



9 February 2016

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, 15 February 2016 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) Disclosures of Interest
- (5) Public Forum
- (6) Mayoral Minute
- (7) Notices of Motion
- (8) Confirmation of Minutes - Ordinary Council Meeting held on 21.12.15
- (9) Matters arising from Minutes
- (10) Reports of Staff
 - (a) Executive Services
 - (b) Corporate Services
 - (c) Infrastructure Services
 - (d) Planning and Environmental Services
- (11) Delegates Reports
- (12) Questions from Councillors
- (13) Closed Meeting

Yours faithfully

Rebecca Ryan
General Manager

Meeting Calendar 2016

February

Time	Date	Meeting	Location
6.00 pm	15 February 2016	Council Meeting	Community Centre
4.00 pm	16 February 2016	LEMC	Community Centre
9.00am	17 February 2016	Audit Committee	Community Centre
5.30 pm	18 February 2016	Sports Council	Community Centre
10.00 am	19 February 2016	Traffic Committee	Community Centre
6.30 pm	29 February 2016	Cultural Centre Working Group	Community Centre

March

Time	Date	Meeting	Location
6.00 pm	17 March 2016	Towns and Villages	Community Centre
6.00 pm	21 March 2016	Council Meeting	Community Centre
5.30 pm	23 March 2016	Financial Assistance Committee	Community Centre
	25 March 2016	Good Friday	
	28 March 2016	Easter Monday	

April

Time	Date	Meeting	Location
6.30pm	5 April 2016	Cultural Centre Working Group	Community Centre
10.00 am	15 April 2016	Traffic Committee	Community Centre
6.00 pm	18 April 2016	Council Meeting	Community Centre
	25 April 2016	ANZAC Day	

INDEX OF REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING
HELD ON MONDAY 15 FEBRUARY 2016

CONFIRMATION OF MINUTES	1
01) Minutes of the Previous Meeting	1
EXECUTIVE SERVICES	8
02) Application for Leave of Absence	8
03) Council Resolution Report	10
04) Work Health and Safety Quarterly Report	12
05) Merger Proposal Blayney Shire, Cabonne and Orange City Councils	15
06) Local Government Act Proposed Amendments Phase 1	20
07) Carcoar School of Arts Reserve Trust	22
08) Minutes of the Cultural Centre Working Group Meeting	35
CORPORATE SERVICES	38
09) Report Of Council Investments As At 31 December 2015	38
10) Report Of Council Investments As At 31 January 2016.....	43
11) Quarterly Budget Review Statement - December 2015	48
12) Finalisation of 2008/09 Special Rate Variation	72
13) Six Monthly Delivery Program Review - December 2015	79
14) Adoption Of Disposal Of Assets Policy	81
15) Adoption Of Use Of Parks And Public Open Space By Fitness Instructors And Group Trainers Policy	88
16) Adoption Of Revised Council Code Of Conduct	96
17) Risk Management Policy	98
18) Community Banner Poles Policy Amendment	103
19) 2016 Blayney Music Scholarship Program Recipients	109
20) Compliance And Reporting Activities - January	111
21) Amendments To Delegations Register	113
INFRASTRUCTURE SERVICES	114
22) Director Infrastructure Services Monthly Report.....	114
23) Felltimber Road - Bridge Replacement.....	121
24) Proposed Road Naming - Davis Road, Browns Creek	123
25) Minutes of the Blayney Traffic Committee Meeting held 11 December 2015	125
PLANNING AND ENVIRONMENTAL SERVICES	131
26) Strategic Planning Projects	131
27) Development Application 165/2015 – Erection of Dwelling – Lot 40 DP 263360, 37 Graham Lane, Millthorpe	162
DELEGATES REPORTS	186
28) WBC Alliance Executive Officer Report.....	186
CONFIDENTIAL MEETING REPORTS	188
29) Tender 21/2015 Bridge Geotechnical Investigation	188
30) Land Acquisition For Road Re-Alignment Between 860 And 1150 Errowanbang Road - Roweth	188
31) General Manager Yearly Performance Report	188

01) MINUTES OF THE PREVIOUS MEETING

Department: Executive Services

Author: General Manager

CSP Link: 6.3 A well-run Council organisation.

File No: GO.ME.3

Recommendation:

That the Minutes of the Ordinary Council Meeting held on 21 December 2015, being minute numbers 1512/001 to 1512/030 be confirmed.

MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE, ON 21 DECEMBER 2015, COMMENCING AT 5.30 PM

Present: Crs S Ferguson (Mayor), A Ewin, D Kingham, S Oates, K Radburn and D Somerville

General Manager (Mrs R Ryan), Acting Director Corporate Services (Mr D Mead), Acting Director Infrastructure Services (Mr N Skelly), Director Planning & Environmental Services (Mr M Dicker) and Executive Assistant to the General Manager (Mrs L Ferson)

ACKNOWLEDGEMENT OF COUNTRY

RECORDING OF MEETING STATEMENT

APOLOGIES

1512/001 RESOLVED:
That the apology, tendered on behalf of Cr Braddon OAM, be accepted. (Oates/Kingham)

DISCLOSURES OF INTEREST

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

Councillor /Staff	Interest	Item	Pg	Report	Reason
Cr Oates	Pecuniary	23	96	Bathurst Regional Council Proposed Sale of Treated Effluent to Regis Resources	Current shareholder in Regis Resources
Cr Kingham	Pecuniary	13	55	Request for Financial Assistance – Blayney Sports Awards Dinner	Chairman of Committee seeking Financial Assistance

CONFIRMATION OF MINUTES

MINUTES OF THE PREVIOUS MEETING

1512/002

RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 16 November 2015, being minute numbers 1511/001 to 1511/021 be confirmed. (Somerville/Ewin)

MINUTES OF THE EXTRAORDINARY MEETING

1512/003

RESOLVED:

That the Minutes of the Extraordinary Council Meeting held on 30 November 2015, being minute numbers 1511/E001 to 1511/E005 be confirmed. (Kingham/Oates)

MATTERS ARISING FROM THE MINUTES

Nil

EXECUTIVE SERVICES REPORTS

TEXTURES OF ONE ACQUISITIVE PRIZE REQUEST

1512/004

RESOLVED:

That Council supports the Textures of One Art Exhibition with a \$1,000 acquisitive prize to be awarded on an annual basis within the recurrent Financial Assistance program guidelines. (Ferguson/Radburn)

MINUTES OF THE CULTURAL CENTRE WORKING GROUP MEETING

1512/005

RESOLVED:

1. That the minutes of the Cultural Centre Working Group Meeting, held on Tuesday 8 December 2015, be received.
2. That Council accept Ian Tooke as an additional Community Members representative (alternate). (Ewin/Oates)

MINUTES OF THE BLAYNEY SHIRE TOWNS AND VILLAGES COMMITTEE MEETING

1512/006

RESOLVED:

That the minutes of the Blayney Shire Towns and Villages Committee Meeting, held on 10 December 2015 be received. (Ewin/Oates)

CORPORATE SERVICES REPORTS

REPORT OF COUNCIL INVESTMENTS AS AT 30 NOVEMBER 2015

1512/007

RESOLVED:

1. That the report indicating Council's investment position as at 30 November 2015 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted. (Somerville/Radburn)

- ANNUAL REPORT 2014/15**
1512/008 **RESOLVED:**
That Council receive the report on the 2014/15 Annual Report lodgement. (Somervaille/Kingham)
- RESTRICTED AND UNRESTRICTED CASH POLICY**
1512/009 **RESOLVED:**
That the draft Restricted and Unrestricted Cash Policy be placed on public exhibition for a period of at least 28 days. (Radburn/Somervaille)
- USE OF PARKS AND PUBLIC OPEN SPACE BY FITNESS INSTRUCTORS AND GROUP TRAINERS POLICY**
1512/010 **RESOLVED:**
That the draft Use of Parks and Open Space by Fitness Instructors and Group Trainers Policy be placed on public exhibition for a period of at least 28 days. (Oates/Ewin)
- DISPOSAL OF ASSETS POLICY**
1512/011 **RESOLVED:**
That the draft Disposal of Assets Policy be placed on public exhibition for a period of at least 28 days. (Oates/Radburn)
- OUT OF SCHOOL HOURS CARE SERVICES**
1512/012 **RESOLVED:**
 1. That Council remain committed to the delivery of Out of School Hours care Services in Blayney Shire by Cabonne Council.
 2. That the service be provided on the premise of a user-pay pricing principle. (Oates/Kingham)
- COMMUNITY FINANCIAL ASSISTANCE PROGRAM – BLAYNEY LITTLE ATHLETICS**
1512/013 **RESOLVED:**
That Council approve the request under the Community Financial Assistance Program from Blayney Little Athletics for a further \$500. (Radburn/Ewin)

Cr Kingham having declared an Interest in the following item left the Chambers.

- REQUEST FOR FINANCIAL ASSISTANCE - BLAYNEY SPORTS AWARDS DINNER**
1512/014 **RESOLVED:**
That the Council provide the Blayney Shire Community Centre as part of its contribution to sponsor the 2015 Blayney Sports Awards Dinner. (Radburn/Oates)

Cr Kingham returned to the Chambers.

**COMMUNITY FINANCIAL ASSISTANCE PROGRAM -
MILLTHORPE PUBLIC SCHOOL P&C**

1512/015

RESOLVED:

1. That Council approve the request under the Community Financial Assistance Program from Millthorpe Public School P&C in the amount of \$1,344 for each of the December 2015 and April 2016 Millthorpe Markets; and
2. That the Millthorpe Public School P&C – Millthorpe Markets events, being for waiver of Council services, be included recurrent financial assistance in the schedule of annual donations under the Community Financial Assistance Policy in future Council Operational Plans. (Somerville/Oates)

2016/17 RATE PEG ANNOUNCEMENT

1512/016

RESOLVED:

That Council receive the report on the Rate Peg Announcement for 2016/17. (Oates/Ewin)

INFRASTRUCTURE SERVICES REPORTS

ROAD SAFETY AWARDS – FREE CUPPA FOR THE DRIVER SCHEME

1512/017

RESOLVED:

That the report on three Road Safety Awards:

1. 'Winner' in the 2015 Local Government Excellence in Road Safety,
2. 'Silver' medal at the 2015 App Design Awards in the 'Health' category for the 'Free Cuppa for the Driver Scheme',
3. 'Finalist' award in the Australasian College of Road Safety 3M Diamond National Road Safety Awards 2015

be received and noted. (Somerville/Kingham)

ROAD SAFETY AWARDS – RACING ROAD SAFETY TO THE MOUNT

1512/018

RESOLVED:

That the report on two Road Safety Awards:

1. 'Finalist' award in the Australasian College of Road Safety 3M Diamond National Road Safety Awards 2015,
2. 'Highly Commended' award in the 2015 Local Government Excellence in Road Safety category for 'Racing Road Safety to the Mount'

be received and noted. (Radburn/Ewin)

PARTICIPATION IN REGIONAL PURCHASE OF FUEL THROUGH CENTROC

1512/019

RESOLVED:

That Council participates in a regional fuel contract however recommends that the 0.5% Centroc Contract Management Fee is replaced by an upfront Contract Management Fee that is

determined by a transparent and accountable basis.
(Somerville/Ewin)

- BRIDGE REPLACEMENT PROGRAM UPDATE**
1512/020 **RESOLVED:**
That Council receive and note the update on the progress of the Bridge Replacement Program. (Kingham/Radburn)

- PURCHASE OF TIPPING TRUCK**
1512/021 **RESOLVED:**
1. That Council accept to replace their current Scania P124G 420 6x4 Tipping Truck with the Quotation provided by Volvo Commercial Vehicles Pty Ltd for the supply of 1 Volvo FMX 6x4 Truck, with factory fitted axle weighing system, M&S Tipping Body and associated equipment for a cost of \$242,240 (exc. GST)
 2. That Council approve the disposal of the existing Scania P124G 420 Truck via private auction. (Radburn/Oates)

- CULVERT RENEWAL AND MAINTENANCE PROGRAM**
1512/022 **RESOLVED:**
That the report on the Culvert Renewal and Maintenance Program, be received. (Radburn/Ewin)

- DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT**
1512/023 **RESOLVED:**
That the Director of Infrastructure Services Monthly report for December 2015 be received. (Oates/Somerville)

Cr Oates having declared an Interest in the following item left the Chambers.

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

- BATHURST REGIONAL COUNCIL PROPOSED SALE OF TREATED EFFLUENT TO REGIS RESOURCES**
1512/024 **RESOLVED:**
- That Council make a submission to Bathurst Regional Council;
1. in principle support to Regis Resources Ltd in the development of an open cut gold mine, the McPhillamys Gold Mine at Kings Plains, Blayney subject to the appropriate Environmental Impact Assessment being undertaken through the required approval processes.
 2. supportive of the sale of treated effluent from Bathurst Regional Council to Regis Resources Ltd to ensure a guaranteed water supply which will allow the company to undertake detailed feasibility modelling and environmental studies on the potential Gold Mine. (Ferguson/Somerville)

Cr Oates returned to the Chambers.

