

Blayney Shire Council



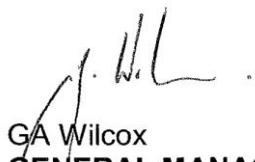
2 September 2013

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, 9 September 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
- (5) Matters arising from Minutes
- (6) Disclosures of Interest
- (7) Public Forum
 - (a) Jacqueline Crompton – DA 47/2013
- (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



PUBLIC FORUM SPEAKER'S REQUEST FORM

Please complete, sign and present this form to the General Manager's Office prior to 12 NOON on 1st Monday of the month.

NAME: JACQUELINE CROMPTON TELEPHONE: 0425 203 832

ADDRESS: PO Box 267 EDGE CLIFF NSW 2027

REPRESENTING: NBM Co. and ERICSSON
(Self/Name of Organisation/Other Party)

SUBJECT FOR DISCUSSION: DA 47/2013 ON BEHALF
OF APPLICANT
FOR MEETING DATED 9th September 2013

SUMMARY OF GUIDELINES FOR SPEAKERS IN PUBLIC FORUM

1. A person can address Council for a maximum period of five (5) minutes.
2. Members of the public may address Council on any issue, however, should there be an agenda item, there must be a direct link between the member of the public wishing to address Council and the substance of the agenda item.
3. Public Forum cannot be used to request reports from the Mayor, Councillors or staff, nor used to address matters in the Minutes of an earlier meeting or other matters already dealt with at the meeting.
4. Persons speaking in Public Forum may, with the permission of the Chair, use appropriate materials or documents to support their position, but may not table documents to be actioned.
5. Any person making use of the Public Forum is required to observe the same standards required of a Councillor. Specifically, the person shall:
 - a. obey the directions of the Chairperson, and
 - b. not use any behaviour or language inconsistent with good order and decorum, and
 - c. not make personal reflections or impute improper motives to Councillors and/or staff.
6. The duration of the Public Forum in its entirety, must not exceed 15 minutes in total.
7. Should there be more than one person wishing to address Council on an issue, then those persons are to nominate one person to represent the group (Note: Only applies on those occasions where the total group time would exceed 15 minutes).

In signing this request I acknowledge and agree to abide by the Council Code of Meeting Practice relating to Public Access and recognise that I am speaking in a public forum and that Council meetings are minuted.

MB for JC
SIGNATURE OF SPEAKER

Office Use Only		
Received by: _____	Date: _____	Time: _____

For Enquiries - Phone 6368 2104 OR Forms may be faxed to: 6368 9640

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HELD ON MONDAY 9 SEPTEMBER 2013

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GENERAL MANAGER'S REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 9 SEPTEMBER 2013



01) ELECTION OF MAYOR
(General Manager)

RECOMMENDED:

1. That Council accept the nominations for position of Mayor; and
2. That if more than one nomination is received for the position of Mayor, the method of voting is by open means (such as on voices or show of hands).

REPORT

In accordance with Section 225 and 290 Local Government Act 1993, Council is required to elect a Mayor. This election is required to be held annually in September. Councillors have been advised by letter of the election of Mayor procedure and the invitation to nominate.

Under Councils Code of Meeting Practice Clause 14.5 – Open Voting at Council excepting Elections states:

(5) Voting at a council meeting, including voting in an election at such meeting, is to be by open means (such as on the voices or by show of hands). However the council may resolve that the voting in any election by councillors for mayor or deputy mayor is by secret ballot. (Regulation 251(5)).

Should council require a secret ballot then Part 11 of this Regulation provides that a council is to resolve whether an election by the Councillors for Mayor or Deputy Mayor is to be by preferential ballot, ordinary ballot or open voting (clause 394 and clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that **ballot** has its normal meaning of secret ballot.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

IP&R

- DP6.1.1 Councillors to exhibit leadership on Council and participate in committees and community organisations
- DP6.3.1 Provide a framework for the efficient and effective administration of Council.

Attachments

- 1** Regulations 3 Pages

02) ELECTION OF DEPUTY MAYOR
(General Manager)

1. That Council accept the nominations for position of Deputy Mayor; and
2. That if more than one nomination is received for the position of Deputy Mayor, the method of voting is by open means (such as on voices or show of hands).
3. The person elected be for the mayoral term (1 year).

REPORT

In accordance with Section 231 Local Government Act 1993, Council may elect a Deputy Mayor. Council decided to elect a Deputy Mayor at its meeting in October 2012 for the term of the Mayor. This election is therefore required to be held annually in September. Councillors have been advised by letter of the election of Deputy Mayor procedure and the invitation to nominate.

Under Council's Code of Meeting Practice Clause 14.5 – Open Voting at Council excepting Elections states:

(5) Voting at a council meeting, including voting in an election at such meeting is to be by open means (such as on the voices or by show of hands). However the council may resolve that the voting in any election by councillors for mayor or deputy mayor is by secret ballot. (Regulation 251(5)).

Should council require a secret ballot then Part 11 of this Regulation provides that a council is to resolve whether an election by the Councillors for Mayor or Deputy Mayor is to be by preferential ballot, ordinary ballot or open voting (clause 394 and clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that **ballot** has its normal meaning of secret ballot.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect

IP&R

- DP6.1.1 Councillors to exhibit leadership on Council and participate in committees and community organisations
- DP6.3.1 Provide a framework for the efficient and effective administration of Council.

Attachments

Nil

03) **CODE OF MEETING PRACTICE AMENDMENT -
PRESENTATIONS TO COUNCIL**
(General Manager)

RECOMMENDED:

1. That Council amend its Code of Meeting Practice to incorporate presentations to Council into the meeting agenda at the point of Public Forum.

REPORT

Although Council does not receive a large number of presentations to council or public forum speakers, it is important that any presentations made to council are heard by the full council and that the public are able to listen to presentations (other than confidential items as prescribed). Council's process to call for presentations prior to the meeting restricts the public availability and has restricted Councillor attendance in recent times. The Councillors and public are aware that Council commences at 6.00pm and any presentations made prior to this time are made outside the meeting.

In some instances e.g. Centroc, Auditors Reports or RFS presentations are of interest to the general public and may trigger resolutions of council. It is important for free and open government to ensure that non confidential information can be heard by the public.

The process to request a presentation to Council and time available to speakers should not be altered. If Council requires more time than it would be at Council's discretion to allow extra time if required based on the topic. Currently, the presentations are cut off at 6.00pm to allow the council meeting to start on time.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

This resolution will change the process of presentation to Council and ensure Councillors and the public are available to listen to presentations.

IP&R

CSP 6.1 Good Governance across our Communities

Attachments

Nil

04) SPECIAL VARIATION UPDATE
(General Manager)

RECOMMENDED:

1. That Council note the report on the progress being made to prepare for the Special Rate Variation of 15% as contained in the IP&R Documents,
2. That Council include in the IP&R documents a statement that discusses the Special Rate Variation based on the information within those documents.

REPORT

As reported to Council previously, the development of information to discuss a Special Rate Variation (SRV) with the community is under preparation. As part of this process to ensure that the community and council is fully aware of the structure of the variation and the outcomes around any increases in rates a number of meetings have been held with independent organisations.

To ensure that the proposed SRV can be afforded by the Blayney Shire community, Council has requested the Western Research Institute to undertake a review of the economic ability of the residential, business and rural communities to pay for the proposed 15% increase in rates. This is an important step from Council to determine if the needs and requests of the community as contained in the community developed IP&R documents can truly be afforded. This report will allow this independent assessment to be undertaken. It will then allow council to ensure that it is not over committing its community to loans and asset renewals above a level that can be sustainable.

A meeting has been held with NSW Treasury (Tcorp) to request them to undertake a review of the Council's long term financial plan. Again this plan has been based on the community expectations contained in the IP&R documents. The Tcorp review is to ensure that Council is providing a financial direction that will improve its assets (roads, bridges, footpaths and community needs) and ensuring that it is not over committing the community to loans and other costs that can not be sustained into the future. This review will test the 15% SRV and determine if it is affordable to the community. Council has taken this review process to ensure that the review is independent from itself or its auditors.

A further meeting has also been held with IPART. This meeting was to advise IPART that Council had approved going to the community to consult about the 15% SRV and to seek advice if in the opinion of IPART that this SRV would be considered overall. The advice from IPART indicated that Council will need to provide advice to them that the community can afford the proposed SRV of 15%. Further that the IP&R documents contain statements that indicate that the long term financial plan has been developed that includes a 15% SRV and that Council undertakes surveys of residents or provides advice on community consultation undertaken that ensures that the Shire community have knowledge of the 15% SRV.

To ensure that the IP&R documents contain a statement that is suitable for IPART the following is offered:

Special Rates Variation proposed under the Long Term Financial Plan

Council has prepared its long term financial plan based on advice received from the community in the development of the Community Strategic Plan and through continuing discussions that will ensure enhancements to villages, sporting facilities and community infrastructure. The long term financial plan predicts that a Special Rate Variation of 15% across all rating categories is required every year from 2014/15 to 2019/2020. This cumulative increase will require that all rates across the shire will double over the six year period remaining under the long term financial plan.

Before Council can increase the rates to 15% annually it is required to consult with the community and to provide evidence to IPART that the community can afford the proposed increases.

BUDGET IMPLICATIONS

The cost of preparing documentation and community consultation will be undertaken from existing budgets.

POLICY IMPLICATIONS

The proposed consultation for a SRV of 15% is in accordance with the approved documents.

IP&R:

The Special Rate Variation is key to all future programs and delivery of improvements to infrastructure and sustainability of the Shire community.

Attachments

Nil

05) COUNCIL AND COMMUNITY COMMITTEES - COUNCILLOR REPRESENTATION
(General Manager)

RECOMMENDED:

1. That Council confirm representation on the relevant Committees.

REPORT

Council's Code of Meeting Practice provides that Council may appoint or elect Committees as it considers necessary.

Council must specify the functions of each of its Committees when the Committee is appointed or elected, but may from time to time amend those functions. Committee functions have been previously adopted. Blayney Shire Council does not operate on a Council Committee system.

