visitors to stay longer in Blayney Shire will promote long term benefits for local tourism and businesses.

BUDGET IMPLICATIONS

CentrePoint is open on weekends and costs of opening including staff and services are within the budget. The free entry will have a minimal effect on income, however the promotion of the facility will offset any loss of income. Promotional material in the past has been funded from CentrePoint budgets and this event will not require any additional funding.

POLICY IMPLICATIONS

Nil effect

IP&R LINKS

- DP 2.1.4 Work proactively with community groups to assist with event management
- DP 2.1.5 Encourage and facilitate an active and healthy community by developing accessible programs through CentrePoint and local sporting groups.
- DP 5.2.1 Build partnerships with community groups to increase use of parks and reserves

Attachments

Nil

18) **CADIA VOLUNTARY PLANNING AGREEMENT (VPA)**
(Director Planning and Environmental Services)

RECOMMENDED:

1. That Council adopt the Cadia Voluntary Planning Agreement and formally execute the agreement under Council's seal.

REPORT

The Voluntary Planning Agreement (VPA) was placed on public exhibition, by Orange City Council, for 28 days (as required by the Department of Planning and Infrastructure) in the Central Western Daily, Blayney Chronicle and Molong Express.

Council has received advice, from Orange City Council, that no submissions were received, following the required exhibition period and accordingly Council has no submission to consider.

Therefore Council needs to adopt the VPA, attach its formal execution to the agreement and forward it to Newcrest.

BUDGET IMPLICATIONS

Agreed income to Council from the VPA.

POLICY IMPLICATIONS

Nil.

IP&R LINKS

- DP 1.2.1 Manage the development of mining as it develops in the Shire in order to preserve sustainable industrial diversity into the future.
- DP 1.2.2 Improve transport linkages across the Local Government Area to support the mining industry.
- DP 1.2.3 Build meaningful relationships between the mining industry and community.

Attachments

- 1 Cadia Voluntary Planning Agreement 12 Pages

19) **PROPOSED NAPIER OVAL TOILET BLOCK**
(Senior Health and Building Surveyor)

RECOMMENDED:

1. That Council approve the construction of a new toilet block at Napier Oval, Blayney.

REPORT

As per minute 1305/021 from the May 2013 Ordinary Meeting of Council, the Director provides the following information in relation to an alternate toilet block facility at the Napier Oval complex.

Investigations undertaken by staff have produced a finding that a steel framed, metal clad structure, similar to that which has been built previously at Heritage Park Blayney, will satisfy the requirements of the community for Napier Oval.

A preliminary plan and elevations have been produced to provide Councillors with a conceptual indication of the proposed structure. The structure will contain two unisex disabled toilet facilities, each containing a stainless steel pan and basin. Separating the two facilities will be a service corridor in which all ancillary equipment will be securely housed to aid in the mitigation of vandalism.

This project could commence immediately . For consideration.

BUDGET IMPLICATIONS

Within 2013/14 budget.

POLICY IMPLICATIONS

Nil effect.

IP&R

DP 5.2.1: Build partnerships with community groups to increase use of parks and reserves.

Attachments

- 1 Napier 1 1 Page
- 2 Napier 2 1 Page

COMMITTEE REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 17 JUNE 2013



20) **MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE
MEETING HELD ON FRIDAY 19 APRIL 2013**
(Assets Manager)

RECOMMENDED:

1. That the recommendations of the Blayney Traffic Committee meeting held on 19 April 2013 be adopted.

REPORT

The minutes of the Blayney Traffic Committee meeting held on Friday 19 April 2013 are attached and Councillors attention is drawn to the following item:

Forest Reefs Road Speed Zone Review Draft Report

Attachments

1 Traffic Committee Minutes 19/04/2013 3 Pages

- 21) **MINUTES OF THE BLAYNEY SHIRE SPORTS COUNCIL
MEETING HELD ON THURSDAY 23 MAY 2013**
(Director Infrastructure Services)

RECOMMENDED:

1. That the recommendations of the Blayney Shire Sports Council meeting held on 23 May 2013 be adopted.

REPORT

The minutes of the Blayney Sports Council meeting held on Thursday 23 May 2013 are attached and Councillors attention is drawn to the recommendation:

- Members to consider the terms of sporting related financial assistance as identified in the financial assistance program.

Attachments

- 1 Blayney Shire Sports Council Minutes 23/05/2013 2 Pages

22) **MINUTES OF THE BLAYNEY SHIRE TIDY TOWN
COMMITTEE MEETING HELD ON THURSDAY 16 MAY 2013**
(Director Corporate Services)

RECOMMENDED:

1. That the recommendations of the Blayney Shire Tidy Town Committee meeting held on 16 May 2013 be adopted.

REPORT

The minutes of the Blayney Shire Tidy Town Committee meeting held on Thursday 16 May 2013 are attached.

Attachments

1	Blayney Shire Tidy Town Committee Meeting Minutes 16/05/2013	2 Pages
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23) **MINUTES OF THE BLAYNEY SHIRE ECONOMIC
DEVELOPMENT COMMITTEE MEETING HELD ON
THURSDAY 23 MAY 2013**
(Director Corporate Services)

RECOMMENDED:

1. That the recommendations of the Blayney Shire Economic Development Committee meeting held on 23 May 2013 be adopted.

REPORT

The minutes of the Blayney Shire Economic Development Committee meeting held on Thursday 23 May 2013 are attached.