MINUTES OF THE BLAYNEY SHIRE ACCESS ADVISORY COMMITTEE MEETING HELD ON THURSDAY 12 NOVEMBER 2015

1512/025

RESOLVED:

That Minutes of the Blayney Shire Access Advisory Committee Meeting, held on 12 November 2015, be received. (Oates/Ewin)

MINUTES OF THE BLAYNEY SHIRE CEMETERY FORUM MEETING HELD ON THURSDAY 12 NOVEMBER 2015

1512/026

RESOLVED:

That Minutes of the Blayney Shire Cemetery Forum Meeting, held on 12 November 2015, be received. (Radburn/Oates)

DELEGATES REPORTS

WBC ALLIANCE EXECUTIVE OFFICER REPORT

1512/027

RESOLVED:

That the report from the WBC Alliance Executive Officer to December 2015 be received. (Somerville/Ewin)

CLOSED MEETING

1512/028

RESOLVED:

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

TENDER NO. 26/2015 FOR CONSTRUCTION OF CANTEEN AT REDMOND OVAL, MILLTHORPE

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

CONFIDENTIAL MEETING REPORTS

TENDER NO. 26/2015 FOR CONSTRUCTION OF CANTEEN AT REDMOND OVAL, MILLTHORPE

1512/029

RESOLVED:

1. That Council:-
 - a. accept the tender from Nick Harvey Constructions Pty Ltd for the Construction of Canteen at Redmond Oval, Millthorpe to the value of \$144,536.36 ex GST, subject to variations.
 - b. approve an additional expenditure of \$104,536 for the canteen construction.
 - c. approve the income to fund the additional expenditure from the Asset Replacement Reserve (\$35,346), Millthorpe Garden Ramble (\$51,360) and External

- Restricted Unexpended Grants (\$17,830).
- d. note funding for the kitchen fitout, shall be requested through the Quarterly Budget Review Statement, upon obtaining quotes. (Oates/Radburn)

1512/030 RESOLVED:

That as consideration of the matters referred to in the closed meeting has been concluded, the meeting now be opened to the public. (Oates/Ewin)

AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR ANNOUNCED THE OUTCOME OF RESOLUTION NUMBER 1512/029

There being no further business, the meeting concluded at 6.22pm.

The Minute Numbers 1512/001 to 1512/030 were confirmed on 15 February 2016 and are a full and accurate record of proceedings of the Ordinary Meeting held on 21 December 2015.

Cr S Ferguson
MAYOR

Mrs R Ryan
GENERAL MANAGER

02) APPLICATION FOR LEAVE OF ABSENCE

Department: Executive Services

Author: General Manager

CSP Link: 6.3 A well-run Council organisation.

File No: GO.CO.1

Recommendation:

That the application of a Leave of Absence for Councillor Braddon from 1 February 2016, for an initial period of 3 months be granted.

Reason for Report:

Councillor Braddon is recovering from an operation he underwent in late January. His illness had prevented him from attending the last two Council meetings held in November and December 2015. This is the third consecutive Council meeting that he will be an apology and it is required that an application be made to Council to grant Councillor Braddon a leave of absence.

Whilst an apology for non-attendance was accepted by Council at both the November and December meetings, this does not constitute the formal granting leave as per the Local Government Act (1993) s234, Local Government Regulations (2005) s235A and Council's Meeting Code of Practice s4.4 and 4.5.

Report:

A councillor applying for a leave of absence from a meeting of a council does not need to make the application in person and the council may grant such leave in the absence of that councillor.

Whilst a councillor's application for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent in this case it is not so easy to determine.

An initial leave of absence for a 3 month period provides a reasonable and anticipated recovery time frame for Councillor Braddon. This will enable a return to civic office from 1 May 2016. Should Councillor Braddon be well enough to return before then, this granting of leave is rescinded automatically by his participation and attendance at Council meetings.

Issues:

Nil.

Budget Implications:

Nil.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

03) COUNCIL RESOLUTION REPORT**Department:** Executive Services**Author:** General Manager**CSP Link:** 6.3 A well-run Council organisation.**File No:** GO.ME.1**Recommendation:**

That Council notes the Resolution Report from July 2014 to January 2016.

Reason for Report:

The General Manager is responsible for ensuring that Council's policies, decisions and priorities are implemented in a timely and efficient manner, consistent with the goals and objectives of Council. The General Manager provided the management oversight in relation to all information progressing from appropriate staff to Council for consideration via the Business Paper.

After a Council meeting, each resolution is allocated to the General Manager or responsible Director to action in accordance with the intent of the Council decision. Directors then provide feedback to the General Manager as to the progress of these resolutions on a monthly basis.

Council have requested a Resolution Report on a quarterly basis.

Report:

This Council Resolution Report commences from July 2014 up until the February 2016 meeting.

Council currently has 3 resolutions 'in progress'.

A note in the status section has been completed by the relevant responsible officer with a reason if available.

Meeting	Resolution Number	Subject
Ordinary Council Meeting 11 May 2015	1505/013	Planning Proposal to Amend Blayney Local Environment Plan 2012
RESOLVED:		
That Council forward a Planning Proposal to the Minister for Planning and Environment seeking to amend Schedule 5 and the corresponding Heritage Maps within the Blayney Local Environmental Plan 2012.		
Status		
27 Jan 2016		
Waiting on advice from NSW Heritage Office		

Meeting	Resolution Number	Subject
Ordinary Council Meeting 14 September 2015	1509/014	Draft Blayney 2020 MasterPlan and Implementation Strategy
<p>RESOLVED That Council;</p> <ol style="list-style-type: none"> 1. Endorse the Draft Blayney 2020 MasterPlan and Implementation Strategy. 2. Forward the Draft Blayney 2020 MasterPlan and Implementation Strategy to the NSW Department of Planning and Environment for endorsement prior to public exhibition. 3. Place on public exhibition for a period of 28 days the Draft Blayney 2020 MasterPlan and Implementation Strategy. <p>Status 27 Jan 2016 On Public Exhibition and Finalization of MasterPlan</p>		
Meeting	Resolution Number	Subject
Confidential Ordinary Council Meeting 16 November 2015	1511/020	Inala Units
<p>RESOLVED With the view to changing the purpose of the housing for Inala Units from Retirement to Residential, that Council;</p> <ol style="list-style-type: none"> 1. approves the proposed transfer of the remaining 2 leases to a Residential Lease under the Residential Tenancies Act. 2. approve the management and control of these remaining two units to Council's Property Management Services Agent, Kennedy Real Estate Blayney and; 3. note that a further report will be provided to Council for consideration regarding the Inala Units matter. <p>Status 03 Feb 2016 Matter in progress. Options being investigated for removal of caveat on land title. Negotiations with residents tenanted under the Retirement Villages Act continuing.</p>		

Enclosures (following report)

Nil

Attachments (separate document)

Nil

04) WORK HEALTH AND SAFETY QUARTERLY REPORT

Department: Executive Services

Author: Risk Officer

CSP Link: 6.3 A well-run Council organisation.

File No: GO.ME.1

Recommendation:

That the Work Health and Safety Report for the quarter October to December 2015 be noted.

Reason for Report:

To update Council on Work Health and Safety activities and performance for the period October to December 2015.

Report:

The NSW StateCover WHS Financial Incentive of \$15,713 (ex GST) was received by Council in December. The incentive is provided to fund improvements in Council's WHS performance particularly in areas identified by the StateCover Self-Audit completed in July. This incentive is equivalent to 18% of the workers compensation premiums paid during the 2014-15 financial year.

It is proposed that this funding be allocated to the Asbestos Inspection, staff Asbestos Awareness training plus Test and Tag training.

Consultation

The Health and Safety Committee met in November and WHS is discussed at weekly departmental and MANEX meetings. All staff are encouraged to participate in health and safety and report any concerns to their immediate supervisor, Manager, Director or Risk Officer.

Health Monitoring

Audiometric testing for outdoor staff was completed at the Depot on 18 November. No employees were identified with profound hearing loss but a high percentage (74%) of employees have presented with some hearing loss.

The audiometric technician indicated that this reflected the age of the group tested (only 19% were under 40 and the average age 50 years).

Employees with any level of hearing loss should be considered as 'At Risk'.

Council controls the risk to workers by;

- No work within high noise areas.
- Limiting time in areas where workers may be exposed to noise levels above 85dba.

- Wearing their hearing protection correctly.
- Wearing their hearing protection when needed.

Training in correct use of hearing protection was provided individually on the day.

Specific WHS Hazards

Nil

Training

Naturally Occurring Asbestos Awareness Training for nominated staff was undertaken in December. This training is in response to the release of mapping that identifies areas of High, Medium and Low asbestos potential within Blayney Shire. The training also covered the handling and disposal of small quantities (<10m²) of Asbestos Containing Material (ACM) and Personal Protective Equipment requirements.

Workers Compensation

There has been two Lost Time Incidents (LTI) during the quarter.

	2014-15	July-Sept 2015	Oct-Dec 2015
Claims	3	2	3
Lost Time Incident	2	1	2
Days lost	18	2	4

Notifications of Injuries/Incidents/Hazards

	2014-15	July-Sept 2015	Oct-Dec 2015
Injury	15	2	3
Incident	17	3	6
Hazard	16	2	2

One of the incidents was a WorkCover (SafeWork NSW) notifiable incident

SafeWork NSW/NSW Trade & Investment - Mine Safety Operations

A fire occurred in the motor of a dozer working at Cadia Quarry on 22 October. The fire was promptly extinguished by the Works Operator. This was a notifiable incident which was reported promptly. SafeWork NSW determined they would not proceed with an investigation. Mines inspectors attended the site however an improvement notice relating to this incident was not lodged.

SafeWork NSW

The Centroc Work Health and Safety (WHS)/Risk Management Group has entered into an alliance with SafeWork NSW for 2016 to work more closely together to improve work health and safety, injury management and return to work performance in the region. This will be achieved through communication, consultation and cooperation between both parties.

Contractors

Contractors working with Council are inducted to site and participate in the site specific risk assessment. No Contractors have completed the CENTROC WHS induction during this period.

Volunteers

Project and site specific inductions occur on a regular basis.

Events

Blayney Farmers Markets and Tourism Events have been held without any WHS issues. Support was provided to the Millfest organising committee on the Risk Assessment process and development of Risk Management Plans.

Issues:

Nil

Budget Implications:

Council's Workers Compensation second quarter payment (1/10/2015 – 31/12/2015) was \$28,084.

The financial incentive rebated to Council in December was \$15,713.18.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

05) MERGER PROPOSAL BLAYNEY SHIRE, CABONNE AND ORANGE CITY COUNCILS

Department: Executive Services

Author: General Manager

CSP Link: 6.1 Good governance across our communities.

File No: GR.SL.1

Recommendation:

Noting Council's preference to remain stand-alone;

1. That Council authorise the Mayor to finalise the response to the NSW Minister for Local Government's council merger proposal for Blayney Shire, Cabonne and Orange City Councils, should a merger proceed.
2. That the response from Blayney Shire Council to the merger proposal detail the concerns of the community for elected representation and the retention of local autonomy and identity; in addition to the fundamental principles which it believes are critical to be taken into consideration and reflected in the planning and implementation of any recommended merger.

Reason for Report:

The Minister for Local Government referred a council merger proposal for Blayney Shire, Cabonne and Orange City Councils to the Chief Executive of the Office of Local Government (OLG) for examination and report as per the Local Government Act (1993). Council is invited to provide feedback via a written submission which closes at 5pm Sunday 28 February 2016.

Report:

Following the last period of consultation by the NSW Government in November 2015, Council resolved that *'having regard to the finding by IPART that Council is "Not Fit" due to a lack of scale and capacity:*

- a. *Council is willing to enter into a merger with neighbouring councils, provided all councils are meaningfully involved in planning and implementing the merger, that local representation is fairly provided for and that the future of smaller towns and villages is protected;*
- b. *having regard to existing linkages, and consistent with the recommendation of the Independent Local Government Review Panel, the most appropriate region for the Shire to be part of is one covering the existing LGAs of Orange, Cabonne and Blayney;*
- c. *it is not in the interests of Blayney Shire residents to be part of a merger with Orange City alone; and*
- d. *in these circumstances, Council nominate the preferred merger partners Cabonne Council and Orange City Council as its first and only preference.'* (**Resolution NO 1511/007**)

This resolution reflects that Blayney Shire Council's preference has always been to stand-alone. However in accepting the scenario of a Cabonne and Orange merger, as was the recommendation of the Independent Local Government Review Panel, then this would change the nature of the region and future for Blayney as a stand-alone council.

The Minister for Local Government announced the formal Merger Proposal for Blayney Shire, Cabonne and Orange City Councils as per section 281E of the Local Government Act on 6 January 2016. The Merger Proposal has been referred to Chief Executive of OLG (s218F(1)) for examination and report and the Chief Executive has appointed a Delegate to undertake a Public Enquiry and prepare a report.

The Delegate appointed for this merger proposal is Mr Richard Pearson. During the public consultation period there are public meetings and an opportunity for online and written submissions. Written submissions close on 28 February 2016.

Council has been informed of the merger proposal process, funding on offer and opportunities for feedback to be provided to the OLG Delegate who is conducting the Enquiry and preparing the report. Attached under separate cover is the Letter from Minister Local Government outlining the merger proposal and process, Ministerial Media Release and the Merger Proposal: Blayney Shire Council, Cabonne Council and Orange City Council (January 2016).

Issues:

Delegates will review proposals and public submissions as per s263(2A) and s218F(2) and provide the report to the Boundaries Commission for comment.

The issues of a proposed merger are many. The Delegate must prepare a report that considers the factors listed in the Act which include Financial factors, Community of interest, Historical and traditional values, Attitudes of residents and ratepayers, Elected representation, Service delivery and facilities, Employment impacts for staff, Rural impacts, Wards, Opinions of diverse communities and Other matters.

Once the report is completed it is submitted to the Minister as well as the Boundaries Commission.