Councillors are reminded that the disclosure requirements contained in the Code of Conduct and Meeting Procedures relate to Committee Members (including community representatives on Council Committees). Councillors representing Council and delegates on external committees and boards are asked to provide a Delegate's report for inclusion in the Business Papers.

<u>Council Appointed Committees – which include Community Representation</u>		
	Committee Name	Representatives
1.	Cemetery Forum	Cr Braddon, Cr Radburn.
2.	Blayney Shire Access Advisory Committee	Cr Oates, Cr Ewin (Reserve)
3.	Blayney Shire Audit Committee	Mayor, Cr Ewin, Cr Somervaille (Reserve)
4.	Blayney Shire Economic Development Committee	Cr Oates, Cr Radburn
5.	Blayney Shire Financial Assistance Committee	Cr Somervaille, Cr Braddon (Reserve)
6.	Blayney Shire Sports Council	Cr Kingham, Cr Oates (Reserve)
7.	Blayney Shire Tidy Towns Committee	Cr Ewin, Cr Radburn (Reserve)
<u>Council Delegates and Representatives to External Committees and Organisations</u>		
1.	Arts Outwest Board	Mrs Nyree Reynolds
2.	Association of Mine Related Councils	Mayor, General Manager
3.	Australia Day Committee	Mayor, General Manager
4.	Canobolas Bushfire	Cr Ewin

	Management Committee	
5.	Central Tablelands Water	Cr Braddon, Cr Somerville
6.	Central West Libraries Committee	Cr Braddon
7.	Central West Regional Organisation of Councils (Centroc)	Mayor, General Manager
8.	Lachlan Regional Transport Committee	Cr Somerville, Cr Braddon (Alternate)
9.	NSW Rural Fire Service Canobolas Zone Liaison Committee	Cr Ewin
10.	Orange, Blayney, Cabonne Business Enterprise Centre Board	Mayor
11.	Police Accountability Community Teams Committee (PACT)	Mayor, General Manager
12.	Roads and Traffic Authority Regional Consultative Committee	Cr Radburn
13.	Traffic Advisory Committee	Cr Radburn, Cr Kingham (Alternate)
14.	Upper Macquarie (Noxious Weeds) County Council	Cr Kingham, Cr Braddon
15.	Wellington, Blayney, Cabonne Strategic Alliance Board	Mayor, Deputy Mayor, General Manager

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

IP&R

- DP 6.1.1 Councillors to exhibit leadership on Council and participate in committees and community organisations
- DP 6.3.1 Provide a framework for the efficient and effective administration of Council.

Attachments

Nil

06) MEETING DATES AND TIMES FOR ORDINARY MEETING OF COUNCIL FOR THE FOLLOWING 12 MONTHS

(General Manager)

RECOMMENDED:

1. That the dates outlined in the Report by the General Manager, relating to meeting dates and times for ordinary meetings of Council for the next 12 months, be adopted.

REPORT

As outlined in the Local Government Act, Section 365, and Council's Code of Meeting Practice, Council is required to consider and set the meeting dates and times for Ordinary meetings of Council for the forthcoming 12 month period.

Accordingly, the following dates and times are recommended for Ordinary Meetings of Council over the following 12 month period:

Monday 14 October 2013

Monday 11 November 2013

Monday 9 December 2013

Monday 10 February 2014

Monday 10 March 2014

Monday 14 April 2014

Monday 12 May 2014

Monday 16 June 2014 (Queens Birthday holiday is Monday 9 June 2014)

Monday 14 July 2014

Monday 11 August 2014

Monday 8 September 2014.

Ordinary meetings of Council commence at 6.00 pm in the Council Chambers, Blayney Shire Community Centre, 44 Church Street, Blayney.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

As per Section 365 of the Local Government Act and Council's Code of Meeting Practice, Council is required to determine the meeting dates for ordinary meetings of Council for the forthcoming 12 month period.

IP&R

DP 6.1.1 Councillors to exhibit leadership on Council and participate in committees and community organisations.

DP 6.2.1 Identify and engage with Shire Community Groups.

DP 6.2.3 Develop communications between Councillors and the community to provide community opinion.

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

Attachments

Nil

CORPORATE SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 9 SEPTEMBER 2013



07) REPORT OF COUNCIL INVESTMENTS AS AT 28 AUGUST 2013
(Manager Financial Services)

RECOMMENDED:

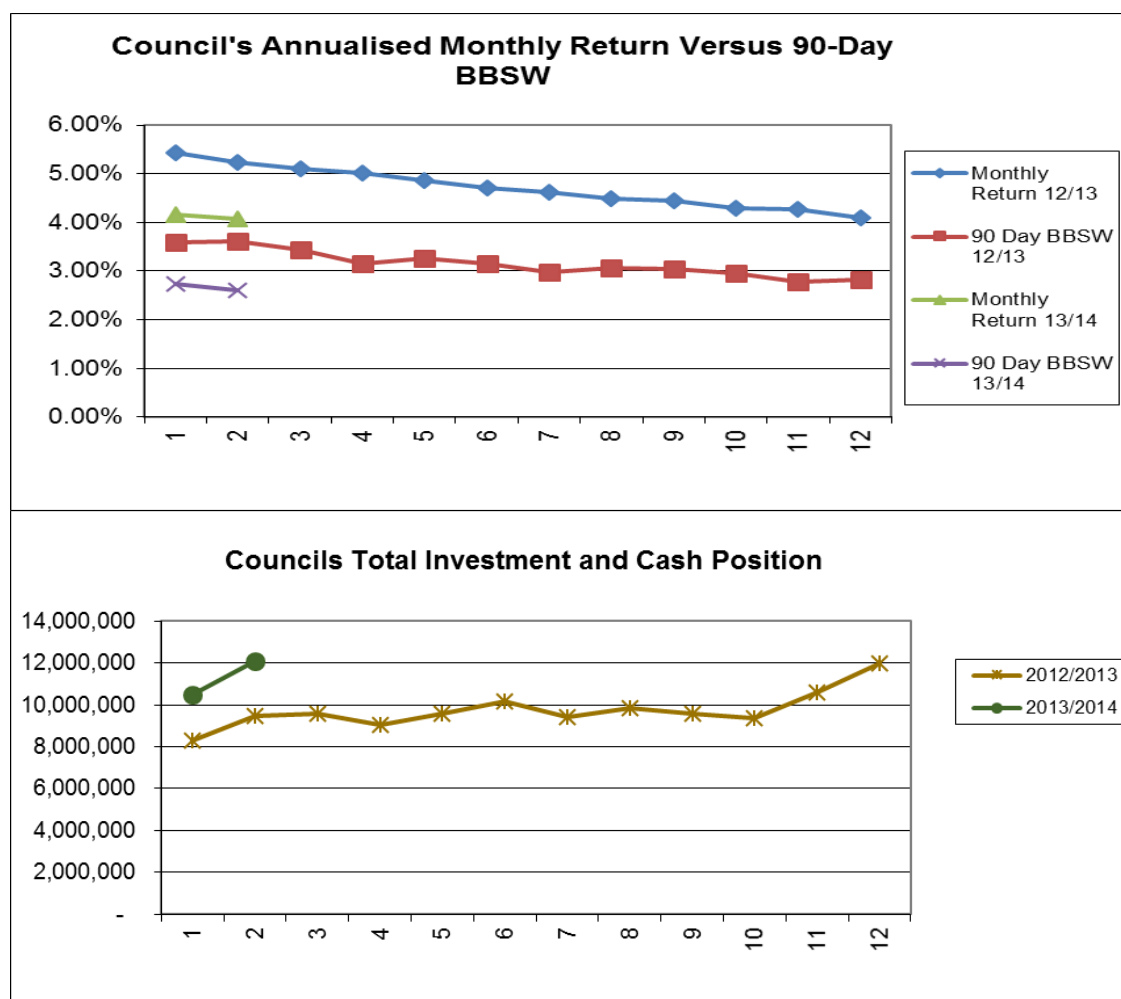
1. That the report indicating Council's investment position as at 28 August 2013 be received and noted.
2. That the certification of the Responsible Accounting Officer be noted and the report be adopted.

REPORT

This report provides details of Council's Investment Portfolio as at 28 August 2013.

Council's total investment and cash position as at 28 August 2013 is \$12,102,548.23. Investments earned interest of \$37,074.08 for the month of August 2013.

Council's monthly net return annualised for August of 4.05% outperformed the 90 day Bank Bill Swap Rate of 2.60%.



REGISTER OF INVESTMENTS AND CASH AS AT 28 AUGUST 2013

Institution	Maturity	Amount \$	Monthly Net Return Annualised
<u>Term Deposits</u>			
NAB	9/01/2014	500,000.00	4.24%
Bankstown City Credit Union	9/09/2013	500,000.00	4.00%
Rural Bank	4/09/2013	500,000.00	4.25%
Bank of Sydney	21/01/2014	500,000.00	4.10%
ME Bank	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	18/09/2013	500,000.00	4.15%
Westpac Bank	17/09/2013	500,000.00	4.18%
Gateway Credit Union	4/09/2013	500,000.00	4.12%
B & E Ltd	11/09/2013	500,000.00	4.15%
Australian Defence Credit Union	11/09/2013	500,000.00	4.20%
ING	4/02/2014	500,000.00	4.13%
Peoples Choice	22/10/2013	500,000.00	4.04%
Bendigo & Adelaide Bank	11/09/2013	500,000.00	4.05%
Police Credit Union	25/09/2013	500,000.00	4.18%
Wide Bay Australia Ltd	11/12/2013	500,000.00	4.18%
Goldfields Money Ltd	11/06/2014	500,000.00	4.20%
AMP Bank Limited	3/07/2014	500,000.00	4.00%
Beyond Bank Australia	20/02/2014	500,000.00	3.85%
Investec Bank	25/02/2014	500,000.00	3.83%
Total		10,500,000.00	4.04%
<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		11,000,000.00	4.05%
Benchmark: BBSW 90 Day Index			2.60%
Commonwealth Bank - At Call Account		656,262.64	
Commonwealth Bank Balance - General		446,285.59	
TOTAL INVESTMENTS & CASH		12,102,548.23	

Summary of Investment movements - August		
Financial Institution	Invst/(Recall) Amount \$	Commentary
<u>Term Deposits</u>		
Bank of Queensland	(505,713.70)	Term Deposit Matured 13/08/2013
Bank of Queensland	500,000.00	Term Deposit Reinvested 13/08/2013
Beyond Bank	500,000.00	Term Deposit Invested 21/08/2013
ME Bank	(505,705.48)	Term Deposit Matured 27/08/2013
ME Bank	500,000.00	Term Deposit Reinvested 27/08/2013
St George Bank	(510,413.70)	Term Deposit Matured 27/08/2013
St George Bank	500,000.00	Term Deposit Reinvested 27/08/2013
Investec Bank	500,000.00	Term Deposit Invested 27/08/2013

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 \$173,459 as at 31 July 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 July on the CDO is 4.20% outperforming the 90 day Bank Bill Swap Rate of 2.60%.