Attachments

- | | | |
|---|--|------------|
| 1 | Economic Development Committee Meeting Minutes
23/05/2013 | 2
Pages |
|---|--|------------|

24) **MINUTES OF THE BLAYNEY SHIRE ACCESS ADVISORY COMMITTEE MEETING HELD ON THURSDAY 23 MAY 2013**
(Director Planning and Environmental Services)

RECOMMENDED:

1. That the recommendations of the Blayney Shire Access Advisory Committee meeting held on 23 May 2013 be adopted.

REPORT

The minutes of the Blayney Shire Access Advisory Committee meeting held on Thursday 23 May 2013 are attached and Councillors attention is drawn to the following recommendations:

- Committee membership
- Access strategy

Attachments

- 1 Access Advisory Meeting Minutes 23/05/2013 2 Pages

25) **MINUTES OF THE BLAYNEY SHIRE AUDIT COMMITTEE
MEETING HELD ON THURSDAY 9 MAY 2013**
(Director Corporate Services)

RECOMMENDED:

1. That the minutes of the Blayney Shire Audit Committee meeting held 9 May 2013 be adopted; and
2. That the 2011/12 Annual Report of the Audit Committee be noted.

REPORT

The Blayney Shire Audit Committee held a meeting on Thursday 9 May 2013, at the Blayney Shire Community Centre. A copy of the minutes from this meeting is provided as an attachment to this business paper.

The Audit Committee Charter adopted by Council requires that the Committee report at least annually on its activities. The Audit Committee Annual Report tabled covers the period 1 July 2011 to 31 October 2012, the first period of operation of the Audit Committee.

The report provides a background to the establishment of the Audit Committee, its membership, operation during the period and areas for development in the year to come. This report is based on the annual reporting format suggested by the 2011 Victorian Local Government publication *Audit Committees - A Guide to Good Practice for Local Government*. The report was reviewed and endorsed by the members of the Audit Committee at the May meeting.

A copy of the Audit Committee Annual Report 2011/2012 and the May 2013 Audit Committee Meeting Minutes are provided as an attachment.

BUDGET IMPLICATIONS

Costs associated with holding of Audit Committee meetings and associated service reviews have been provided for in Council's 2012/13 budget.

POLICY CONSIDERATIONS

Nil effect.

IP&R LINK

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

Attachments

- | | | |
|---|---|---------|
| 1 | Blayney Shire Audit Committee Minutes | 3 Pages |
| 2 | Blayney Shire Audit Committee 2011/12 Annual Report | 4 Pages |

26) **FINANCIAL ASSISTANCE COMMITTEE MEETING**
(Director Corporate Services)

RECOMMENDED:

1. That the minutes of the meeting held 8 May 2013 and recommendations for round 2 of the Financial Assistance Program by the Financial Assistance Committee be received and noted.

REPORT

The second round of Financial Assistance Program applications for 2012/13 was considered by the Financial Assistance Committee at its meeting held May 8, 2013.

An amount of \$25,000 in financial assistance was available for Round 2 and \$10,688 was unallocated from Round 1 providing a total of \$35,688 available for distribution. There were 13 applications with a total value of \$422,602 seeking \$60,487.80 in financial assistance.

There are a number of categories of funding as follows:

Funding Type	Maximum funding levels available annually per application
Recurrent Financial Assistance	Generally up to \$1,000 for new projects except school prizes. School prize of \$50 per School per annum.
Non- Recurrent Financial Assistance - Council: Projects of demonstrated broad community benefit, including school projects - the applicant must demonstrate the uniqueness of the project, how it will benefit the community and how it meets Council's vision statement(s) objectives.	Generally up to \$3,000 Special projects enhancing a community facility may receive up to \$10,000 **
Fees and Charges	As specified in Council's Fees and Charges.
Sporting Related: Financial Assistance for junior representatives is considered by Council's Sports Advisory Committee.	<ul style="list-style-type: none"> • up to • \$100.00 for regional selection • \$300.00 for state selection • \$500.00 for national selection

Recommendations are pursuant to the above criteria and the Financial Assistance Program guidelines.

The minutes of the meeting and Recommendations for financial assistance total \$34,201 and are summarised in the attachment to this report. Four applications were not approved and more information has been sought on an application from the Blayney Camera Club.

BUDGET IMPLICATIONS

Council has an amount of \$50,000 allocated in 2012/13 for this purpose.

POLICY CONSIDERATIONS

Nil effect.

IP&R LINK

DP 5.1.1 Assist incorporated village committees, progress associations and hall committees.

DP 6.2.1 Identify and engage with Shire Community Groups.

Attachments

1 Committee minutes including Round 2 Applications 2 Pages

Cr S Ferguson
MAYOR

Mr GA Wilcox
GENERAL MANAGER

CONFIDENTIAL MEETING REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 17 JUNE 2013



27)

GENERAL MANAGER'S PERFORMANCE REVIEW

This matter is considered to be confidential under Section 10A(2) (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.