The Minister will consider both the Delegate and Boundaries Commission reports before making a final decision. It is anticipated that this process will not be completed before the middle of 2016

Once the Minister has received the report of the Delegate and the comments of the Boundaries Commission, he can make a decision on the proposal. The decisions that are open to him are:

- Recommend to the Governor that the proposal be implemented.
- Recommend to the Governor that the proposal be implemented with variations – so long as the variations do not constitute a new proposal.

- Not to proceed with the proposal.

In regards to ‘variations’ the Delegate has advised that these are only for minor tidying up of rural properties which may overlap council boundaries. Any proposal from Bathurst to secure areas north and east of Blayney (Newbridge and Kings Plains) or from Forbes or Cowra of parts of Cabonne (Eugowra and Canowindra) are not “minor” and therefore cannot be considered in this merger proposal.

Similarly there is no legal basis on which the merger would be recommended with only Orange and Blayney. This would require a brand new merger proposal and recommencement of the process from the very beginning as per section 281E of the Local Government Act.

Blayney Shire Council has identified some fundamental principles which it believes are critical to be taken into consideration and reflected in the planning and implementation of any recommended merger. These were conveyed to the Delegate during the public meeting held in Blayney on Thursday 4 February. These are based upon the community feedback and councillor input into the merger to date and are as follows;

1. No merger without all three LGAs;
2. A three way partnership approach to planning and implementing the new council;
3. A new culture and name separate and distinct from that of the legacy councils;
4. A new councillor body of manageable size focused on creating a powerful new council, building on existing strengths and avoiding pitfalls;
5. A role for existing councillors to advise and support the integration process prior to the first elections;
6. The current councillors to determine the priorities the allocation of Stronger Communities Fund on community infrastructure projects within their LGA;
7. A role for all existing staff during the planning phase which draws on their skills and experience to the maximum benefit of the new council; and
8. A structure that devolves autonomy to local town and village communities, free from unnecessary central interference.

What is critical in any change process is the merging of different organisational cultures and we need to remember that it is people that matters. Reassurance must be given to the significant rural based communities that local identity and autonomy can be maintained with the right governance model and organisational structure.

Similarly important is the continued focus on collaboration across the region to promote the unique attributes of the individual town and villages. This will be no easy task unless the merger, if proceeds, is a real partnership. Therefore

it is important that Blayney Shire Council submission reinforces their fundamental principles as noted above.

Budget Implications:

Should the merger proceed the NSW Government will provide a Merger Implementation Grant of \$5 million to cover the integration of systems, branding, uniforms and other associated costs of the merger plus access to a Stronger Communities Fund of \$15 million (based on \$5 million each for a 3 council merger) for community infrastructure projects. The guidelines on funding use and timing will be issued later in the year.

The KPMG Technical Report, attached under separate cover, details the assumptions of the estimated \$29 million in net financial savings over 20 years and this has been provided to Councillors. Whilst there is significant public debate about the accuracy, forecasts and assumptions made by KPMG, Council has taken the view that it would not be helpful to engage consultants to undertake another report.

Blayney Shire Council was assessed by IPART as meeting all financial sustainability criteria for Fit for the Future. Further, NSW Treasury deemed Council's long term financial outlook as being Positive. Both Orange and Cabonne also met the IPART financial sustainability criteria. However all three were deemed 'not fit' because of scale and capacity, and in the case of Blayney this was only due to a population base of less than 10,000.

Given that all 3 councils were assessed by IPART as meeting the financial sustainability criteria, it is simply common sense that in any long term financial planning process that a merged entity would also achieve a positive rating.

In any merger the savings are questionable, particularly in rural and regional areas where employment protections, quite rightly, are in place. Where the real benefits are achieved is in the capacity of the new organisation to be a regional voice, the ability to leverage funding to attract state and federal support for major projects, providing opportunities for staff development/career progression and responding to emergencies.

Finally, the merged council shall be deemed 'fit' and therefore have access to the new NSW Treasury borrowing facility providing low interest loans for infrastructure projects.

It is very important to maintain a business as usual approach during this process and staff are continuing to deliver services, complete capital infrastructure projects and plan for future works. Council is also mindful of their responsibility to adhere to the 'Guidelines for Council Decision Making During the Merger Proposal Periods' released by the OLG in December 2015.

Enclosures (following report)

Nil

Attachments (separate document)

- | | | |
|---|---|----------|
| 1 | Minister for Local Government Media Release | 1 Page |
| 2 | Letter from Minister for Local Government | 2 Pages |
| 3 | Guidelines for Council Decision Marking During
Merger Proposal Periods | 9 Pages |
| 4 | KPMG Technical Report | 10 Pages |

06) LOCAL GOVERNMENT ACT PROPOSED AMENDMENTS PHASE 1

Department: Executive Services

Author: General Manager

CSP Link: 6.3 A well-run Council organisation.

File No: CM.LG.3

Recommendation:

For Council Consideration

Reason for Report:

To ensure Council and the community are informed of the proposed amendments to the Local Government Act (1993) and to facilitate a formal response be submitted via the online survey by Blayney Shire Council by the due date of 15 March 2016.

Report:

In 2012, the NSW Government commenced a review the Local Government Act (1993) and the City of Sydney Act 1988. A Taskforce was appointed and since the release of a discussion paper, the Government delivered its response to the Taskforce recommendations in September 2014.

The NSW Government's Fit for the Future reforms continue as public consultation begins on the first phase of developing new local government legislation with the publication of 'Towards New Local Government Legislation Explanatory Paper: proposed Phase 1 amendments' in January 2016. This paper, which was emailed to Councillors with the Office of Local Government (OLG) Circular is attached for information under separate cover.

The proposed amendments:

- clarify roles and responsibilities of councillors, mayors, administrators and general managers;
- introduce new guiding principles for local government;
- improve governance of councils and professional development for councillors;
- expand on the framework for strategic business planning and reporting;
- prioritise community engagement and financial accountability; and
- streamline council administrative processes, including in relation to delegations and community grants.

Issues:

While the fundamentals of the Act remain sound it was the opinion of both the Independent Local Government Review Panel and Local Government Acts Taskforce that changes be made to amend the legislation.

Phase 1 of the reform program focuses mainly on changes to the governance and strategic business planning processes of councils. Phase 2 will focus on the way in which councils raise revenue and exercise their regulatory functions.

In the initial consultation stage, details of the Phase 1 amendments to the Act is available at the Fit for the Future website at www.fitforthefuture.nsw.gov.au and the public have an opportunity to provide online feedback on those proposals.

The question, '*Do you support the proposed amendment regarding*' [Item number and section] is asked requiring a response of either; Yes, No or Neutral.

A comments section of 200 words maximum for each question is available.

Councillor feedback is sought for support or otherwise of each section and any comments. Councillors are encouraged to submit a survey individually, as are members of the public.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

- | | | |
|---|---|----------|
| 1 | New Local Government Act Development Consultation | 2 Pages |
| 2 | Explanatory Paper: Proposed Phase 1 Amendments | 32 Pages |

07) CARCOAR SCHOOL OF ARTS RESERVE TRUST

Department: Executive Services

Author: General Manager

CSP Link: 5.4 Capable, self sufficient communities engaged in decision making about issues that affect them.

File No: CR.CC.1

Recommendation:

For Council Consideration.

Reason for Report:

Council considered a detailed report about the issues and matters arising for the trustee arrangements at the Carcoar School of Arts at the November meeting.

The report was noted and Council requested that a further report be brought back (**Resolution No 1511/008**).

Council direction is sought as to its agreement or otherwise to transfer the ownership of the Carcoar School of Arts to local government control, as requested by the Carcoar community in September 2015.

Report:

Clarification was sought from the NSW Department of Primary Industries (DPI) Lands, about the repeal of the Trustees of Schools of Arts Enabling Act (1902) the proposal of which is outlined in the Crown Lands Legislation White Paper (pp 34-35) which is attached under separate cover for Council information. The Minister has recently announced that the new Crown lands legislation will take place in 2016, and if made, will not come into effect until 2017.

As Carcoar is on private trust land there will be options upon repeal of the Act which are likely to be similar to what was outlined in the information sent to Schools of Arts in July 2012 as well as the ability to remain as a private trust under the Trustees Act 1925.

A copy of the November 2015 Report is provided to Council for reference purposes, which details the process undertaken that sought community input in to the matter of the preferred governance model for the School of Arts in Carcoar, outlining the insurance risk and possible day to day management structure for the institution.

Issues:

Whilst the correct process engaging the members, to nominate and appoint a new Trustee, as per the Schools of Arts Enabling Act (1902) (s14) and Trust Handbook (s34.1) was undertaken, the definition of who is a 'member' was the subject of a teleconference between the current Trustee, Council and the DPI in December 2015.

A 'member' is a financial member of the institution and the recognised body that has managed the hall, care and upkeep, insurances, finances and bookings was the Carcoar School of Arts Incorporated. However at the time of the public meetings, as reported to Council in November 2015, there was no executive of the Carcoar School of Arts Incorporated, with all the minutes, books and financial control handed back to the sole remaining Trustee.

During the public meetings, it was unanimously agreed by all those attending that the interests and future governance arrangements of the School of Arts institution was of great concern to all the community. It was agreed that all stakeholders input and participation in the process would ensure that community goodwill and the best outcome for the School of Arts building would be achieved.

Under s54B Trustees of Schools of Arts Enabling Act (1902) Transfer of private trust land, council and the trustee may enter into an agreement for the land to be transferred to the council, must be discharged of any matter that could affect the land or its proposed purpose and usage, and is to be used and managed by the council as community land.

Council has to prepare a draft plan of management in relation to the land transferred to it and is required to advise the Minister for Local Government that it is preparing the draft plan which should take into account the purposes for which the land was held as an institution.

Budget Implications:

A transfer of private trust school of arts land to council occurs under Section 54B of the Local Government Act (1993). Advice from DPI Officer is that the Minister of Lands is not required to give consent to the transfer and all that is involved is a Deed of Transfer and notification to NSW Land and Property Information (LPI).

Council is seeking legal advice as to steps involved and estimated cost, which at the time of writing the report was not available, however will be conveyed as soon as comes to hand.

Given there is no purchase amount, the transfer may be only that of legal expenses, which should not be borne by Council. It is recommended that should Council resolve this way that any legal expenses be required to be paid for by the current Trust.

There will be some staff cost to manage and facilitate the transfer process and establish a community based Management Committee, develop an MOU Agreement, then ongoing supervision and oversight. This Agreement will be

very clear in the understanding that Council as the owner will not assume responsibility for the costs of maintaining or operating the institution. The continued success and future of the School of Arts building must remain firmly in the hands of the stakeholders, user groups and community.

Enclosures (following report)

- | | | |
|---|--|---------|
| 1 | Carcoar School of Arts Letter 19.01.2016 | 2 Pages |
| 2 | November Council Meeting Resolution and Report | 8 Pages |

Attachments (separate document)

Nil

**CARCOAR SCHOOL OF ARTS
COMMITTEE INC.**

INC. 1300867

**5 ICELY STREET
CARCOAR 2791**

**CHAIRPERSON: ANNE REWHORN
VICE CHAIRPERSON: BRIAN GRIFFITHS
SECRETARY: CATHY GRIFFITHS
TREASURER: LORETTA JONES**

**BLAYNEY SHIRE
COUNCIL**

22 JAN 2016

Doc. No.

Verified:

**Disp.
GA39:**

Sent.

19 January 2016

The General Manager
Blayney Shire Council
PO Box 62
BLAYNEY 2799

Reference - Carcoar School of Arts

Dear Ms. Ryan

In early November 2015 Ms. Anne Rewhorn telephoned you regarding the Carcoar School of Arts Committee Inc. gaining entry to the School of Arts to hold meetings. To date no reply has been received.

The Mayor was present at our AGM, held in the Court House and indicated that he would attempt to speak with the Trustee on our behalf. We have not heard from Councillor Ferguson to date.

As you may be aware, the Committee has continued to pay all expenses incurred by the School of Arts, including insurance and were willing to do so.

We are aware that the School of Arts has been hired on numerous occasions since the School of Arts Committee Inc. has been locked out by the Trustee. No monies for the hire have been received by the Committee. We feel whoever is the recipient of the Hall hire fees should be responsible for the expenses.

At a recent meeting of Executive of the School of Arts Committee Inc. it was decided not to pay any further expenses incurred by the School of Arts until the Trustee issue has been resolved.

Insurance comes up for renewal on 8 February, 2016. The Committee will not be renewing the policy, therefore rendering the building uninsured for General and Public Liability, fire and theft, as per the current policy.

Could you please advise when the issue of Trustee will come before Council next?

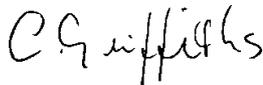
Yours faithfully.



A. Rewhorn – Chairperson



B Griffiths - Vice-Chairperson



C. Griffiths – Secretary



L. Jones – Treasurer

c.c. Mayor Scott Ferguson and Councillors
Mr. Geoff Braddon, Trustee

Cut Out – Council Meeting – 16 November 2015

EXECUTIVE SERVICES REPORTS

1511/008 **CARCOAR SCHOOL OF ARTS RESERVE TRUST**
RESOLVED:

That Council:

1. Note the report.
2. That a further report be brought back to Council in February 2016.
3. That the Mayor and any interested Councillors meet with the Trustee to discuss interim arrangements for the ongoing use of the Carcoar School of Arts.
(Ferguson/Radburn)

07) CARCOAR SCHOOL OF ARTS RESERVE TRUST

Department: Executive Services

Author: General Manager

CSP Link: 6.1 Good governance across our communities.