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

08) PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS POLICY
(Director Corporate Services)

RECOMMENDED:

1. That the Payment of Expenses and the Provision of Facilities to the Mayor and Councillors policy be adopted and included in Council's policy register.

REPORT

Following Council's July Ordinary Meeting, Council's Draft Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy was placed on public exhibition and the public were invited to make submissions.

At the close of the exhibition period Council had not received any submissions in relation to this policy.

The policy was tabled for consideration as part of its statutory obligation to adopt a policy concerning expenses and facilities on an annual basis pursuant to section 253 of the Local Government Act 1993. Upon adoption Council must submit its policy with the Council resolution with any submissions to the Division of Local Government.

A copy of the Draft Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy has been provided as an attachment to this business paper.

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 | Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy | 14
Pages |
|---|---|-------------|

09) CENTROC FUEL CONTRACT
(Director Corporate Services)

RECOMMENDED:

1. That Council endorse the selection of Oilsplus, Reliance, Park and Dib Group as the provider for Council's supply of fuel and to commence negotiations.

REPORT

Council at its meeting held 8 April 2013 resolved to participate in the regional contract process for Supply of Fuel. The Centroc Request for Tender (RFT) for Supply of Fuel was managed under the auspices of the Centroc Supply Managers Team.

Members of the Centroc Supply Managers Team oversaw the RFT process run by Centroc. All documentation including copies of the RFT, responses from tenderers and tender assessment documentation is available upon request.

The panel gave consideration to responses from 4 companies:

- Reliance Petroleum
- Oilsplus
- Park Fuel
- Dib Group

Pricing for Council for each panelist is Commercial in Confidence, however is available to Councillors upon request.

Based on pricing quoted in the RFT process, it is commended that Council approve Centroc to enter into negotiations with each panelist. Following negotiations, a 2 year contract (with a possible 12 month extension) with each panelist is advised. The appointment of a panel of companies will give Council flexibility to source the best fuel price, given the pricing for fuel is variable.

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

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

BUDGET IMPLICATIONS

Centroc has managed the process including all costs of advertising and tender assessment and will receive a 0.15% management fee from the supplier to cover these costs.

Council has provided in its current Operational Plan and Long Term Financial Plan amounts for running expenses of its fleet.

POLICY IMPLICATIONS

Nil.

IP&R LINK

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

Attachments

1 Fuel Contract 22 Pages

10) **PUBLIC LIBRARIES NSW ANNUAL CONFERENCE**
(Director Corporate Services)

RECOMMENDED:

1. That Council endorse attendance by Councillor Braddon to the Public Libraries Annual Conference 2013 on 24-26 November 2013.

REPORT

Council is in receipt of an application by Councillor Braddon to attend the Public Libraries Annual Conference 2013 - *Creating Libraries for our Communities* to be held at the Australian Technology Park, Sydney 24 November to 26 November 2013. Councillor Braddon is the Blayney Shire Council delegate to the Central West Libraries Committee.

Council's Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy provides the following:

“3.1. CONFERENCES AND SEMINARS

Requests for attending conferences shall be in writing outlining the benefits for Council. A written report shall be furnished to Council from the Councillor or staff accompanying the Councillor on the aspects of the conference relevant to council business and / or the community. No written report shall be required for the Local Government and Shires Association Annual Conference.

Council will meet the following expenses for Councillors attending conferences and seminars which have been authorised by Council resolution or by the Mayor under delegated authority:

- 3.1.1. Registration Fees.....*
- 3.1.2 Accommodation.....*
- 3.1.3 Car Parking Fees.....”*

“4.3. NON-LOCAL AND OTHER TRAVEL ARRANGEMENTS AND EXPENSES

Payment of travelling expenses for all other travel outside of the “local area” as defined above shall be submitted to Council for consideration, and shall only be paid if approved.

All non-local and other travel should be advised to the General Manager in advance for coordination of accommodation and travel arrangements (if required). Such advice shall be on a travel authority and submitted in time for approval by Council as attached to this policy. For risk minimisation Councillors are to pool vehicles where practicable. All travel by vehicle shall be by the following priority:

- a. Council vehicle (if available)*
- b. Councillor vehicle*
- c. Hire vehicle*

Claims for expenses incurred shall be submitted on the approved claim form as attached to this Policy, and each claim shall clearly state the purpose of the travel.”

Registration is priced at \$330.00 (earlybird) or \$380.00 (after 23 September 2013) excluding GST. Accommodation, inclusive of breakfast, will be in the range of \$195.00 to \$240.00 per night.

A copy of the draft program is attached for information of Council.

BUDGET IMPLICATIONS

While Council does not have specific provision in the 2013/14 Operational Plan for Conferences, Council has sufficient provision for Councillor Travel, Training and associated Councillor expenses to sustain such a request.

POLICY IMPLICATIONS

As outlined in the report.

IP&R LINK

DP 2.3.4 Provide library services in Blayney Shire.

Attachments

1 Public Libraries NSW Annual Conference Draft Program 12 Pages

11) **ADOPTION OF RISK MANAGEMENT POLICY**
(Director Corporate Services)

RECOMMENDED:

1. That the Risk Management policy be adopted and included in Council's policy register.

REPORT

Council recognises that risk management is essential for sound strategic and financial planning and is committed to providing adequate resources to ensure an effective risk management program.

By fostering a vibrant risk management culture that encourages all employees to systematically apply principles and procedures in this policy, Council seeks to effectively and efficiently use its resources to ensure that all Council events, activities, projects and administration are undertaken with minimal risk to employees and the general public.

Council has developed a policy that is applicable to all Council employees, operations, functions and programs. This includes any activities undertaken on behalf of the Council by contractors or representatives of Council.

What is Risk Management?

Risk Management is a proactive attempt to identify potential risks and incidents before they happen in order to develop prevention and response strategies.

Why use Risk Management?

Risk management is used to maintain the highest possible quality of services; safeguard and improve council assets; encourage council employees to take responsibility for managing risk; to show transparent and responsible management processes; to ensure resources are allocated appropriately to treat risk and to ensure Council can deal with risk in a cost effective manner

Why a policy?

A policy states Council's commitment to Risk Management principles as part of operations and decision making. It provides documented evidence of commitment and promotes an atmosphere of risk awareness, willingness to manage risk at all levels of the organisation and opportunities for continuous improvement of performance across the organisation.

As part of Council's Continuous Improvement Pathway for 2013/14, developing and adopting the Risk Management Policy and development of associated procedures fulfills the strategic criteria in our Risk Management Action Plan (RMAP). Statewide Mutual directs an incentive bonus to councils that complete their Action Plans on an annual basis.

A copy of the Risk Management Policy has been provided as an attachment to this business paper.

BUDGET IMPLICATIONS

The adoption of the Risk Management Policy will assist Council to achieve an action in its RMAP and work towards achievement of its incentive bonus allocation for 2013/14. The policy will also help to increase awareness to risk and minimise financial impacts upon Council.

POLICY IMPLICATIONS

As outlined in the report.

IP&R LINK

DP6.4.4 Review risk management of council operations

Attachments

1 Risk Management Policy 3 Pages

12) **MILLTHORPE RAILWAY STATION PUBLIC AMENITIES
LEASE NEGOTIATIONS**
(Director Corporate Services)

RECOMMENDED:

1. That correspondence be sent to Edgecombe Wines reaffirming Council's position that it is unable to offer a full indemnity due to the associated uninsured risk exposure to Council; and
2. That Council proceed with plan preparation for provision of an amenities facility in Millthorpe subject to an analysis of risk/funding and need for provision of such a facility.

REPORT

The Millthorpe Railway Station (including the public toilets) is currently leased from John Holland Rail Pty Ltd by Edgecombe Wines who run a Cellar Door as a commercial operation.

Council currently has no interest or commercial arrangement with the property owner or the lessee of the facility. Council has been working towards a sub-lease arrangement as part of a solution to this matter following the resolution of Council at the March 2012 meeting:

MILLTHORPE RAILWAY STATION PUBLIC AMENITIES

RESOLVED:

MOTION:

1. That the report on the discontinuation of services to the public amenities facility at Millthorpe Railway Station be received and noted. (Radburn/Bell)

This Motion was withdrawn.

1203/007

RESOLVED:

1. That Council negotiates with Edgecombe Wines for a lease agreement so the toilets can remain open for public use. (Kingham/Bell)

Negotiations on this matter have been rather protracted however are now at a stalemate over the request by the Lessee (Edgecombe Wines) for Council *"...to provide a full indemnity or protection from Public Liability, in the absence of negligence by the Lessee, when not open for business"*.

While Council have requested lease wording be included *"noting respective rights and interests of parties to this arrangement"*, the point of contention is that the Lessee (Edgecombe Wines) is not prepared to accept the public liability risk of the public areas while the public toilets are open and his business is closed. Council's Insurer has advised the following when approached with the above request for a full indemnity by Council:

“Statewide does not provide indemnities to third parties and can only indemnify Council. If Council chooses to grant Mr Edgecombe an indemnity then it will be ‘uninsured’ to the extent it would not be liable at common law.

We can note Mr Edgecombe's interests, as the lessee of the premises and define the relationship between him and Council. The purpose of such an act is to affirm Council has adequate cover in respect of its own risks in the contractual agreement.”