File No: CR.CC.1

Recommendation:

For Council consideration.

Reason for Report:

For the past 5 months Council has been attempting to resolve the governance issues for the Carcoar School of Arts Trust. A resolution is not sought from Council at this stage, rather this is an opportunity for Councillors to read and digest the large amount of information. It is timely too that any issues or questions from Council may be clarified to be addressed further in a later report.

The objective of this involvement by Council is to seek a solution for the community and stakeholders so that maintenance, care and control of the School of Arts Hall is established for future generations.

Clarification is being sought from NSW Crown Lands School of Arts Reserve Trusts officers in terms of the impacts of the NSW Crown Lands review and proposed legislative changes. In particular, how this relates to a Council being a Trustee of a School of Arts Reserve Trust that is a privately owned Trust. These questions have yet to be answered formally, and could make the decision making process clearer.

Report:

Council facilitated a meeting in late June seeking a resolution to the management authority over the care and control of the Carcoar School of Arts Trust and Hall (School of Arts). Those attending included the Mayor and General Manager of Blayney Shire Council, a representative from the NSW Crown Lands Office; Geoff Braddon, and Mr Ron Murray. Mr Lance Lowe was an apology.

At that stage Council was aware that the sole trustee was Geoff Braddon.

Clarification of past events and direction was sought from NSW Crown Lands and in summary;

- The Institution is covered by the Trustees of Schools of Arts enabling Act 1902 (the Act)
- The Institution is a Private Trust
- The sole Trustee is Mr Geoff Braddon

This is Page No. 21 of the Business Paper of the Ordinary Council Meeting of Blayney Shire Council held on 16 November 2015

- NSW Crown Lands have received and accepted resignations from former Trustees Mr Allan Kind (in 1990), Mrs Robyn Bell and Mrs Jennifer Wright (in 2002)
- Nominations as new Trustees for both Mr Ron Murray and Mr Lance Lowe were received by Crown Lands in 2002 however these were not processed as per the Act and have not been gazetted
- As it is 13 years since these nominations were received, Crown Lands do not intend to submit the request to appoint Mr Murray and Mr Lowe as Trustees to the Minister for approval
- The Carcoar School of Arts Incorporated which has undertaken the role of the day to day management has not been appointed or gazetted as Trustee by the Minister and therefore has no authority or formal jurisdiction over the Institution.

It was made clear at that meeting that none of the information provided by NSW Crown Lands should be considered as legal advice, and if any party is seeking clarification independent legal advice is recommended

Given that Trustees of Private Trusts are '*personally liable for actions taken on behalf of the institution, events occurring on the institution's property, or contracts entered into by the institution*' (s34 Trust Handbook); it has been recommended by Crown Lands that an incorporated body be appointed as the Trustee. It was also discussed that consideration be given to appointing the local government body, i.e. Blayney Shire Council as Trustee. Regardless of the final outcome the same process as noted above as per s34.1 of the Trust Handbook has to be implemented. Excerpts of the Trust Handbook are provided to Council in the attached documents pertaining to this report.

The appointment of a new trustee is detailed in the Act and Trust Handbook (s34.1). The timing of the public newspaper advertisements of the Special Meetings which were open to the public were scheduled as detailed in the Trust Handbook.

Disappointedly NSW Crown Lands were not in a position to provide assistance, so in the interests of Carcoar, the Mayor and General Manager agreed to facilitate the process of engaging the community to nominate and appoint a new Trustee.

Meetings

There are clearly a number of passionate and dedicated groups of people who have been connected to the School of Arts for many years. These stakeholders include the Lyndhurst RSL and Carmanhurst Museum which is housed upstairs, Carcoar School of Arts Incorporated, Carcoar Primary School P&F, Uralba Hospital Museum and Aged Care Service and the Carcoar Historical Society. As articulated in the recent Our Carcoar Community Plan 2015-2015 the Hall is considered of great value and an asset for future development of social and community activities.

The first public meeting was held on Thursday 20 August 2015 at the Carcoar School of Arts Hall with 53 people in attendance.

This is Page No. 22 of the Business Paper of the Ordinary Council Meeting of Blayney Shire Council held on 16 November 2015

The second public meeting was held on Thursday 17 September 2015, once again at the Carcoar School of Arts Hall with 52 people in attendance.

A secret ballot to vote for the option of a local incorporated body or Council as preferred trustee was as follows; Incorporated Body - 18 votes and Local Government - 33 votes.

The final motion then supported by the majority of those present was that the community approve the election of Blayney Shire Council as the preferred nominated trustee of the Carcoar School of Arts Trust.

Copies of the minutes of those meetings have been provided to Council within the attached documents.

Carcoar School of Arts Inc

The Carcoar School of Arts Inc, has presided over the School of Arts for many years. Up until the middle of the year, this committee which had a list of 2014/15 financial members of 26 people, were the accepted body which has cared for and fundraised for insurance, R&M and managed bookings. It was only when a Grant Application that required signatures of the Trust was it realised that there was only one Trustee.

Various representatives from this School of Arts committee were present at both public meetings, and the committee remain firm on their request to maintain the status quo.

They have provided Council with supporting information and attached as follows;

1. Audited financial statements for the past 2 years 2013/2015
2. Letter of Resignation Treasurer and Vice President (dated 28.08.15)
3. Letter Points for Consideration (dated 01.10.15)

It is understood an AGM was advertised to be held on Sunday 15 November 2015.

Community Support

A number of letters have been received by Council subsequent to the second public meeting which are attached for Councillors information including;

4. Letter Points for Consideration (dated 09.10.15)
5. Voting Carcoar School of Arts Trusteeship (dated 10.10.15)
6. Letter (dated 11.10.15)
7. Petition received 09.11.2015.

Crown Lands Review

In October 2015 the NSW Government released its response to the Crown Lands Legislation and Management Review which proposes a simpler legislative framework and other actions to support Crown Land management.

This review included the management of Reserve trusts, Commons and Schools of Arts.

There is proposed new consolidated legislation and repealing of existing Acts. The Government response in regards to the Schools of Arts, which is relevant to this matter and *'next steps'*:

- *It is proposed that where a School of Arts is on private land, the trustees will remain the legal owners of the land and will be able to deal with the land subject to the terms of any trust deed and the Trustee Act 1925.*

The Response to the Crown Lands Legislation White Paper has been attached for Councillor information under separate cover. It is available on the NSW Crown Lands website
http://www.lpma.nsw.gov.au/__data/assets/pdf_file/0004/206680/response-to-crown-lands-legislation-white-paper.pdf

Implications

Should Council become Trustee the land is transferred to Council as 'community land' and is *'freed of any trusts, estates, interests or provisions affecting the land.'* As per the Local Government Act (1993) Council would be required to prepare, consult, publicly exhibit and adopt a Plan of Management.

As noted earlier in the report the effect of the Crown Lands Review and proposed legislation changes pertaining to Council Trusts; is not entirely clear. Whilst there is a suggestion that the management could be streamlined, in the case of NSW Heritage Listed School of Arts Trusts this may not be the case.

As an alternative governance model, Council is a logical and sensible option as Trustee. There are staff with the necessary skills and expertise on hand to professionally manage this valuable heritage item whilst maintaining the local ownership, encouraging and supporting community participation into the future planning and activities. Council would be a good Trust Manager, and has a number of community assets that it successfully looks after.

There is risk that if the community are not fully supportive of Council's involvement however well meaning, that the residents will become disengaged. Raised expectations by stakeholders and the perception that they no longer have ownership could add a financial burden to Council's Halls/Buildings budget. The support and volunteering effort by the community is critical for future fundraising, day to day management, cleaning and looking after the building.

Budget Implications:

Council would need to resolve if all or only part of the expenses were accepted to be included in the Operational Plan budget. Community assets such as this are often transferred to Council with the unrealistic expectation that all the R&M, WHS or improvements required can be addressed immediately. This was dispelled at the public meetings and it was conveyed

that Council believes the local interests and current stakeholders remain integral to the operations and future planning for the hall.

It was made clear to the community meetings that whilst Council was an option, it was very necessary that this have the full support of the community.

Also it was indicated that Council does not have the resources to be responsible for the day to day operations, cleaning, hall bookings and future planning. Therefore a School of the Arts Management Committee with representatives from the Carcoar community should be established to take ownership of future fundraising, applying for external grants and establishing hire fees or lease agreements.

A MOU or Licence Agreement could be established to facilitate such an arrangement.

Land

The site is zoned RU5 Village under the Blayney Local Environmental Plan 2012.

The land is located within the Carcoar Heritage Conservation Area, and is listed on the LEP as a locally significant heritage item. It is noted that the building is also listed on the State Heritage Register (as of 2 April 1999). As noted above, it is an institution with the meaning of the Trustees of Schools of Arts Enabling Act (1902) and the consent of the Minister is required to sell, lease or mortgage the property.

Repairs and Maintenance

In a pre DA meeting advice letter (January 2015) reference was made to proposed R&M works for the Carcoar School of Arts building which included;

- Attention to earthworks along the eastern side of the building to address stormwater impact on the building.
- Clearance of air vents along the lower walls.
- Cleaning of gutters and installation of gutter guards, down pipes and flashing.
- Repair to leak in the rear SE corner of the building.
- Repair to damaged plaster in the SE corner of the building.
- Repairs to rotten and subsided floor in kitchen and NE corner of the hall.

Council's Senior Health and Building Surveyor and Design Engineer undertook an onsite external inspection of the building on 6 October 2015. The following is a summary of that assessment of the condition and recommendations for remedial action.

- There is an existing drainage line (pipe) along the eastern side of the building which flows to the rear and out towards the river. This appears to be part of previous work carried out along the side of the building by the community in regard to drainage.

This is Page No. 25 of the Business Paper of the Ordinary Council Meeting of Blayney Shire Council held on 16 November 2015

- It is recommended that, given that the building appears to encroach across the boundary into the lane, a rubble drain needs to be constructed along the side of the building and directed into this pipe. The works should be assessed by a suitably qualified engineer prior to commencement.
- Cross floor ventilation should also be investigated for the building as well, to avoid too much drying out under the building, which may result in cracking of the structure.

There has been no costing made of these works, nor an internal inspection to the building undertaken.

A complete building inspection by a qualified structural engineer would be recommended for Insurance purposes, should Council become Trustee.

Heritage Value

Council should be aware of the minimum standards of maintenance and repair which are the responsibility of the managers of buildings listed on the NSW State Heritage Register.

Insurance

Council's Risk Officer has sought information from our Insurer should Council become Trustee of Carcoar School of Arts.

The building can be added to the property asset schedule. Council would need to provide the replacement value of the building and contents.

On the current property value schedule, halls in the villages are valued between \$122,000 (70m²) and \$315,000 (217m²) all of which are single storey weatherboard and/or corrugated iron construction. The School of Arts is double brick, about 400m² and on the State Heritage Register. This would suggest a value of at least \$500,000 (1,250/m²) without the museum contents.

A full independent property and building inspection report and valuation would be recommended prior to a decision being made by Council to accept the community request.

Once the building is added to the property asset schedule the Council Public Liability cover will also automatically provide protection and in terms of dollar amounts, there will be no impact with regards to Public Liability. There will be a premium payable for the Property (approximately \$1,600 per annum depending on the building and contents valuation) although this will be taken into consideration at renewal, there will be no immediate premium impact.

The Museum contents would need to be valued and insured. Long term occupiers of Council buildings are required to obtain contents and public liability insurance prior to any hire/occupancy agreement.

Casual hirers of the hall would need to abide by similar conditions of hire to the Blayney Community Centre. Proof of current Public Liability insurance is

This is Page No. 26 of the Business Paper of the Ordinary Council Meeting of Blayney Shire Council held on 16 November 2015

required for many functions. Casual Hirer Insurance cover is available from Council for \$94.00 per event (2015/16) subject to terms and conditions.

Council is Trustee of a number of public spaces, recreation and sporting reserves.

Location	Reserve Name	Trust Name
Blayney	King George V Park	BSC Crown Reserves Reserve
	Blayney Golf Course	Blayney Golf Course (R69798) Reserve
	Blayney Dakers Oval reserve	BSC Crown Reserves Reserve
	Adelaide Street reserve	Blayney Tennis Courts (R84340) Reserve
	Blayney Recreation reserve	BSC Crown Reserves Reserve
		BSC Crown Reserves Reserve
	Innes Park	Innes Park (R97872) Reserve
Carrington Park		Blayney SES Reserve
		Carrington Park Reserve
		Carrington Park Reserve
Carcoar	Naylor Street playground	BSC Crown Reserves Reserve
	Carcoar playground	BSC Crown Reserves Reserve
Gallymont	Somers recreation reserve	BSC Crown Reserves Reserve
Lyndhurst		Lyndhurst Showground Reserve
Millthorpe		Redmond Park Reserve
		Millthorpe Park Reserve
Neville	Neville recreation reserve	BSC
	Neville recreation reserve	BSC Crown Reserves Reserve
Neville		Neville Recreation Reserve
		Neville Bushfire Brigade (R97731) Reserve
Newbridge	Newbridge recreation reserve	BSC Crown Reserves Reserve

Attachments (separate document)

1	NSW Reserve Trust Handbook References	4 Pages
2	Minutes from Meeting held 20.08.2015	2 Pages
3	Minutes from Meeting held 17.09.2015	2 Pages
4	Financial Statements	3 Pages
5	Resignation of Treasurer and Vice President	1 Page
6	Letter Points for Consideration 01.10.15	2 Pages
7	Letter Points for Consideration 09.10.15	3 Pages
8	Voting Carcoar School of Arts Trusteeship 10.10.15	2 Pages
9	Letter dated 11.10.15	1 Page
10	Response to Crown Land Legislation	36 Pages
11	Petition received 09.11.2015	4 Pages

08) **MINUTES OF THE CULTURAL CENTRE WORKING GROUP MEETING**

Department: Executive Services

Author: General Manager

CSP Link: 5.4 Capable, self sufficient communities engaged in decision making about issues that affect them.

File No: ED.LI.2

Recommendation:

That the minutes of the Cultural Centre Working Group Meeting, held on Tuesday 8 December 2015, be received.

**MINUTES OF THE CULTURAL CENTRE WORKING GROUP MEETING
HELD ON TUESDAY 2 FEBRUARY 2016
AT THE BLAYNEY SHIRE COMMUNITY CENTRE**

Meeting commenced at 6.30pm.

PRESENT

Cr Scott Ferguson (Chair), Cr David Kingham (Alternate Delegate), Rebecca Ryan (General Manager), Tom Williams, Loretta Kervin, Elizabeth Russ, Gwenda Stanbridge, Margaret Paton, Ian Tooke and Jan Richards

ATTENDING

Betty Williams, Cecily Walters and Penny May

APOLOGIES

Cr Allan Ewin

DISCLOSURES OF INTEREST

Nil

MINUTES FROM PREVIOUS MEETING – 8 DECEMBER 2015

Recommended that the minutes from the previous Cultural Centre Working Group Meeting held on 8 December 2015 be adopted.

(Elizabeth Russ/Ian Tooke)

PHOTOGRAPHS FROM CENTRE AT MILDURA

- Ian Tooke presented photographs from the VIC/ Cultural Centre at Mildura

IMAGES AND WEBSITES OF INTERNATIONAL GALLERIES AND CULTURE CENTRES

- Margaret Paton provide images and websites of International Galleries and Cultural Arts Centres

UPDATE ON COUNCIL MERGER

- Mayor Scott Ferguson provided an update on the merger proposal process and how relates to the Cultural Centre Working Group
- Budget already allocated for concept plans to be produced \$10K and it is proposed that in preparation of the 16/17 Operational Plan and new Delivery Program, LTFP that this project may be included. However construction is not in current plans and would require external grant funding
- Important that a DA be completed, and Architectural drawings, quantity surveyor
- Council needs a shovel ready project for 17/18

INVOLVEMENT OF SPECIFIC DEMOGRAPHICS IN GROUP

- Youth involvement, Villages will at next stage when have some concept plans to show people
- It is proposed that an information evening or workshop similar to that held in July last year to gather those stakeholders not represented currently

CLARIFICATION ON OBSERVERS AT MEETINGS

- This applies to additional observers that an information evening or workshop, to collect input and feedback by community

CONCEPT PLANS

- Need to include the following spaces and size requirements;
 - Library – based on population as determined by NSW Libraries, and important that we meet these to be eligible for Library Development Funding

Action: Jan Richards to confirm library space requirements

- Art Gallery – estimated 10x8

Action: Penny May to confirm Art Gallery space and requirements

- VIC requires 12x12
- Meeting Room 10x6 with After Hours Access
- Visual Display Room 10x6
- VIV Kable Collection requires 10x14 and room for research collections, storage, archival room
- Exhibition cabinets that can be changed from storage to refresh exhibition, Opportunity for offsite storage of archives if digitised

Action: Gwenda to confirm with Sustainable Collections

Shared areas include; Kitchen, Toilets (staff and public), catering and commercial space ie coffee shop to be included in plans where local students might undertake hospitality training

UPDATE ON COTTAGE

- Advice from Council's Heritage Advisor re Cottage heritage issues sought
- Blocks of land next to council car park should be investigated
- Advantages of current location is car park, central location
- Need some drafts designs together before concept plans

GENERAL BUSINESS

- Opportunity for adding on to Community Centre - Climbing Wall
- Private, public partnership consideration

NEXT MEETING

Next meeting will be held Tuesday 1 March 2016

Agenda items to include:

- Size
- Concept Plans
- Location

MEETING CLOSE

There being no further business the meeting closed at 8.00pm.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

09) REPORT OF COUNCIL INVESTMENTS AS AT 31 DECEMBER 2015

Department: Corporate Services

Author: Chief Financial Officer

CSP Link: 6.3 A well-run Council organisation.

File No: FM.IN.1

Recommendation:

1. That the report indicating Council’s investment position as at 31 December 2015 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

Reason for Report:

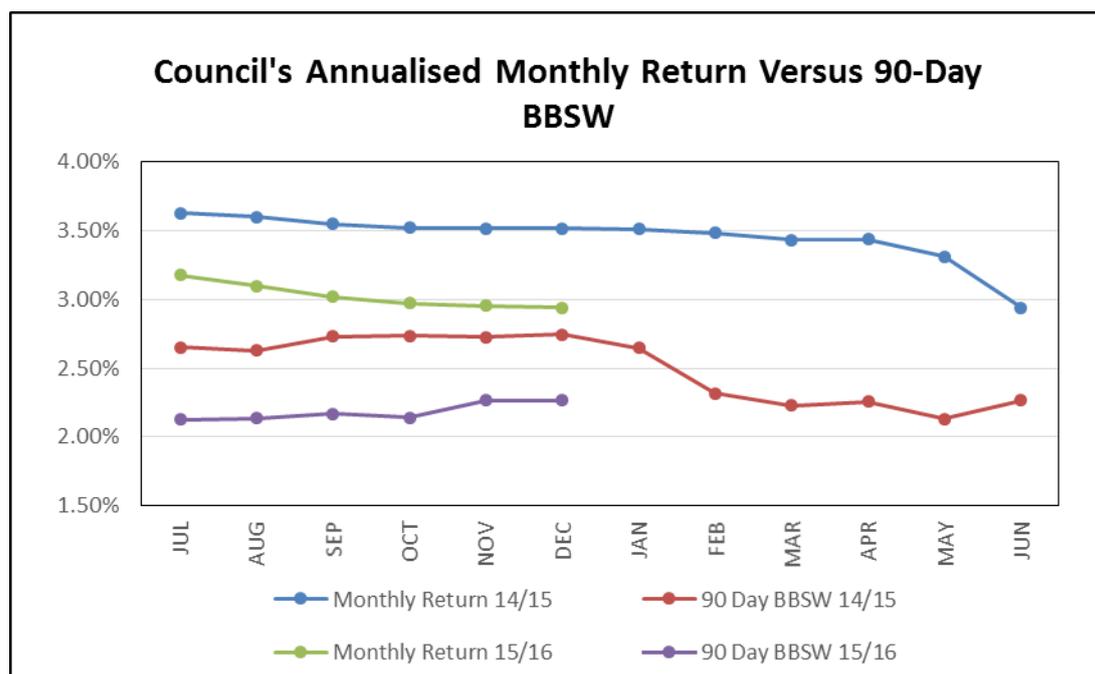
For Council to endorse the Report of Council Investments as at 31 December 2015.

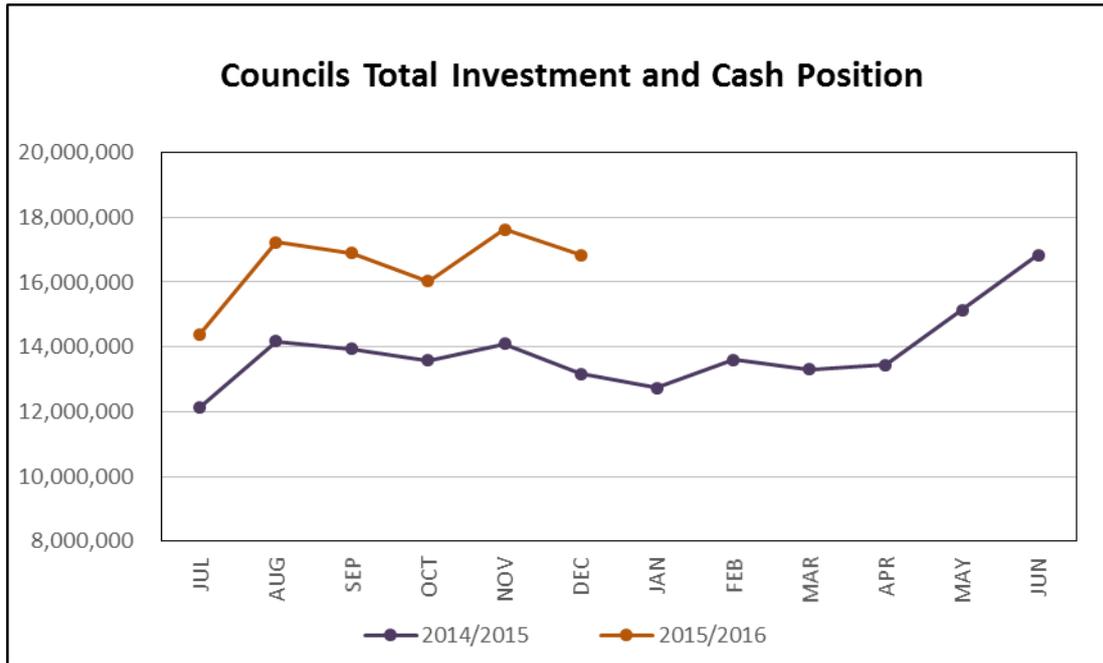
Report:

This report provides details of Council’s Investment Portfolio as at 31 December 2015.

Council’s total investment and cash position as at 31 December 2015 is \$16,831,525. Investments earned interest of \$41,627 for the month of December 2015.

Council’s monthly net return on Term Deposits annualised for December of 2.94% outperformed the 90 day Bank Bill Swap Rate of 2.27%.





REGISTER OF INVESTMENTS AND CASH AS AT 31 DECEMBER 2015				
Institution	Rating	Maturity	Amount \$	Interest Rate
AMP Bank	A1/A+	6/01/2016	500,000	3.40%
AMP Bank	A1/A+	10/05/2016	500,000	2.75%
AMP Bank	A1/A+	31/05/2016	500,000	2.75%
AMP Bank	A1/A+	26/04/2016	500,000	2.80%
AMP Bank	A1/A+	16/08/2016	500,000	2.90%
Bank of Queensland	A2/A-	6/01/2016	500,000	2.95%
Bank of Queensland	A2/A-	23/02/2016	500,000	2.80%
Bank of Queensland	A2/A-	20/01/2016	500,000	2.95%
Bank of Queensland	A2/A-	2/02/2016	500,000	3.00%
Bank of Queensland	A2/A-	16/02/2016	500,000	2.85%
Bankwest	A1+/AA-	5/04/2016	500,000	2.85%
Bankwest	A1+/AA-	3/05/2016	500,000	3.00%
Bankwest	A1+/AA-	15/03/2016	500,000	2.90%
Bankwest	A1+/AA-	16/02/2016	500,000	2.80%
Bankwest	A1+/AA-	16/02/2016	500,000	2.90%
Bendigo & Adelaide Bank	A2/A-	22/11/2016	500,000	2.80%
Bendigo & Adelaide Bank	A2/A-	14/06/2016	500,000	2.85%
IMB	A2/BBB	1/09/2016	500,000	2.80%
Macquarie Bank	A1/A	30/05/2016	500,000	2.70%
Macquarie Bank	A1/A	9/02/2016	500,000	3.00%
ME Bank	A2/BBB+	1/03/2016	500,000	2.75%
ME Bank	A2/BBB+	16/02/2016	500,000	2.85%
ME Bank	A2/BBB+	20/12/2016	500,000	3.00%
ME Bank	A2/BBB+	8/03/2016	500,000	2.85%
NAB	A1+/AA-	5/04/2016	500,000	2.96%
NAB	A1+/AA-	29/11/2016	500,000	2.92%
NAB	A1+/AA-	25/05/2016	500,000	2.96%
NAB	A1+/AA-	29/03/2016	500,000	3.00%
Westpac	A1+/AA-	15/03/2016	500,000	2.68%
Westpac	A1+/AA-	28/06/2016	500,000	2.88%
Wide Bay Australia	A2/BBB	8/03/2016	500,000	3.01%
Wide Bay Australia	A2/BBB	5/01/2016	500,000	3.50%
Total Investments			16,000,000	2.91%
Benchmarks:	BBSW 90 Day Index			2.27%
	RBA Cash Rate			2.00%
Commonwealth Bank - At Call Account			152,778	1.90%
Commonwealth Bank Balance - General			678,747	1.85%
TOTAL INVESTMENTS & CASH			16,831,525	

* % Interest rates as at 31/12/2015

Summary of Investment Movements - December		
Financial Institution	Invst/(Recall) Amount \$	Commentary
National Australia Bank	(517,802.74)	Term Deposit Matured 02/12/2015
National Australia Bank	500,000.00	Term Deposit Reinvested 02/12/2015
Bankwest	(507,230.14)	Term Deposit Matured 02/12/2015
Bankwest	500,000.00	Term Deposit Reinvested 02/12/2015
Wide Bay Australia Ltd	(517,701.37)	Term Deposit Matured 17/12/2015
Westpac	500,000.00	Term Deposit Invested 22/12/2015
ME Bank	(504,526.03)	Term Deposit Matured 22/12/2015
ME Bank	500,000.00	Term Deposit Reinvested 22/12/2015

Short Term Credit Rating*	Policy Maximum	Current Holding %	Current Holding \$
A-1+	100%	34%	5,500,000
A-1	80%	22%	3,500,000
A-2	60%	44%	7,000,000
A-3	40%	0%	-
			16,000,000

*Councils current investment portfolio contains only short term investments and has therefore been rated accordingly.