It is recommended to move toward the provision of a new amenities facility in Millthorpe, subject to risk / funding and need analysis, as Council would control this asset and it offers a better solution for Council in the long term. The development of a plan would make it available for any funding opportunities that arise in the future.

Attached for information of Councillors is a copy of the report to the February 2012 Council meeting, for background purposes, and recent correspondence from Edgecombe Wines.

BUDGET IMPLICATIONS

Council has provision for cleaning and associated maintenance in its 2013/14 Operational Plan. No provision exists in its Long Term Financial Plan for construction of a new amenities facility.

POLICY IMPLICATIONS

Nil.

IP&R LINK

DP 4.1.5 Implement the Blayney Shire Council Asset Management Plans

Attachments

- | | | |
|---|--|---------|
| 1 | Millthorpe Railway Station Council Report 12/03/2012 | 2 Pages |
| 2 | Letter from Edgecombe Wines | 2 Pages |

13) ENDORSEMENT OF COMMUNITY REPRESENTATIVES
(Director Corporate Services)

RECOMMENDED:

1. That the additional 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 and at its meeting held 17 June 2013 endorsed members to its committees. A number of new members have been nominated to fill vacancies.

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

Blayney Shire Towns & Villages Committee
Wayne Moore (Newbridge)

Blayney Shire Sports Council Committee
Rachelle Ellem (Millthorpe Junior Soccer Club)
Robyn Wallace (St Joseph's Primary School)
Rebecca Anderson (Millthorpe Tennis Club)
Ainslie Wright (Carcoar and District Pony Club)
Kelly Rodwell (Carcoar and District Pony Club)
Darren Cook (Blayney Rugby League)
Michael Truloff (Millthorpe Junior Cricket)

Blayney Shire Cemetery Forum Committee
Candice Braddon

Induction material will be distributed and new members will be familiarised at their next meeting.

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

The committee process is an important element of Council's Community Engagement Strategy.

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

INFRASTRUCTURE SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 9 SEPTEMBER 2013



14) **WESTERN NSW ROADS PROJECT - STAGE 2**
(Director Infrastructure Services)

RECOMMENDED:

1. That Council note the report provided on the Western NSW Roads Project – Stage 2.

REPORT

Councillors may recall advice provided at its Workshop of 26 July 2013.

The Western NSW Roads Project was an initiative of the Hon Kevin Humphries, Member for Barwon, prior to the Coalition being elected to Government in March 2011. The project involved the identification of roads, bridges, pinch points and key intersections that were either safety issues or created blockages for transport efficiency, and was used for lobbying purposes for Local Government Areas (LGA's) generally west of the Newell Highway.

Stage 2 of the project covers LGA's generally West of the Great Dividing Range including Blayney Shire LGA, with a similar purpose to that of Stage 1.

Ms Jillian Kilby, a Consulting Engineer from Western NSW, coordinated Stage 1, and is presently coordinating Stage 2 of the project that is being rolled out by The Hon Kevin Humphries office. At the commencement of Stage 2, Ms Kilby recommended to The Hon Kevin Humphries office that a regional approach would be beneficial; and in the case of the Central West is being run through the Centroc Infrastructure Group.

Ms Kilby met with engineers from member Councils at a meeting in Orange on Friday 21 June, and has subsequently followed up through teleconference, to ensure Councils understand the process and the identification of routes, and sites.

At the June meeting, members discussed priority roads, bridges, pinch points and key intersections, across the region.

Blayney was well placed in the identification of routes through the LGA, by virtue of the work previously undertaken by Infrastructure Services staff in developing a road hierarchy for the Blayney road network. The hierarchy was developed on the basis of identifying key industries, transport and tourist routes, employment nodes, and population centres, both within and beyond the Blayney LGA.

This enabled links to be defined, both over existing arterial and currently lower class routes.

Blayney had initially identified routes for the project including:

- Hobbys Yards Rd – Blayney to Blayney boundary.
- Neville - Trunkey and Mandurama Rd – Trunkey Creek to Mandurama.
- Errowanbang and Cadia Rd – Mid Western Hwy to Cadia Mine.
- Belubula Way – Mandurama to Limestone Creek.

At the June meeting, in discussion with adjoining Councils, agreement was reached to extend these routes beyond the Blayney LGA, as follows:

- Hobbys Yards Rd – Bathurst Regional Council agreed to nominate the route to Trunkey Creek, and then through to Rockley.
- Errowanbang and Cadia Rd – Cabonne Shire and Orange City Council, agreed to nominate the route along Cadia Road through to Orange.
- Belubula Way – Cowra and Cabonne Councils agreed to nominate the route through to Canowindra.

As regional links (covering multiple LGAs) these routes were considered suitable for application.

Council staff have completed a data proforma for each route, approved by the Ministers office, and provided by Ms Kilby to enable a consistent methodology for the project assessment prioritisation.

Following a teleconference to finalise the Blayney LGA projects, a further route was added, that being the route from Vittoria on the Mitchell Highway to Cadia Mine via Millthorpe.

Whilst the Western Roads Project - Stage 2 does not provide any direct funding for works, it is considered a strong lobbying tool for Councils and will provide input into Regional transport plans proposed by the NSW Government.

The existence of the Cadia Special Rate Variation (SRV) also strengthens the position of Blayney Shire Council in relation to routes servicing the Cadia Mine. As council is able to offer funding to Cadia related routes through the SRV, the NSW Government may find these projects more attractive as a joint project.

BUDGET IMPLICATIONS

Each Council has been invoiced by Centroc a fixed fee of \$2,000 for the undertaking of work by Ms Kilby. Funds are available through existing budget allocations.

POLICY IMPLICATIONS

Nil

IP&R REFERENCES

DP 1.2.2 – Improve transport linkages across the Local Government Area to support the mining industry.

DP 4.1.6 – Seek additional grant funding for construction and maintenance of roads and associated facilities.

DP 4.1.7 – Plan for future transport and road infrastructure to service future needs.

Attachments

Nil

15) **LIQUID TRADE WASTE MONITORING RESULTS**
(Director Infrastructure Services)

RECOMMENDED:

1. That Council note the findings of the Liquid Trade Waste Monitoring program.

REPORT

Executive Summary

This report provides information on the findings of Council's Liquid Trade Waste Monitoring program recently undertaken across the Blayney and Millthorpe Sewer network.

Background

Councillors may recall a report to the May ordinary meeting of Council, in relation to the undertaking of Liquid Trade Waste inspections across the Blayney and Millthorpe Sewer network.

Liquid trade waste means all liquid waste other than sewage of a domestic nature. Activities producing liquid trade waste include, but are not limited to:

- business/commercial premises (e.g. beautician, hairdresser, motel, café, butcher, service station, dentist);
- industrial premises;
- community/public premises (e.g. school, college, hospital, craft clubs);
- trade activities (e.g. mobile carpet cleaners);
- saleyards, racecourses, stables and kennels not associated with households; and
- any commercial activity carried out at a residential premises.

Inspections were recently undertaken of businesses identified on the Blayney and Millthorpe Sewer network, and encompassed the activities and processes occurring on site, the estimated volume of trade waste discharged to sewer, details of existing pretreatment, and other significant points.

Following the inspections, the businesses were assessed in accordance with NSW Office of Water (previously Department of Water and Energy), *Liquid Trade Waste Management Guidelines, 2009*.

At the commencement of the program, businesses were initially contacted by phone, to determine their trade waste liability.

Of those businesses identified as trade waste dischargers, Table 1. provides definitions used to classify each business.

Classification	Description
A – exempt	Dischargers are low risk with low volume and / or strength and are not required to apply for approval to discharge to sewer if they meet the standard requirements for pre-

	treatment.
A	Dischargers are low risk with low volume (< 5 kL/d or 1000 kL/a, and <16 kL/d for retail food preparation) and /or low strength wastes; require standard non-complex pre-treatment; and no more than two pre-treatment devices are required to treat a single waste stream.
B	Dischargers are medium risk with volumes >5 kL/day (>16 kL/day for retail food) and <20 kL/day. This classification also includes any property where more than four Classification A activities occur on site
C	Dischargers are high risk dischargers with/without large volumes of wastewater discharged. If an activity is not listed in the other classifications it is considered to be of this classification
S	Dischargers include pan contents, septic tank pump-outs, and chemical toilet waste.
Not Discharging	Businesses where no washdown or wastewater to sewer other than domestic (such as toilets, hand washing, etc) is occurring on site. This classification may also apply to businesses where discharge to sewer is minimal, or where businesses operate a similar type of business that does discharge liquid trade waste to sewer but do not due to the scale or operator's preferences to conduct their business.

Table 1. Trade Waste Classification Descriptions

A summary of the results of the site inspections are provided in Tables 2. & 3.

Classification	No. of properties
A-exempt	3
A	9
B	0
C	0
S	0
Not Discharging	6
Total Inspected	18

Table 2. Millthorpe – Classification Summary

Classification	No. of properties
A-exempt	8
A	27
B	4
C	2
S	0
Not Discharging	26
Total Inspected	68

Table 3. Blayney – Classification Summary

Pre-treatment compliance - Millthorpe

Only 1 of 12 businesses in Millthorpe complied with the Guidelines by having adequate pre-treatment, and is categorised as A-Exempt. All other businesses have either no pre-treatment or only partially met the pre-treatment requirements for their trade waste activity. Each requiring either a sink screens, and/or dry basket arrestors.

The six businesses requiring a grease arrestor already have one installed and are of adequate size, and of varying types. Currently these grease arrestors are being serviced twice a year, however with the buildup of grease/oils at the Millthorpe sewer pump station, businesses have been directed to increase this to every 13 weeks.

Pre-treatment compliance - Blayney

Only 7 of 43 businesses in Blayney complied with the Guidelines by having adequate pre-treatment. All other businesses have either no pre-treatment or only partially met the pre-treatment requirements for their trade waste activity. Table 4. identifies the number of businesses and the pre-treatment required.

Pre-treatment Required	No. of businesses
Compliant	7
Sink screens and/or dry basket arrestors	11
Sink screens and/or dry basket arrestors, grease arrestor	18*
Oil separator	2
Washbay upgrade or installation	3
Cooling pit	1
Assessment of onsite treatment system	1
Total Inspected	43

* - four businesses are required to upgrade their existing undersized grease arrestor to a minimum of 1000 litres or more.

Table 4. Blayney – Pre-treatment requirements

It is acknowledged that the requirement to install a grease arrestor will have an impact upon business/property owners. However in order for businesses to satisfy the requirements of Council's Liquid Trade Waste Policy and NSW Office of Water requirements, businesses must comply.

The cost to the property owner, will be subject to site location and constraints, and require work to be undertaken by suitably qualified installers.

It is also important that grease arrestors and other pre-treatment devices are installed, as the impact of liquid trade waste such as grease and oil can have an impact upon the operational environment of the sewerage system.

Such impacts may include:-

- Blocking of pumps and mains, requiring expensive repairs and the potential health risks associated with overflows from the system.
- The generation of hydrogen sulphide gases that then attack concrete components of the network such as pipes, resulting in a shortening of

asset life and ultimately an increase in cost to community (ratepayers) due to the resulting upgrade requirements.

- An increase in power demand for effluent transport (pump stations) and treatment processes (treatment plant). The sewerage system and treatment plant is Councils largest energy consumer. Historical consumption/cost data is outlined in Table 5.

Year	Consumption (kWh)	Cost (\$)
2008-09	223,878	33,326
2009-10	221,697	40,659
2010-11	249,525	52,175
2011-12	289,606	66,533

Table 5. Power Consumption Data

- The reduction in service capacity of the sewerage treatment plant. Reduced service capacity (life) may bring forward the need to expand the treatment plant at significant capital cost to Council and the community.

The impact of grease/oil is most noticeable at the Millthorpe Pump Station, due to the limited opportunity for dilution, prior to being discharged into the Blayney network. This is also considered to be a contributing factor to manhole degradation on the gravity line from Chambers Hill to Blayney.

Prior to the undertaking of inspections, it was believed the issue was due to a lack of grease traps being installed in Millthorpe. As a result of the LTW inspections the need to install grease arrestors in Millthorpe is unsubstantiated, and it has become necessary for businesses to increase the servicing cycle of grease arrestors to every 13 weeks.

It is noted that Council is not immune to the Liquid Trade Waste requirements, and inspections were undertaken of Council sites, including:

- Blayney Shire Community Centre - Compliant
- Centrepont Sport and Leisure Centre - Compliant
- Blayney Shire Council Works Depot – Works required

Council staff will be reviewing these and preparing a program to address the requirements at the Works Depot.

BUDGET IMPLICATIONS

1. Councils Fees and Charges currently provide for the charging of fees for the licensing and discharge of liquid trade waste to the sewer system.
2. Provision exists within the Blayney and Millthorpe Sewer Funds for the undertaking of future inspections.
3. The funding of works at the Works Depot are currently expected to be funded from within existing budget provisions, otherwise these shall be the subject of a further report to Council.

POLICY IMPLICATIONS

This is Page No. 32 of the Business Paper of the Ordinary Council Meeting of Blayney Shire Council held on 9 September 2013

This work has been undertaken in accordance with Council's Liquid Trade Waste Policy.

IP&R REFERENCES

DP 4.2.2 – Ensure Sewerage treatment Plants are able to meet needs of the Blayney Shire.

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

Attachments

Nil

16) ROLLER PURCHASE
(Infrastructure Manager)

RECOMMENDED:

1. That Council accept the tender provided by Semco Equipment for the supply of a 16 tonne Dynapac Smooth Drum Roller for a change over cost of \$167,363.63 (exc. GST) to replace Plant No. 62
2. That Council vote expenditure, in the amount of \$167,363.63 to the 2013/14 budget funded from the Plant Reserve.

REPORT

Executive Summary

Blayney Shire Council undertook a request for tender through Local Government Procurement for the replacement of a Dynapac Smooth Drum Roller. The tender received four (4) conforming submissions from a total of five (5).

Submissions Summary

Suppliers were requested to submit prices for the supply of a 15 – 17.5 tonne smooth drum vibratory roller with pad shells.

Five (5) submissions were received from:

- CJD Equipment (Volvo);
- Conplant (Ammann);
- Semco Equipment Sales (Dynapac);
- WesTrac (Cat); and
- Wirtgen Australia (Hamm).

Using Local Government Procurement also allowed Council to take advantage of their network of suppliers, due diligence and comprehensive legal and probity systems.

Analysis of Quotes

One of the quotations was excluded as it did not conform to the request for a 15 to 17.5 tonne roller. The analysis of the remaining tenders was undertaken based on whole of life cost (including the quoted price), the operator assessment, a workshop assessment, an environmental assessment, operational assessment, and a warranty, service and backup parts assessment.

Following an initial assessment, Council officers inspected the top three (3) conforming rollers to determine their mechanical serviceability and their suitability for the operators. The results of the assessment are summarised below:

	Ammann ASC150D T3	Dynapac CA5000D	Volvo SD160DX
1. Whole of life cost 30% Net tendered price plus maintenance costs	150.0	108.7	113.5
2. Operator assessment 20% Input on ergonomics and features of roller related to task	73.3	98.9	74.4
3. Mechanical / Workshop Assessment 20% Passive safety, serviceability	62.2	91.1	57.8
4. Environmental 10% Engine Emissions	50.0	50.0	50.0
5. Warranty, service & Parts availability 10% Standard warranty, after sales service and parts	38.3	26.7	26.7
5. Operational 10% Machine width / mass, Drum mass	40.0	56.7	66.7
TOTAL	413.9	432.0	389.1

From the assessment undertaken, it is considered that the Dynapac provides the best value for Council.

The quoted rollers are all over 15 tonne compared to the 12 tonne roller (plant No. 62) that is being replaced. This is due to the significant increase in road rehabilitation work being undertaken in recent years and it is considered imperative that council increase the mass of the roller that is principally involved in these works to improve the compaction levels achieved and at a reduced time.

Sale of Existing Plant Item

It is proposed to dispose of the existing roller through a trade included in the tender.

BUDGET IMPLICATIONS

The replacement of the roller (plant no. 62) is able to be funded from Council's Plant Replacement Reserve and will be voted into the 2013/14 budget.

POLICY IMPLICATIONS

Nil Effect

IP&R References

DP 4.1.1 – Manage Local Road Network to agreed service levels

DP 4.1.2 – Manage Regional and State Road Network to agreed service levels

Attachments

Nil

PLANNING AND ENVIRONMENTAL SERVICES REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 9 SEPTEMBER 2013



17) REQUEST TO RE-ZONE AT NEVILLE
(Director Planning and Environmental Services)

RECOMMENDED:

1. That Council determine if the requested Planning Proposal be supported.
2. If the Planning Proposal is supported K and R Menzies be advised that the Planning Proposal to rezone the E3 Environmental Management Zone to RU1 Primary Production, in the Neville, Barry and Hobbys Yards region, will be supported for lodgement to the Minister for Planning and Infrastructure upon presentation to Council of a suitable and satisfactory Planning Proposal, for the same, prepared by or for K and R Menzies in accordance with the contents of the NSW Department of Planning and Infrastructure document 'A Guide to Preparing Planning Proposals'.

REPORT

Council and Councillors have received a series of representations from K and R Menzies, on behalf of Audrey Menzies Nurseries to rezone the extensive E3 Environmental Management Zone surrounding Neville, Barry and Hobbys Yards to RU1 Primary Production.

As a result of these requests and following a presentation to Councillors, at Councillors Workshop on the 26 July 2013, a report on the process to rezone was requested.

Discussions have been held with the Department of Planning and Infrastructure (DoPI) Regional office, at Dubbo, and Council have been advised that a Planning Proposal (PP) is required to rezone the subject land.

A Planning Proposal (PP) is required to be prepared and submitted to the DoPI for consideration.

The PP is required to be prepared in accordance with the DoPI 'A Guide to Preparing Planning Proposals' which provides guidance and information on the process for preparing a planning proposal.

The PP can be prepared by Council, a landowner or developer, who may be seeking to change the planning controls relating to a particular site, or by a third party on behalf of a landowner or Council.

Once a PP is prepared it must be forwarded to the Minister for Planning and Infrastructure by the relevant planning authority i.e. Blayney Shire Council.

The relevant planning authority (RPA), in this case Council, is responsible for the content of the planning proposal and the quality of the information provided in support of the proposal. Council (the RPA) is to ensure that any

information is accurate, current and sufficient for issuing a Gateway Determination and detailed enough for the purposes of consulting with agencies and the general community.

A PP must demonstrate the strategic merit of the proposed amendment, to the LEP, and provide enough information to allow determination of whether there is merit in the proposed amendment proceeding to the next stage of the plan-making process. The level of detail required in a planning proposal should be proportionate to the complexity of the proposed amendment.

In this regard the request is to amend the E3 Zoning for approximately 200 square kilometres of Blayney Shire to RU1.

Advice from the DoPI is that early consultation with relevant agencies, including, but not limited to, the NSW Office of Water, Office of Environment and Heritage, and the relevant water authority may also be required. It is considered that referral of such a PP would be referred to Central Tablelands Water and the relevant Catchment Management Authorities i.e. Central West and Lachlan.

It is considered that preparation and production of such a PP would require a substantial amount of time and specialist advice and reporting and cost approximately \$5,000 if Council staff did the majority of the report preparation and a consultant did the rest. This is dependent upon the DoPI not requiring an Environmental Impact Study or any further studies. A requirement of any or all of this could add many thousands of dollars to the cost.

It is expected that if Council were to engage a planning consultancy to carry out the necessary investigations and preparation of the Planning Proposal it would cost Council approximately \$21,000.

Currently such demands are not able to be met from Council's budget or staff resources and if Council decided to support the request for the rezoning it may be necessary to have the report prepared, under Council's guidance, by K and R Menzies.

Accordingly it would be appropriate, if Council supports the request for the rezoning, to advise the Menzies that Council supports their request for the rezoning and that the requested Planning Proposal be prepared by the Menzies, under Council's guidance and to Council's satisfaction prior to presenting the Planning Proposal to the Minister for Planning and Infrastructure for consideration.