Overall Portfolio Return to Maturity			Actual %
Portfolio % < 1 Year	Min 40%	Max 100%	100%
Portfolio % > 1 Year	Min 0%	Max 60%	0%
Portfolio % > 3 Year	Min 0%	Max 30%	0%
Portfolio % > 5 Year	Min 0%	Max 20%	0%

Individual Institution Limit	Rating	Policy Maximum	Actual Maximum
AMP Bank	A1/A+	3,000,000	2,500,000
Bank of Queensland	A2/A-	3,000,000	2,500,000
Bankwest	A1+/AA-	3,000,000	2,500,000
Bendigo & Adelaide Bank	A2/A-	3,000,000	1,000,000
IMB	A2/BBB	3,000,000	500,000
Macquarie Bank	A1/A	3,000,000	1,000,000
ME Bank	A2/BBB+	3,000,000	2,000,000
NAB	A1+/AA-	3,000,000	2,000,000
Westpac	A1+/AA-	3,000,000	500,000
Wide Bay Australia Ltd	A2/BBB	3,000,000	1,500,000

<u>RESTRICTED CASH, CASH EQUIVALENTS & INVESTMENTS</u>	
	\$ 000's
External Restrictions - Sewer	4,924
External Restrictions - Unexpended Grants*	1,480
External Restrictions - Other*	1,112
	7,516
Internal Cash Restrictions*	6,444
Unrestricted	2,871
	9,315
TOTAL CASH & INVESTMENTS	16,832

* Restrictions represent balance as at 1 July 2015

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

I, David Mead, 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.

Issues:

Nil

Budget Implications:

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

Enclosures (following report)

Nil

Attachments (separate document)

Nil

10) REPORT OF COUNCIL INVESTMENTS AS AT 31 JANUARY 2016

Department: Corporate Services

Author: Chief Financial Officer

CSP Link: 6.3 A well-run Council organisation.

File No: FM.IN.1

Recommendation:

1. That the report indicating Council’s investment position as at 31 January 2016 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

Reason for Report:

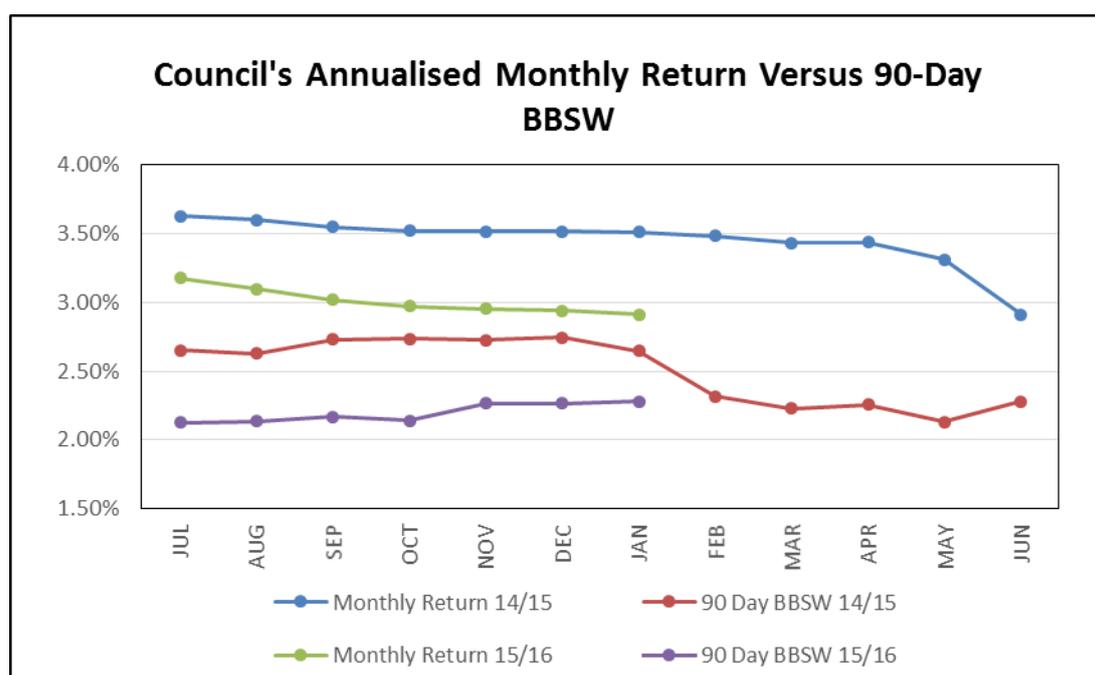
For Council to endorse the Report of Council Investments as at 31 January 2016.

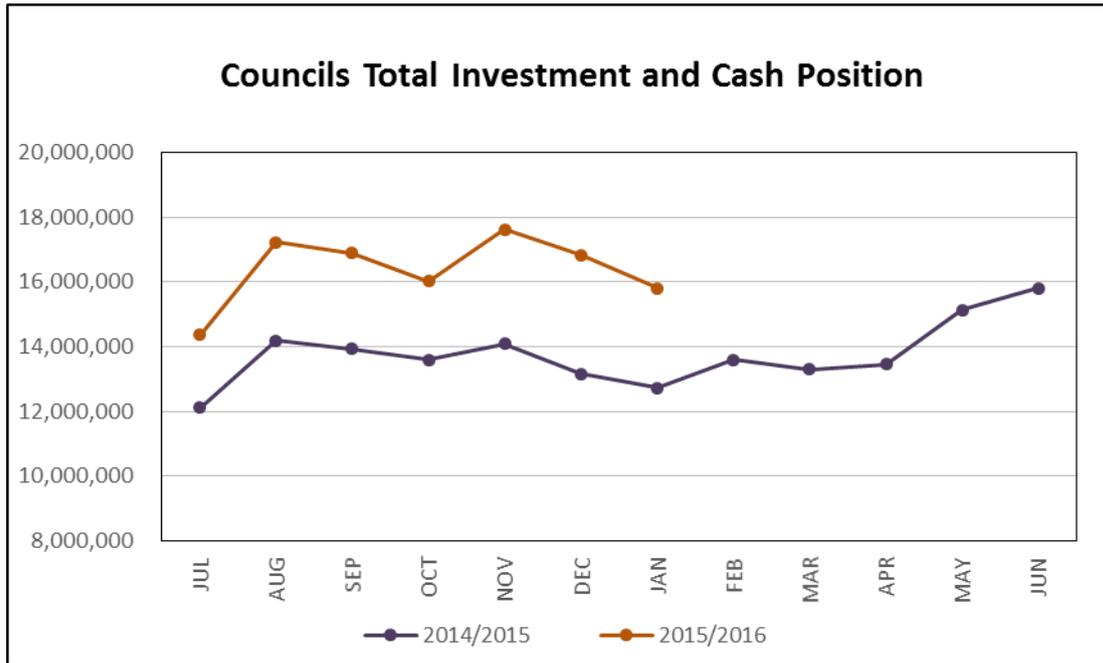
Report:

This report provides details of Council’s Investment Portfolio as at 31 January 2016.

Council’s total investment and cash position as at 31 January 2016 is \$15,809,710. Investments earned interest of \$37,958 for the month of January 2016.

Council’s monthly net return on Term Deposits annualised for January of 2.91% outperformed the 90 day Bank Bill Swap Rate of 2.28%.





REGISTER OF INVESTMENTS AND CASH AS AT 31 JANUARY 2016				
Institution	Rating	Maturity	Amount \$	Interest Rate
AMP Bank	A1/A+	6/01/2017	500,000	2.85%
AMP Bank	A1/A+	10/05/2016	500,000	2.75%
AMP Bank	A1/A+	31/05/2016	500,000	2.75%
AMP Bank	A1/A+	26/04/2016	500,000	2.80%
AMP Bank	A1/A+	16/08/2016	500,000	2.90%
Bank of Queensland	A2/A-	5/07/2016	500,000	3.05%
Bank of Queensland	A2/A-	23/02/2016	500,000	2.80%
Bank of Queensland	A2/A-	2/02/2016	500,000	3.00%
Bank of Queensland	A2/A-	16/02/2016	500,000	2.85%
Bankwest	A1+/AA-	5/04/2016	500,000	2.85%
Bankwest	A1+/AA-	3/05/2016	500,000	3.00%
Bankwest	A1+/AA-	15/03/2016	500,000	2.90%
Bankwest	A1+/AA-	16/02/2016	500,000	2.80%
Bankwest	A1+/AA-	16/02/2016	500,000	2.90%
Bendigo & Adelaide Bank	A2/A-	22/11/2016	500,000	2.80%
Bendigo & Adelaide Bank	A2/A-	14/06/2016	500,000	2.85%
IMB	A2/BBB	1/09/2016	500,000	2.80%
Macquarie Bank	A1/A	30/05/2016	500,000	2.70%
Macquarie Bank	A1/A	9/02/2016	500,000	3.00%
ME Bank	A2/BBB+	1/03/2016	500,000	2.75%
ME Bank	A2/BBB+	19/07/2016	500,000	2.95%
ME Bank	A2/BBB+	20/12/2016	500,000	3.00%
ME Bank	A2/BBB+	8/03/2016	500,000	2.85%
NAB	A1+/AA-	5/04/2016	500,000	2.96%
NAB	A1+/AA-	29/11/2016	500,000	2.92%
NAB	A1+/AA-	25/05/2016	500,000	2.96%
NAB	A1+/AA-	29/03/2016	500,000	3.00%
Westpac	A1+/AA-	15/03/2016	500,000	2.68%
Westpac	A1+/AA-	28/06/2016	500,000	2.88%
Wide Bay Australia	A2/BBB	8/03/2016	500,000	3.01%
Total Investments			15,000,000	2.88%
Benchmarks:	BBSW 90 Day Index			2.28%
	RBA Cash Rate			2.00%
Commonwealth Bank - At Call Account			153,024	1.90%
Commonwealth Bank Balance - General			656,686	1.90%
TOTAL INVESTMENTS & CASH			15,809,710	

* % Interest rates as at 31/01/2016

Summary of Investment Movements - January		
Financial Institution	Invst/(Recall) Amount \$	Commentary
Wide Bay Australia Ltd	(517,452.05)	Term Deposit Matured 05/01/2016
AMP Bank	(517,000.00)	Term Deposit Matured 06/01/2016
AMP Bank	500,000.00	Term Deposit Reinvested 06/01/2016
Bank of Queensland	(508,769.18)	Term Deposit Matured 06/01/2016
Bank of Queensland	500,000.00	Term Deposit Reinvested 06/01/2016
ME Bank	(505,868.49)	Term Deposit Matured 19/01/2016
ME Bank	500,000.00	Term Deposit Reinvested 19/01/2016
Bank of Queensland	(509,334.93)	Term Deposit Matured 20/01/2016

Short Term Credit Rating*	Policy Maximum	Current Holding %	Current Holding \$
A-1+	100%	37%	5,500,000
A-1	80%	23%	3,500,000
A-2	60%	40%	6,000,000
A-3	40%	0%	-
			15,000,000

*Councils current investment portfolio contains only short term investments and has therefore been rated accordingly.

Overall Portfolio Return to Maturity			Actual %
Portfolio % < 1 Year	Min 40%	Max 100%	100%
Portfolio % > 1 Year	Min 0%	Max 60%	0%
Portfolio % > 3 Year	Min 0%	Max 30%	0%
Portfolio % > 5 Year	Min 0%	Max 20%	0%

Individual Institution Limit	Rating	Policy Maximum	Actual Maximum
AMP Bank	A1/A+	3,000,000	2,500,000
Bank of Queensland	A2/A-	3,000,000	2,000,000
Bankwest	A1+/AA-	3,000,000	2,500,000
Bendigo & Adelaide Bank	A2/A-	3,000,000	1,000,000
IMB	A2/BBB	3,000,000	500,000
Macquarie Bank	A1/A	3,000,000	1,000,000
ME Bank	A2/BBB+	3,000,000	2,000,000
NAB	A1+/AA-	3,000,000	2,000,000
Westpac	A1+/AA-	3,000,000	1,000,000
Wide Bay Australia Ltd	A2/BBB	3,000,000	500,000

<u>RESTRICTED CASH, CASH EQUIVALENTS & INVESTMENTS</u>	
	\$ 000's
External Restrictions - Sewer	4,912
External Restrictions - Unexpended Grants*	1,480
External Restrictions - Other*	1,112
	7,504
Internal Cash Restrictions*	6,444
Unrestricted	1,862
	8,306
TOTAL CASH & INVESTMENTS	15,810

* Restrictions represent balance as at 1 July 2015

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

I, David Mead, 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.

Issues:

Nil

Budget Implications:

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

Enclosures (following report)

Nil

Attachments (separate document)

Nil

11) QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2015

Department: Corporate Services

Author: Chief Financial Officer

CSP Link: 6.3 A well-run Council organisation.

File No: FM.BU.1

Recommendation:

1. That the Quarterly Budget Review Statement for the quarter ending 30 December 2015 be received.
2. That the supplementary votes proposed in the Quarterly Budget Review Statement be adopted resulting in adjustments of \$419k for Net Operating Result from Continuing Operations and \$(430)k for Capital Expenditure.

Reason for Report:

For Council to endorse the Quarterly Budget Review Statement for the quarter ending 31 December 2015.