Advice from the DoPI Regional Office, at Dubbo, is that this advice is available to K and R Menzies from staff at the DoPI office.

BUDGET IMPLICATIONS

An unfunded requirement of approximately \$5,000 to prepare and coordinate the Planning Proposal.

POLICY IMPLICATIONS

A significant amendment to Blayney Local Environmental Plan 2012.

IP&R LINK

- DP 1.1.1 Maintain and strengthen partnerships with organisations responsible for natural resource management.
- DP 1.1.3 Ensure planning activities support long term sustainability of agricultural sector.
- DP 3.4.1 Pursue sustainable land use practices based on the protection and restoration of natural resources, innovative land use policies and government and community partnerships.

Attachments

Nil

18) **BLAYNEY LOCAL INFRASTRUCTURE CONTRIBUTIONS
PLAN 2013 (SECTION 94/94A PLAN FOR BLAYNEY SHIRE
COUNCIL)**

(Director Planning and Environmental Services)

RECOMMENDED:

1. That Council approve the Plan.
2. That public notice of the adoption of the Blayney Local Infrastructure Contributions Plan 2013 (Section 94/94A Plan for Blayney Shire Council) be given in a local newspaper circulating in Blayney Shire.
3. That Council give public notice of its decision in the Blayney Chronicle to be published on Thursday 19 September 2013

REPORT

Council considered a report on the proposed Draft Blayney Local Infrastructure Contributions Plan 2013 at its meeting on 11 March 2013 and resolved:

	<u>PROPOSED SECTION 94/94A PLAN FOR BLAYNEY SHIRE COUNCIL</u>
1303/010	RESOLVED: <ol style="list-style-type: none">1. That Council note the preparation and contents of the Draft Plan and place the Draft Blayney Local Infrastructure Contributions Plan 2012 on public exhibition for twenty eight (28) days in accordance with the provisions of Environmental Planning and Assessment Regulations 2000, Division 2, Part 28.2. That written comments be invited to be submitted to Council, to be considered by Council prior to further overview and consideration of adoption of the Draft Plan. (Kingham/Braddon)

The Draft Plan was subsequently publicly exhibited for at least 28 days, in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000 (EPAR 2000) Clause 26 and at the date of preparation of this report no submissions had been received.

It is necessary to bring to Council's attention that the Levy rate per dwelling or lot has increased from \$3,533 to \$5,648 due to inclusions, in the final document, of Council's Road and Bridge Capital Upgrade Program and Local Infrastructure Works Program.

It is considered appropriate that Council resolve to approve the Blayney Local Infrastructure Plan 2013 (copy attached) in accordance with the provision of EPAR 2000 Clause 31 (1)(a) and (2) and (4).

BUDGET IMPLICATIONS

Nil effect.

POLICY IMPLICATIONS

Nil effect.

IP&R LINK

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

Attachments

1 Blayney Local Infrastructure Contributions Plan 2013 71 Pages

19) **COMMONWEALTH ENERGY EFFICIENCY PROGRAM
ROUND 1 AND ADMINISTRATION BUILDING
REFURBISHMENT (CEEP1)**

(Director Planning and Environmental Services)

RECOMMENDED:

1. That the report be received for information.

REPORT

Council will recall successfully lodging a CEEP1 grant application in 2012 for the installation of energy efficient lighting, reverse cycle air conditioning and computer power boards.

The opportunity has been taken, in conjunction with the installation of the lights and air conditioning, to replace the old and dangerous ceiling and refurbish the foyer in the Administration building.

The proposal to refurbish the existing foyer is considered necessary to provide a better and more amenable space for the public and a single counter for all enquiries to Council. It is considered important to take this opportunity to refurbish the foyer to present a better and more 'user-friendly' arrangement and appearance in the foyer. The refurbishment will allow increase use of the first floor area for staff and improve work space on the ground floor.

The replacement of the ceiling panels is considered necessary because of the state of deterioration of the panels and the Work Health and Safety issues presented to staff and the public. It is likely the ceiling panels have been in place for more than 40 years.

Finance required to carry the work are provided for in the budget and the CEEP1 grant money and it is expected there may be some minor disruption to people accessing Council services during the refurbishment. It is expected the proposed changes will result in a 33% energy efficiency gain to Council due to the replacement of the gas boiler heating system, improved lighting and ventilation.

BUDGET IMPLICATIONS

Nil.

POLICY IMPLICATIONS

Nil.

IP&R LINK

DP 1.5.2 Promote sustainable energy development/use within the Shire.
DP 4.1.13 Maintain and improve Council owned building assets.

Attachments

1 Refurbishment Plan 1 Page

20) **COMMONWEALTH ENERGY EFFICIENCY PROGRAM
(ROUND TWO) (CEEP2) FUNDING - CENTREPOINT
COMPLEX**

(Director Planning and Environmental Services)

RECOMMENDED:

1. That this report be received for information.

REPORT

The formal funding agreement has been completed and returned to the Commonwealth Government for signing and the issue of initial funding. Upon receipt of the initial funding, work will commence on carrying out the changes proposed for CentrePoint.

Council is reminded that the funding is to carry out the following works:

- Replacement of the natural draft boiler (which heats the pool water) with a Condenser boiler;
- Installation of a Heat Recovery Unit, in the pool hall;
- Replacement of air conditioners in gym and aerobics rooms;
- Double glazing existing doors and windows in pool hall;
- Lowering and insulating the ceilings in the gym and aerobics room;
- Installation of an air-lock at the front entrance to CentrePoint;
- Draught proofing, where necessary, at CentrePoint.

While the improvement works are being carried out there will be a requirement to close parts of the complex for varying periods of time and complex users will be kept informed of any likely closures.

As this will cause inconvenience to the users of the complex it is proposed to give seasonal pass holders, to CentrePoint, an added one month of access to the complex in addition to the length of time their pass may be for.

In addition, people accessing the pool for swimming lessons, or training will be offered replacement lessons/training or a refund of the fees paid for the time lost.

BUDGET IMPLICATIONS

Possible refund of fees already paid.

POLICY IMPLICATIONS

Nil.

IP&R LINK

DP 1.5.2 Promote sustainable energy development/use within the Shire.

DP 4.1.13 Maintain and improve Council owned building assets.

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

Attachments

Nil

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

RECOMMENDED:

1. That Council notes the submissions received, the issues raised and the various representations made at the site meeting on 28 August 2013; and
2. That should Council be of a mind to refuse the application, they should have regard for the following matters:
 - Visual amenity
 - Co-location
 - Heritage significance
 - Health risk and emissions
 - Public interest, or
3. That Council defer consideration of the application pending further investigation by NBN Co into the matter of co-location, with the application to be considered at a Council meeting at a later date; or
4. That should Council wish to approve the application, the following conditions would apply:

SCHEDULE A - DRAFT CONDITIONS ISSUED WITH
DEVELOPMENT APPLICATION NO. 47/2013

STATUTORY

REASON: Statutory requirement

1. Development is to take place in accordance with the attached stamped plans (Ref No. DA 47/2013), 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.
3. The development is to comply with all provisions of the principles within NSW Telecommunications Facilities Guidelines including Broadband (July 2010)

ENVIRONMENTAL

REASON: Statutory requirement and public interest

4. Prior to the commencement of works, the applicant shall install and maintain adequate sediment and soil erosion controls in accordance with WBC Guidelines for Engineering Works (reference to Council's website).
5. 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.
6. Construction or demolition work must only be carried out within the following times, as per the NSW Telecommunications Facilities Guidelines:
 - a. Monday to Friday – 7:00 am to 5:00 pm;
 - b. Saturday – 7:00 am to 5:00 pm
 - c. No work to be carried out on Sunday or Public Holidays.
 Note: The principal contractor shall be responsible to instruct and control their sub-contractors regarding the hours of work.
7. 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.

CONSTRUCTION

REASON: Statutory requirement and public interest

8. The developer is to relocate, if necessary, at the developer's cost any utility services.
9. The applicant is to arrange an inspection of the development works by Council's Engineering Department prior to the installation of service trench within the footway of Elliott Street.
10. All site works to comply with Council's WBC Guidelines

for Engineering Works, where applicable.

REPORT

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

Description of Proposal

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

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

The facilities are subject to assessment under *State Environmental Planning Policy (Infrastructure)*, and as such did not all require development consent. The development at Millthorpe required consent due to its location within the Millthorpe Heritage Conservation Area.

As a result of the notification process, a large number of submissions were received and reviewed, and the issues raised placed before Council for consideration.

Council should refer to the assessment report tabled at the Council Meeting of Monday 12 August for the full S79c report on this matter.

The recommendation from that Council Meeting was that a site meeting should take place between the Councilors and stakeholders, in order that Council may understand the complexities of the development to enable the making of an informed decision.

That site inspection was carried out on Wednesday 28 August at 4.30pm at the Millthorpe Bowling Club, the site of the proposed development.

BUDGET IMPLICATIONS

No budget implications.

POLICY IMPLICATIONS

Assessment undertaken as per legislation.

IP&R LINK

- DP 3.4.1 Pursue sustainable land use practices based on the protection and restoration of natural resources, innovative land use policies and government and community partnerships.
- DP 5.4.1 Develop and implement a community engagement process and policy

Attachments

Nil

22) **DEVELOPMENT APPLICATION NO.73/2013 - EXTERNAL
ACCESS RAMP, NEW FRONT DOOR AND SIGNAGE - 105
ADELAIDE STREET, BLAYNEY**

(Director Planning and Environmental Services)

NOTE: *Councillors attention is drawn to the minutes of the Blayney Shire Access Advisory Committee held on 8 August 2013.*

RECOMMENDED:

1. That Council consent to DA73/2013, subject to the following conditions:

**SCHEDULE A
CONDITIONS ISSUED WITH DEVELOPMENT
APPLICATION NO.73/2013**

STATUTORY

REASON: Statutory requirement

1. Development is to take place in accordance with the attached stamped plans (Ref No. DA 73/2013), 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 may require an application for modification of this consent or a new application.
2. Compliance with the provision of AS1428.1-2009 Design for Access and Mobility.
3. Prior to commencement of any works, a Construction Certificate is to be obtained. Where Council is not the PCA, a copy is submitted to Council.

ENVIRONMENTAL

REASON: Statutory requirement and public interest

4. Prior to the commencement of works, the applicant shall install and maintain adequate sediment and soil erosion controls in accordance with WBC Engineering Guidelines, where applicable.
5. 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 placed on the development site prior to commencement of operations.
Materials or machinery to be used in association with the development must be stored and stacked wholly within the building 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.

6. 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.
7. All stormwater from around the proposed alterations should be directed into the existing stormwater system.\

CONSTRUCTION

REASON: Statutory requirement and public interest

8. The proposal is to be constructed and maintained in accordance with the requirements of the Building Code of Australia.
9. Construction or demolition work must only be carried out within the following times:
 - a. Monday to Friday 7.00am to 6.00pm
 - b. Saturday 8.00am to 5.00pm
 - c. No work to be carried out on Sundays or Public Holidays.

Note: The principal contractor shall be responsible to instruct and control their sub-contractors regarding the hours of work.
10. The developer is to relocate, if necessary, at the developer's cost any utility services.
11. The ramp is to be clearly visible to pedestrians at all times, particularly at night.
12. The paver width along the full frontage of the building is to be from the face of the building to the kerb to ensure consistency for pedestrians.
13. The grassed area of the footpath area to the north of the ramp location is to be paved to ensure consistency for pedestrians.

REPORT

Applicant:	Greenfield DA Services
Owner:	Commonwealth Bank and Blayney Shire Council
Application No:	73/2013
Zone:	B2 Local Centre
Date Received:	9 July 2013
Assessment No:	A306618
Property:	Lots 6 Sec C D171735, 105 Adelaide Street, Blayney
Proposed Development:	External access ramp, new front door and signage

Description of Proposal

The proposed development is to make alterations to the existing Blayney branch of the Commonwealth Bank, which would include construction of a new external disabled access ramp, a new automatic shop front door and the relocation of the existing under awning and wall signs. (See plans at **Attachment A**).

The site contains a brick bank building with frontage to Adelaide Street and a rear lane, and is located within the Blayney Heritage Conservation Area. The building itself is not heritage listed.

Six employees are currently working at the branch and the existing hours of 9am to 5pm. Monday to Friday, remain unchanged. The bank would be prepared to offer formal indemnity to cover encroachment on Council's footpath.

This application was lodged, requesting Council to reconsider a decision made in 2011 in relation to the construction of this ramp on the Council footpath. The decision to ask for a review also related to press coverage in late 2012 in Blayney in regard to the lack of adequate access to bank buildings in the town, in which the bank indicated that they were willing to continue to work with Council to achieve appropriate access.

A site inspection was carried out in February 2013 with bank officials and Council staff to discuss the options available to the Commonwealth Bank to construct a disabled access ramp into the bank premises.

It was acknowledged that the previous DA (64/2011) was lodged with Council and refused on 9 May 2011, for a number of reasons. The reasons for the previous refusal were discussed at the site meeting and the following responses provided:

Reason	Response
The proposed access ramp will form an unnecessary hazardous obstruction in the footway.	Council prepared to consider redesign
The access ramp will hinder access for visibility impaired persons	Council prepared to consider redesign
The access ramp will create a liability within the road reserve that is not in the public interest	Council prepared to consider redesign
The proposed access ramp is visually unsympathetic to the streetscape	Council prepared to consider redesign
Alternate access within the bounds of the commercial premises is possible	Alternate options discussed below
The proposed access ramp is contrary to the provisions of AS 1428-2009 and the Access to Premises Standard 2010.	Council prepared to consider redesign

A number of alternate access options were considered on site:

- North of building – this is where a former door was located, now bricked up. This would entail relocating an office and the night safe.
- South of building – this would entail relocating the teller machine, a vault and an office. In addition this would bring people into the building adjacent to the tellers, defeating the purpose of providing them with security.
- Internal – a lift, with stairs and a landing as well – not enough internal space.

New automatic doors have already been provided for ease of access, but the existing stairs still provide a hazard. In light of recent adverse press, the bank was asking Council to reconsider a development application for the premises.

The Commonwealth Bank has been able to work with many other Councils in this regard, with great success. Examples were cited from Junee, Nyngan, Dimboola and Atherton, where development was within Heritage Conservation Areas (See **Attachment B**). Many of these are on footpaths much narrower than in Adelaide Street. They do have a Disability Action Plan in place, but are concerned that they have to be providing the ramp at the “principle point of entry”, ie. the front of the building, in accordance with legislation.

In regard to disabled access to buildings such as these, the works must have regard for the Building Code of Australia, the Disability Discrimination Act 1992, the Disability (Access to Premises—Buildings) Standards 2010, Premises Standards 2011 and AS1428.1 Design for Access – Mobility – Part 1.

Council does not have any other particular additional policy requirements that are applied to buildings for access for the disabled, and is bound to apply the abovementioned legislation where applicable. This legislation is changing regularly to meet changes in social need, and should the building require alterations in the future, the legislation relevant at the time would be applied.

In some cases it may be difficult to comply with the above legislation due to matters such as footpath width, narrow building, fabric/architecture of the building etc.

Subsequently, the current development application was referred to the Council’s Access Committee on 8 August 2013. Although no reasons were given, the Committee was recorded as stating that:

“while the Committee appreciates and supports the bank’s willingness to erect the access ramp, the Committee’s opinion is that the ramp is best erected on the bank’s property adjacent to the northern wall and re-endorses the opinion expressed previously by the Access Committee on the bank’s previous application.”

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 is zoned B2 Local Centre under the Blayney Local Environmental Plan 2012, and the development is permissible in the zone. The objectives of the zone are examined 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 development would enable more effective operation of an existing business, in compliance with current access legislation, in answer to concerns expressed by the Blayney press in late 2012 in regard to disability access.

- To encourage employment opportunities in accessible locations.

Comment: There are currently six persons employed at the bank and such access ramp would create an opportunity for employment of the disabled should the need arise, as well as providing suitable access for the public.

- 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 on Adelaide Street, and supports residents, and business, within the local centre. The location of an access ramp in front of the building on such a wide footpath area, if undertaken in accordance with industry standard, would serve to allow more effective operation of the bank within the context of local business.

In the event that other local businesses would seek a similar access arrangement, each application would be treated on its merits.

4. Guidelines and policies

Council's Notification Policy applies to the development and the proposal was notified accordingly. No submissions were received.

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 draft local environmental plans relevant to this development.

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: There are no 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 seeks to provide for the more effective operation of an existing commercial building. The site is located within a business area on the main street of Blayney, surrounded by other commercial development.

The site within the footpath area has been chosen in preference to the spaces along the sides of the building, to achieve a balance between suitable external alterations as against the reconfiguration of internal layout of the building. A number of other options have been considered by the developer.

To locate the ramp along the southern side of the building would entail relocating the teller machine, a vault and an office. In addition this would bring people into the building adjacent to the tellers, defeating the purpose of providing them with security.

To locate the ramp along the northern side of the building would entail the relocation of an internal office and the night safe.

The developer has also sought to incorporate features of the access ramp project which will assist in assimilation with the existing streetscape and address visual amenity, such as brick and brick edge pavers, (terracotta colour) to match existing paved footpath, colour of slipway tiles to match existing footpath pavers, and the ramp side wall is to be rendered and painted to match the existing building.

Access, transport and traffic

The site is accessed via a rear lane for onsite parking. There is not expected to be any significant increase in traffic nature, volume or frequency from previous uses of the site, as the development addresses pedestrian access from Adelaide Street. Council's Engineer has no particular upgrading requirements. However, he asks that the ramp be clearly visible to

pedestrians, particularly at night. The paver width along the full frontage of the building is to be from the face of the building to the kerb to ensure consistency for pedestrians, and the matter was to be referred to Council's Access Committee.

Services/utilities

No additional services or utilities are required for the development. The cost of any relocation of utilities required for the development is to be borne by the developer.

Site design, internal design and construction

In regard to disabled access to buildings such as these, the works must have regard for the Building Code of Australia, the Disability Discrimination Act 1992, the Disability (Access to Premises—Buildings) Standards 2010, Premises Standards 2011 and AS1428.1 Design for Access – Mobility – Part 1.

The general requirements for design and construction under AS1428.1 are as follows:

- The maximum gradient of a ramp exceeding 1520mm in length shall be 1:14.
- Ramps shall be provided with landings at the top and bottom of the ramp and at 9m intervals for a ramp 1:14.
- The length of landings shall be not less than 1200mm.
- The gradient of ramps between landings will be consistent.
- Ramps shall be provided with handrails on both sides which do not encroach on the 1000mm minimum clear width.
- Angles of approach for ramps, walkways and landings is preferably zero degrees.

The proposed ramp would be ramped up at 1:14, with an overall length of approximately 12m. This would include steps at the southern end, a landing, and the main ramp coming up from the northern end, to access the reconstructed front doorway. The ramp would be 500mm at its highest point, and would be bound by a 1m high stainless steel handrail on the eastern side, and a wall mounted handrail on the opposite side. The ramp would be 1.25m wide, and the angle of approach would be zero degrees, from the north.

The developer has also sought to incorporate features of the access ramp project which will assist in assimilation with the existing streetscape, such as brick and brick edge pavers, (terracotta colour) to match existing paved footpath, colour of slipway tiles to match existing footpath pavers, and the ramp side wall is to be rendered and painted to match the existing building.

The developer has sought to solve the access ramp problem through the placement of a single ramp across the front of the building. There are other options where the ramp could be placed alongside the building to the north or to the south, but both would involve major alterations within the building.

The ramp could also be constructed, not as one long ramp, but split into a return ramp, with a half way landing, placed along the sides of the building. However, once again internal configurations would be compromised.

Access solutions are always unique to each historic building and place, and the proposed works would be carried out to industry standard, the above legislation and any relevant requirements of the Building Code of Australia.