Report:

Clause 203 of the Local Government (General) Regulation 2005 requires that the Responsible Accounting Officer of a council prepare and submit to Council a budget review statement. The budget review statement must show, by reference to the estimate of income and expenditure set out in the operational plan adopted by Council, a revised estimate of the income and expenditure for the year. The budget review statement must also be accompanied by a report as to whether or not the Responsible Accounting Officer believes that the financial position of the council is satisfactory, having regard to the original estimates of income and expenditure.

In December 2010 the NSW Office of Local Government developed a set of minimum requirements for reporting the financial position of Council, to facilitate explanations and major variations and recommend changes to the budget for Council approval.

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

- A statement by the responsible accounting officer on council's financial position at the end of the year based on the information in the QBRs;
- Summary of Operational, Capital, Net and Restricted cash positions
(QBRs: Part 1)
- Income and Expenses (Operational) Budget Review Statement in one of the following formats:

- by income and expense type including capital grants and contributions **(QBRs: Part 2)**
- by function / activity to align with the operational plan including capital grants and contributions **(QBRs: Part 4)** and further detailed, excluding capital grants and contributions **(QBRs: Part 4A)**
- Capital Expenditure and Funding Budget Review **(QBRs: Part 3)** and further detailed **(QBRs: Part 5)**
- Recommended changes to revised budget with commentary for Operational Income and Expenditure **(QBRs: Part 6)** and Capital **(QBRs: Part 7)**
- Budget Review Cash and Investments position **(QBRs: Part 8)** and narrative **(QBRs: Part 9)**
- Budget Review Key Performance Indicators **(QBRs: Part 10)**
- Contracts Budget Review Statement **(QBRs: Part 11)** and narrative **(QBRs: Part 12)**
- Consultancy & Legal Expenses Overview **(QBRs: Part 13)**
- Loans summary **(QBRs: Part 14)**.

The purpose of the quarterly budget review is to act as a barometer of Council's financial health during the year and disclose Council's overall financial health position. It is also a means to ensure Council meets its objectives, targets and outcomes as set out in its Operational Plan.

The attached report provides a detailed review of Council's 2015/16 Budget Review covering the December 2015 quarter.

Issues:

Nil

Budget Implications:

Overall the net variations in Continuing Operations for the quarter of \$419k will increase the projected Net Operating Result before Capital Items (surplus) to \$737k.

Expenses from Continuing Operations have been forecast to increase by \$64k largely attributed to an increase in Materials & Contracts \$40k and increased provision for legal expenses \$20k.

The Capital Expenditure Budget has a net increase of \$430k. Works at Errowanbang Road have increased further than anticipated for the 2-year project in 2015/16 Financial Year requiring an extra \$95k. Redmond Oval Canteen refurbishment \$105k, King George Oval Side Line Seating \$40k and works for the Rural Fire Service \$80k have also attributed to the budget increase.

Funding for the above expenditure forecasts an increase to Income from Continuing Operations of \$503k and projected transfer of funds from Cash Restrictions of \$211k.

The increase in Income from Continuing Operations is attributed mainly to Capital Grants and Contributions with a progress payment of \$250k (Fixing Country Roads) for capital works at Errowanbang Road and \$80k from the Rural Fire Service for capital works at Kings Plains and Lyndhurst.

Also \$35k of Insurance Incentive rebates was received by Council. Cash Restrictions movement include Unexpended Grants received in previous financial years \$75k, Asset Replacement Internal Restriction \$35k and Blayney Town Works Internal Restriction \$50k.

Enclosures (following report)

1 Quarterly Budget Review December 2015 21 Pages

Attachments (separate document)

Nil



Quarterly Budget Review 2015-2016

Period ending 31 December 2015

Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/10/15 to 31/12/15

Table of Contents	page
1. Responsible Accounting Officer's Statement	2
2. Income & Expenses Budget Review Statement's	3
Income & Expenses Budget Review Statement (Type)	4
Income & Expenses Budget Review Statement (Function)	5
Income & Expenses Budget Review Statement (Function/Activity - Detailed)	6
3. Capital Budget Review Statement	8
Capital Budget Review Statement - Detailed	9
4. Cash & Investments Budget Review Statement	16
5. Key Performance Indicator (KPI) Budget Review Statement	17
6. Contracts & Other Expenses Budget Review Statement	18
7. Loans Summary	20

Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/10/15 to 31/12/15

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

It is my opinion that the Quarterly Budget Review Statement for Blayney Shire Council for the quarter ended 31/12/15 indicates that Council's projected financial position at 30/6/16 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:



date: 9/02/2016

David Mead
Responsible Accounting Officer

Blayney Shire Council

PART 1:

Income & Expenses Budget Summary

Quarterly Budget Review Statement

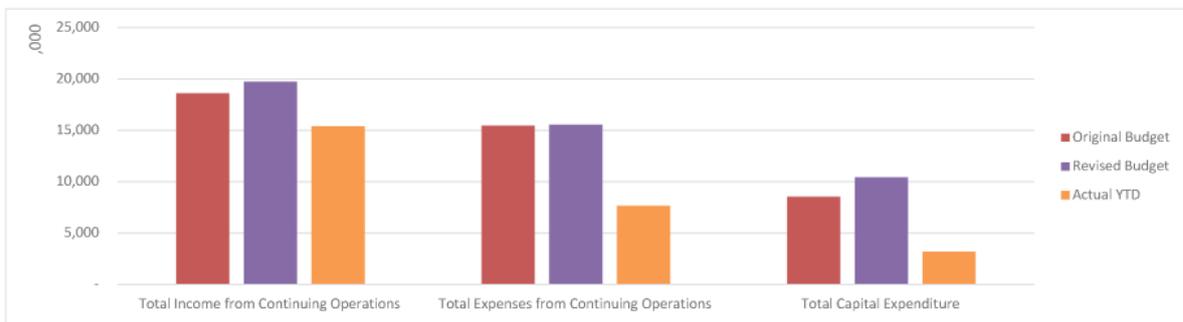
for the period 01/10/15 to 31/12/15

Budget review for the quarter ended 31 December 2015

Income & Expenses - Council Consolidated

(\$000's)

	Original Budget \$ 000	Revised Budget Last Qtr	Variations for this Dec Qtr	Revised Budget Current	Actual YTD figures
Total Income from Continuing Operations	18,601	19,748	503	20,252	15,396
Total Expenses from Continuing Operations	15,461	15,578	84	15,661	7,665
Net Operating Result from Continuing Operations	3,140	4,170	419	4,590	7,731
Total Capital Expenditure	8,551	10,443	430	10,873	3,228



Blayney Shire Council

Quarterly Budget Review Statement

PART 2:

for the period 01/10/15 to 31/12/15

Income & Expenses Budget Review Statement

Budget review for the quarter ended 31 December 2015

Income & Expenses - Council Consolidated

(\$000's)	Original Budget 2015/16	Revised Budget 2015/16	Variations for this Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%
Income							
Rates and Annual Charges	10,601	10,601			10,601	10,382	97.94%
User Charges and Fees	1,668	1,668			1,668	1,100	65.94%
Interest and Investment Revenues	456	456			456	259	56.73%
Other Revenues	154	175	55	2,9	230	163	71.16%
Grants & Contributions - Operating	2,961	3,337	57	8	3,394	2,042	60.17%
Grants & Contributions - Capital	2,761	3,481	391	5,10,12,13	3,872	1,419	36.65%
Net gain from disposal of assets	-	30			30	30	100.00%
Total Income from Continuing Operations	18,601	19,748	503		20,251	15,396	
Expenses							
Employee Costs	5,419	5,419	4	2	5,423	2,657	48.99%
Borrowing Costs	152	152			152	77	51.01%
Materials & Contracts	2,505	2,539	40	2,3,7,11	2,579	1,242	48.15%
Depreciation	4,835	4,835			4,835	2,221	45.95%
Legal Costs	53	53	20	6	73	51	69.67%
Consultants	132	210	20	14	230	142	61.83%
Other Expenses	2,366	2,370			2,370	1,275	53.79%
Total Expenses from Continuing Operations	15,461	15,578	84		15,661	7,665	
Net Operating Result from Continuing Operation:	3,140	4,170	419		4,590	7,731	
Discontinued Operations - Surplus/(Deficit)		-			-		
Net Operating Result from All Operations	3,140	4,170	419		4,590	7,731	
Net Operating Result before Capital Items	379	689	28		717	6,312	

Blayney Shire Council

Quarterly Budget Review Statement

PART 3:

for the period 01/10/15 to 31/12/15

Income & Expenses Budget Review Statement by Function

Budget review for the quarter ended 31 December 2015

Income & Expenses - Council Consolidated

(\$000's)	Original Budget 2015/16	Revised Budget 2015/16	Variations for this Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%
Income							
Governance	-	3			3	2	0.00%
Administration	208	238	35	2	272	171	62.84%
Public Order & Safety	74	83	80	12	163	31	18.93%
Health	7	7			7	25	330.22%
Environment	1,078	1,078			1,078	1,108	102.75%
Community Services & Education	2	2			2	0	19.54%
Housing & Community Amenities	170	197	77	8	274	154	56.13%
Sewer Supplies	1,399	1,399			1,399	1,087	77.72%
Recreation & Culture	986	1,017	61	5,13	1,078	294	27.23%
Manufacturing & Construction	248	248			248	352	142.25%
Transport & Communication	3,506	4,547	250	10	4,797	2,161	45.05%
Economic Affairs	142	148			148	43	29.25%
General Purpose Revenue	10,781	10,781			10,781	9,969	92.46%
Total Income from Continuing Operations	18,601	19,748	503		20,251	15,396	
Expenses							
Governance	489	498			498	219	44.00%
Administration	3,675	3,677	37	2	3,715	1,320	35.53%
Public Order & Safety	530	539			539	178	32.93%
Health	53	53			53	7	12.31%
Environment	1,178	1,178			1,178	662	56.20%
Community Services & Education	20	20			20	2	7.92%
Housing & Community Amenities	368	442	40	6,14	482	320	66.39%
Sewer Supplies	1,408	1,408	30	7	1,438	780	54.25%
Recreation & Culture	2,643	2,643	(4)	4	2,638	1,186	44.95%
Manufacturing & Construction	302	302			302	389	129.11%
Transport & Communication	4,524	4,524	(40)	3	4,484	2,410	53.76%
Economic Affairs	271	295	21	11	316	193	61.17%
Total Expenses from Continuing Operations	15,461	15,578	84		15,662	7,665	
Net Operating Result from Continuing Operation	3,140	4,170	419		4,589	7,731	
Discontinued Operations - Surplus/(Deficit)		-			-		
Net Operating Result from All Operations	3,140	4,170	419		4,589	7,731	
Net Operating Result before Capital Items	379	689	28		717	6,312	

Blayney Shire Council

Quarterly Budget Review Statement

PART 3A:

for the period 01/10/15 to 31/12/15

Operating Income & Expenses Budget Review Statement (By Function/Activity - Detailed)