Heritage

In terms of heritage restrictions, the provision of disabled access under the *Blayney Local Environmental Plan 2012*, **Clause 5.10 Heritage**

Conservation, development consent is required for any such works on buildings within a Heritage Conservation Area.

Adelaide Street in this vicinity is within the Blayney Heritage Conservation Area, and as such the preparation of development applications should have regard for the following heritage objectives:

- To conserve the environmental heritage of Blayney Local Government Area

Comment: The building is not a heritage item.

- To conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views

Comment: The bank is not a heritage building, but is located within the Blayney Heritage Conservation Area, defined under BLEP 2012 to include the CBD of the town, namely Adelaide Street.

The significance of a place can lie in its construction materials, its style, principal elevations, major architectural or landscape features or principal public spaces. Every effort should be made to minimize damage to original materials, fabric and elements that contribute to the significance of the place. Alterations should, as far as possible, be reversible, especially if these involve change to the original fabric.

Secondary spaces and less significant elements should also be identified, as these may possibly be altered without adversely affecting the primary significance of the place. Items of low significance are more amenable to alteration without affecting the significance of a place. It is critical that significance is clearly defined and understood.

The specific significance of the Blayney HCA and its contributory elements in a heritage context has not been set down in the 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.

Prior to listing as a HCA many shop fronts have been altered and replaced, such that only a few heritage facades remain to contribute to a heritage streetscape.

There are a number of heritage items in the general vicinity, most of which have been the subject of modification and alteration to varying degrees. eg. credit union, hotel, bakery, real estate agent and the tourist information centre, prior to the introduction of the Heritage Conservation Area. Hence the heritage street scape relevant to the development is a more contemporary one, and its conservation comes down to visual amenity. The most obvious way to treat this matter is to attempt to match and/or improve on the existing streetscape, in terms of such visual amenity, for a neutral or beneficial effect.

The building itself is not heritage listed, and its historical significance has not been recorded, even though it is an early building within the street. So we do not know what the original façade looked like at this point.

The developer has sought to incorporate features of the access ramp project which will assist in assimilation with the existing streetscape, such as brick and brick edge pavers, (terracotta colour) to match existing paved footway, colour of slipway tiles to match existing footpath pavers, and the ramp side wall is to be rendered and painted to match the existing building.

- To conserve archaeological sites

Comment: Not applicable.

- To conserve Aboriginal objects and Aboriginal places of heritage significance.

Comment: Not applicable.

Council's Heritage Advisor has provided comment on the project on two occasions. On the first occasion, he specifically stated that the building façade of 105 Adelaide Street has no individual heritage value, having been erased by successive upgrades and changes, but that providing the ramp on the subject property can have serious impacts on the internal layout of the building.

He noted that there are no other access ramps within the main street, and that the location of the ramp on the footpath would result in a loss in public space. He notes that a precedent may be set for other business owners to seek public land for such amenities, and that there is an "inherited" public risk associated with such ramps.

He notes the undeveloped land either side of the building and suggests that these may or may not be capable of accommodating an accessible entry.

He found the details on the graphics, signs, windows and doors to have an acceptable impact on the streetscape. However he suggested that the ramp

be located on the northern side of the building, despite the developer having emphasized the impacts on the internal layout of the building.

On the second occasion he repeated his initial observations as above, but acknowledged the significant impact on the internal layout. He then suggested a return ramp on the southern side of the building, as well as another suggestion for a return ramp along the northern side.

The advisor noted that there are many examples of access ramps erected on public land including one at Forbes which was designed with assistance from the Heritage Advisor. In this case it was the only reasonable alternative as the frontage was highly significant. Standard heritage practice relies on exploring all reasonable options before resorting to an alternative which may have a negative impact.

Ultimately he suggested that the applicant should investigate other reasonable options for the site, for the provision of an accessible entrance to be located on the land.

Comment: The footpath here is approximately 5m wide, and the ramp is only 1.25m wide. The loss of some 15sqm of footpath space would not seem to be “serious”.

Other inquiries in regard to ramps would be treated on their merits, and the bank is willing to provide appropriate public liability insurance.

The applicant has already explored these options. Due to the cost of internal reconfiguration, the applicant has nominated the front ramp option as the most suitable.

Hazards – technological, natural

There are no particular known natural hazards affecting the development. The ramp is technically able to be constructed on the wide footpath area in accordance with industry standard and best practice, having regard to the safety of pedestrians and the public. The footpath in this vicinity is approximately 5m wide, and the ramp would be only 1.25m wide. The area is already paved and the ramp would be paved to match. There is a small grassed area in the vicinity of the northern end of the ramp which would be paved, as a condition of consent, to prevent pedestrians walking out around the ramp and onto inconsistent surfaces.

The bank is prepared to offer formal indemnity to cover encroachment on Council's footpath. The ramp is no more, or less, hazardous than the existing street furniture, uneven surfaces, footpath trading, power poles and advertising signs which already exist along the Adelaide Street footpaths.

Noise and vibration

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

The hours of operation of the bank are limited to 9am to 5pm, Monday to Friday. 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 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 additional water requirements or impacts resulting from this development.

Any stormwater is already being directed into the Adelaide Street storm water drain. Sediment and erosion control measures during construction would be established to direct surface water away from the building and into the existing stormwater system.

Waste

Construction waste would be collected, stored and removed off site for disposal at an approved waste facility.

Air

The development is not expected to generate dust. Construction works would be carried out to industry standard to minimize dust generation.

Safety, Security and Crime Prevention

The bank already has extensive security systems in place to enable site/premises security, safety and crime prevention.

Any alterations to the building must have regard for the safe and effective operation of site security and surveillance, and the safety and protection of bank employees.

Economic impact

The economic impacts from this development include employment for local disabled people, and more effective operation and use of the bank premises by the general public.

Social Impact

The social impacts relating to this development relate to the more effective operation of a local business within access regulation, which works with the local community on a number of different levels. The bank provides employment, and the environment is protected with minimal adverse impact on visual amenity.

As the matter of access to banking premises has already been highlighted within the community, the development seeks to address those concerns, providing compliant disabled access. Hazards are to be minimized through attention to legislation and building standards.

The bank is prepared to offer suitable formal indemnity to cover encroachment on Council's footpath.

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

Cumulative Impact

The cumulative impact of the 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.

In the event that other business in the Heritage Conservation Area should seek a similar alteration, each application would be fairly treated and assessed on its merits.

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.

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.

Alterations are proposed to the building to include the access ramp, reconfigured front door, and renewal of signage. Access would be appropriate for the level of use, and soil/water movement across the site would be controlled during construction.

Hazard is minimized through attention to construction standards and best practice, with the bank being able to provide appropriate public liability coverage.

The development was notified to adjoining landowners and RMS and no submissions were received.

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

Comment: Adjoining landowners and Roads and Maritime Services were notified for 14 days from 11 July 2013. No submissions were received.

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 a low key access alteration to the building on the site in the Heritage Conservation Area, in accordance with industry guidelines and compliance with appropriate legislative requirements, for the provision of more effective disabled access.

BUDGET IMPLICATIONS

No budget implications.

POLICY IMPLICATIONS

Assessment undertaken as per legislation.

IP&R LINK

- DP 3.4.1 Pursue sustainable land use practices based on the protection and restoration of natural resources, innovative land use policies and government and community partnerships.
- DP 4.1.3 Ensure Ancillary Road facilities are serviceable and in line with current standards e.g. footpaths, cycleways, kerb and gutter, bus stops etc.

Attachments

- 1 Attachment A 4 Pages
- 2 Attachment B 12 Pages

COMMITTEE REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 9 SEPTEMBER 2013



- 23) **MINUTES OF THE BLAYNEY SHIRE CEMETERY FORUM
MEETING HELD ON 8 AUGUST 2013**
(Director Planning and Environmental Services)

RECOMMENDED:

1. That the minutes of the Blayney Shire Cemetery Forum be received and noted.

REPORT

The minutes of the Blayney Shire Cemetery Forum meeting held on Thursday 8 August 2013 are attached.

Attachments

- 1 Cemetery Forum Minutes 08/08/2013 1 Page

24) **BELLS LINE EXPRESSWAY GROUP**
(General Manager)

RECOMMENDED:

1. That the Minutes of the Bells Line Expressway Group, held on 15 July 2013, be received and noted.

Attachments

- 1 Bells Line Expressway Group 3 Pages

25) **MINUTES OF THE BLAYNEY SHIRE ACCESS ADVISORY
COMMITTEE MEETING HELD ON 8 AUGUST 2013**
(Director Planning and Environmental Services)

RECOMMENDED:

1. That the recommendations of the Blayney Shire Access Advisory Committee meeting held on 8 August 2013 be adopted.

REPORT

The minutes of the Blayney Shire Access Advisory Committee meeting held on Thursday 8 August 2013 are attached and Councillors attention is drawn to the following items:

- Application by Commonwealth Bank to Erect an Access Ramp on the Footpath
- CBD Access Map

Attachments

1 Blayney Shire Access Advisory Committee Minutes 08/08/2013 1 Page

26) **MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE**
MEETING HELD ON 16 AUGUST 2013
(Director Infrastructure Services)

RECOMMENDED:

1. That the recommendations of the Blayney Traffic Committee meeting held on 16 August 2013 be adopted.

REPORT

The minutes of the Blayney Traffic Committee meeting held on Friday 16 August 2013 are attached and Councillors attention is drawn to the following items:

- Orange Cycle and Triathlon Club Events
- Carcoar Cup

Attachments

1 Traffic Committee Minutes 16/08/2013 2 Pages

QUESTIONS WITH NOTICE
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 9 SEPTEMBER 2013



27 **CONSULTANTS FEES**
(Cr David Kingham)

QUESTION

How much money has been spent on consultants during the year, either end of June if more convenient or in the first twelve months of this current council. Can this be further allocated to each directors responsibility?

Attachments

Nil

CR SG FERGUSON
MYOR

MR GA WILCOX
GENERAL MANAGER

CONFIDENTIAL MEETING REPORTS
PRESENTED TO THE BLAYNEY SHIRE COUNCIL
MEETING HELD ON MONDAY, 9 SEPTEMBER 2013