Budget review for the quarter ended 31 December 2015

Operating Income & Expenses - Council Consolidated

(\$000's)	Operating Income						Operating Expenditure							
	Original Budget \$ 000	Revised Budget Last Qtr	Variations for Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%	Original Budget \$ 000	Revised Budget Last Qtr	Variations for Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%
Governance														
Council	-	3			3	2	0.0%	489	498			498	219	44.0%
Administration														
Corporate Services	150	150	35	2	185	136	73.4%	2,483	2,485	35	2	2,520	920	36.5%
Engineering & Works	53	83			83	51	61.1%	951	951			952	265	27.9%
Environmental	4	4			4	2	55.8%	241	241	3		244	135	55.4%
	208	238	35		272	189	69.4%	3,675	3,677	37		3,715	1,320	35.5%
Public Order & Safety														
Rural Fire Service	58	58			58	-	0.0%	405	405			405	110	27.1%
Animal Control	8	17			17	8	47.5%	83	91			91	44	48.5%
Emergency Services	7	7			7		0.0%	42	42			42	23	55.4%
	72	81	-		81	8	9.8%	530	539	-		539	178	32.9%
Health														
Administration/Food Control	7	7			7		0.0%	53	53			53	7	12.3%
	7	7	-		7	-	0.0%	53	53	-		53	7	12.3%
Environment														
Noxious Plants	-	-			-		0.0%	68	68			68	68	99.9%
Domestic Waste Management	905	905			905	1,047	115.6%	664	664			664	351	52.7%
Other Waste Management	173	173			173	46	26.9%	208	208			208	128	61.4%
Street Cleaning	-	-			-		0.0%	152	152			152	64	41.9%
Urban Stormwater Drainage	-	-			-	15	0.0%	86	86			86	52	61.0%
	1,078	1,078	-		1,078	1,108	102.8%	1,178	1,178	-		1,178	662	56.2%
Community Services & Education														
Child Care	-	-			-		0.0%	10	10			10		0.0%
Aged & Disabled	1	1			1	0	58.8%	1	1			1	1	0.0%
Youth Services	1	1			1		0.0%	2	2			2		0.0%
Community Services Administration	-	-			-		0.0%	6	6			6	2	24.6%
	2	2	-		2	0	19.5%	20	20	-		20	2	7.9%
Housing & Community Amenities														
Town Planning	129	141	77	8.9	218	121	55.6%	225	289	40	6.14	329	182	55.4%
Street Lighting	16	16			16	20	122.0%	112	112			112	44	39.5%
Public Cemeteries	41	56			56	33	58.7%	55	65			65	49	75.1%
Public Conveniences	-	-			-		0.0%	88	88			88	45	50.7%
	187	214	77		291	174	60.0%	480	554	40		594	320	53.9%
Recreation & Culture														
Public Libraries	34	34			34	1	1.6%	180	180			180	85	47.4%
Public Halls	289	289			289	286	99.0%	140	140			140	68	48.2%
Sporting Grounds	6	6			6	6	95.1%	192	192			192	98	51.0%
Blayney Showground	2	2			2	1	46.1%	101	101	(4)		96	25	25.6%
Parks & Gardens	13	13			13	1	11.1%	1,082	1,082			1,082	465	42.9%
Centrepoint Sport & Leisure	376	376			376	217	57.9%	942	942			942	441	46.8%
Other Cultural Services	-	-			-		0.0%	6	6			6	5	92.7%
	720	720	-		720	512	71.1%	2,643	2,643	(4)		2,638	1,186	44.9%
Mining Manufacturing & Construction														
Building Control	105	105			105	69	66.1%	170	170			170	60	35.1%
Quarries & Pits	143	143			143	281	196.8%	132	132			132	330	249.8%
	248	248	-		248	350	141.4%	302	302	-		302	389	129.1%
Transport & Communication														
Local Roads	2,472	2,792			2,792	2,273	81.4%	3,465	3,465	(40)	3	3,425	1,854	54.1%
Regional Roads	305	305			305	158	51.7%	109	109			109	70	64.7%
State Roads	210	210			210	34	16.1%	163	163			163	143	87.6%
Bridges - Local	-	-			-		0.0%	365	365			365	133	36.4%
Bridges - Regional	11	11			11		0.0%	-	-			-	5	0.0%
Footpaths	-	33			-		0.0%	58	58			58	86	148.3%
Kerb and Gutter	-	-			-		0.0%	120	120			120	43	35.9%
Other Transport and Communication	-	-			-		0.0%	132	132			132	75	57.3%
	2,998	3,351	-		3,351	2,464	73.6%	4,412	4,412	(40)		4,372	2,410	55.1%
Economic Affairs														
Tourism & Area Promotion	-	6			6	6	0.0%	149	149	21	11	170	72	42.2%
Industrial Development & Promotion	3	3			3	1	21.0%	15	15			15	21	137.9%
Real Estate	-	-			-		0.0%	-	22			22	20	0.0%
Inala Units	70	70			70	31	44.2%	55	56			56	30	53.3%
Other Business - Private Works	70	70			70	6	8.3%	53	53			53	51	96.8%
	142	148	-		148	43	29.3%	271	295	21		316	193	61.2%
General Purpose Revenue														
General Purpose Revenues	8,826	8,826			8,826	8,014	90.8%	-	-			-	-	0.0%
Sewerage Services														
	1,352	1,352	-		1,352	1,080	79.9%	1,408	1,408	30	7	1,438	780	54.2%
Surplus/(Deficit) From Ordinary Activities Before Capital Amounts	15,840	16,267	112		16,379	13,946	85.1%	15,461	15,578	84		15,663	7,665	48.9%

*Note expense figures include depreciation

Blayney Shire Council
PART 3B:

Quarterly Budget Review Statement
for the period 01/10/15 to 31/12/15

Income & Expenses Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details	Variations to:	
		Income \$000	Expenditure \$000
1	Increased cost to fund WBC Alliance operations as a result of Wellingtons exit totals \$29,963 with Blayney's share being \$9,987. Additional funds are not required as the current budget is sufficient to cover the increased cost.		0
2	Insurance Incentive Rebates received to be used for training on: - <i>Work Health & Safety</i> - <i>Risk Management</i>	16 19	16 19
3	To fund Capital works for road M475G		(40)
4	Replace Cisterns at Blayney Showground (transfer from operating expense to capital)		(4)
5	Contribution to Council to be used for Redmond Oval Canteen	51	
6	Additional budget required		20
7	Blayney Sewer Gravity Reticulation operating expenditure		30
8	Blayney 2020 Masterplan Grant funding as per updated schedule from Department of Planning & Infrastructure	57	
9	Revenue expected to be higher than current budget for Development Application Fees	20	
10	Fixing Country Roads - expecting more in 15/16 than 16/17 of income <i>(income relates to capital expenditure)</i>	250	
11	Village Enhancement Program - Tourism expenditure is of an operating nature		21
12	Capital Funding from Rural Fire Service for capital works at Kings Plains and Lyndhurst	80	
13	Contribution Blayney Senior Football Club - Blayney Showground	10	
14	IPlan Projects		20
	Other minor adjustments		3
Total variations December quarter:		503	84

Blayney Shire Council

PART 4:

Capital Budget Review Statement

Quarterly Budget Review Statement

for the period 01/10/15 to 31/12/15

Budget review for the quarter ended 31 December 2015

Capital Budget - Council Consolidated

(\$000's)	Original Budget 2015/16	Revised Budget 2015/16	Variations for this Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%
Capital Expenditure							
New Assets							
- Plant & Equipment		152	10	17	162	37	23.03%
- Sewer	418	418	-		418	6	1.40%
- Other	331	331	10	26	341	-	0.00%
Renewal Assets (Replacement)							
- Plant & Equipment	1,836	2,201	16	13,14,15,16,18	2,217	375	0.00%
- Land & Buildings	479	748	352	1,2,3,4,5,6,7,20	1,101	281	25.55%
- Roads, Bridges, Footpaths	4,434	5,307	165	8,9,10,11,12	5,472	2,409	44.03%
- Sewer	368	368	(100)	19	268	38	14.27%
- Other	541	774	(23)	2,21	751	34	4.56%
Loan Repayments (Principal)	144	144			144	47	32.57%
Total Capital Expenditure	8,551	10,443	430		10,873	3,228	
Capital Funding							
Rates & Other Untied Funding	5,635	5,635	4	6	5,639	4,786	84.88%
Capital Grants & Contributions	2,761	3,459	381	3,7,8	3,840	1,419	36.96%
Reserves:							
- External Restrictions/Reserves	155	341	81	3,5,27	422	341	80.79%
- Internal Restrictions/Reserves		814	85	3,20,26	900	814	90.47%
Receipts from Sale of Assets							
- Plant & Equipment		30	193		223	223	100.00%
Total Capital Funding	8,551	10,280	744		11,023	7,583	
Net Capital Funding - Surplus/(Deficit)	0	(163)	314		150	4,355	

Blayney Shire Council

Quarterly Budget Review Statement

PART 4A:

for the period 01/10/15 to 31/12/15

Capital Budget Review Statement

Budget review for the quarter ended 31 December 2015

Capital Budget - Council Consolidated

(\$000's)	Estimated Dates		Original Budget 2015/16	Revised Budget 2015/16	Variations for this Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%
	Start	Finish							
Capital Expenditure									
LAND, BUILDINGS & OTHER STRUCTURES									
Council Admin Building Downstairs	1/02/2016	1/05/2016	170	230	(20)	1	210	12	6%
Council Admin Building Upstairs	4/01/2016	28/02/2016			60	1	60	2	4%
Inala Units - Internal Painting			20	20			20		
Newbridge Showground - Painting			5	5	(5)	2	-		
Newbridge Tennis Courts	1/06/2015	28/09/2015		70			70	70	101%
Centrepoint	1/04/2015	1/05/2015	200	200			200		
Redmond Oval - Canteen	1/02/2016	1/06/2016	40	40	105	3	145	7	5%
Redmond Oval - Tennis Shed			12	12			12		
Redmond Oval - Skate Park Bubbler			10	10			10		
Redmond Oval - Tennis Court Fence	1/03/2016	1/05/2016	15	15	5	4	20		
Redmond Oval - Resurface	12/01/2015	30/06/2016	500	500			500	18	4%
Carcoar Dam - Septic			1	1			1		
Mandurama Rec Ground - Replace Septic			10	10			10		
Mandurama Rec Ground - Tennis Shed Hand Rails			1	1			1		
Mandurama Rec Ground - Upgrade			25	25	7	22	32		
Mandurama Rec Ground - Basketball Hoops			1	1			1		
Lyndhurst Showground			-	-	24	5	24	24	100%
The Cottage - External Painting			10	10			10		
The Cottage - Internal Painting			10	10			10		
Revive Pound Flat				48			48	45	93%
Heritage Park - Liberty Swing	1/02/2016	1/04/2016	50	50			50		
Blayney Showground - Oval irrigation scheme	2/01/2016	30/05/2016	100	100			100	9	9%
Blayney Showground - Ring Fence	8/02/2016	22/02/2016			50	27	50		
Blayney Showground - Pavillion/Amenities					4	6	4	4	100%
Garbage Bin Renewals	1/09/2015	30/04/2016		50			50	44	89%
King George Oval - Canteen				31			31	18	58%
King George Oval - Upgrades				17			17	12	73%
King George Oval - Side Line Seating				15	40	20	55		
Replacement Pump & Equipment Public Bore - Blayney Golf Club				-	3	32	3	3	100%
Rural Fire Shed - Kings Plains				-	40	7	40	12	31%
Rural Fire Shed - Lyndhurst				-	40	7	40		
Blayney Cultural Centre Concept Plans					10	26	10		
TOTAL LAND, BUILDINGS & OTHER STRUCTURES			1,181	1,472	362		1,835	281	15%
INFRASTRUCTURE									
Local Roads									
Road Construction/Rehabilitation									
Errowanbang Road - Fixing Country Roads	1/08/2015	18/12/2015	1,100	1,500	95	8	1,595	1,575	99%
Browns Creek Road	15/04/2016	30/06/2016		320			320	3	1%
Wire Rope - Brady Road Carcoar		30/09/2015		78			78	79	101%
Wire Rope - Caloola St Newbridge		30/09/2015		25			25	25	100%
Kings Plains Rd Realignment				70	(10)	9	60	48	80%
M475G				-	40	10	40	23	57%
Forest Reefs - Blackspot Works				-	7	32	7	5	78%
Newbridge Road - Blackspot Works				-	4	32	4	4	92%
			1,500	1,993	136		2,129	1,762	
Reseal Program									
Panuaara Road	1/11/2015	30/03/2016	55	46	(11)	11	35		
Belubula Way	1/11/2015	30/03/2016	89	74			74		
Browns Creek Road	1/11/2015	30/03/2016	143	119	(40)	11	79		
Three Brothers Road	1/11/2015	30/03/2016	48	40			40		
Burnt Yards Road	1/11/2015	30/03/2016	111	93	(24)	11	69		
Gallymont Road	1/11/2015	30/03/2016	48	40			40		
Mandurama	1/11/2015	30/03/2016	106	88			88		
Forest Reefs Rd	1/11/2015	30/03/2016			74	11	74	70	94%
			599	499	-		499	70	14%
Heavy Patching	1/12/2015	30/03/2016	529	529			529	275	52%
TOTAL LOCAL ROADS			2,629	3,022	136		3,158	2,106	67%
Regional Roads									
Hobbys Yards Road	1/02/2016	30/05/2016	815	815			815		
TOTAL REGIONAL ROADS			815	815	-		815	-	

Blayney Shire Council

Quarterly Budget Review Statement

PART 4A:

for the period 01/10/15 to 31/12/15

Capital Budget Review Statement

Budget review for the quarter ended 31 December 2015

Capital Budget - Council Consolidated

(\$000's)	Estimated Dates Start	Finish	Original Budget 2015/16	Revised Budget 2015/16	Variations for this Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%
Capital Expenditure									
Bridges									
Carcoar Road, Cowriga Creek	1/12/2015	31/01/2016	60	60			60		
Coombing St Belubula River	28/09/2015	30/06/2016	194	194			194		
Gallymont Road Felltimber Creek	28/09/2015	30/08/2016	179	179			179		
Gallymont Road Gallymont Creek			10	10			10		
Snake Creek Road Mandurama Ponds	1/12/2015	31/01/2016	45	45			45		
Forest Reefs Road Bridge (Cowriga Creek)		30/09/2015			23	12	23	23	
Preliminary Design Works (for 11 bridges)								34	
TOTAL BRIDGES			489	489	23		512	57	11%
Footpaths									
Renewals	1/07/2015	30/08/2015	41	41	6	32	47	47	100%
Village Enhancement Program									
Access & Connectivity									
Blayney									
- Shared Footpaths - Stillingfleet to Adelaide	1/09/2015	19/02/2016	60	369			369	199	54%
- Safe Pedestrian Crossings - Orange Rd/Church Street	1/02/2016	30/04/2016		171			171		
Lyndhurst			46	46			46		
Millthorpe			43	43			43		
Newbridge			26	26			26		
TOTAL FOOTPATHS			216	696	6		702	246	35%
Stormwater									
Stormwater Drainage			103	103			103		
TOTAL STORMWATER			103	103	-		103	-	
TOTAL INFRASTRUCTURE			4,252	5,125	165		5,290	2,409	46%
VILLAGE ENHANCEMENT PROGRAM <i>excluding Access & Connectivity - see Footpaths</i>									
Ecological Plantings									
Newbridge			8	8	(8)	2			
Entrance Design - Primary and Secondary(Signs and planting blisters)									
Barry			20	25			25		
Blayney				5			5	4	82%
Carcoar				14			14		
Lyndhurst				7			7		
Mandurama				9			9		
Millthorpe			5	4			4	1	18%
Neville				5			5		
Newbridge				4			4		
Facilities/Civil Works									
Lyndhurst			5	5			5	1	16%
Millthorpe			30	30			30	5	17%
Newbridge					13	2	13		
Heritage & Tourism									
Blayney				5	(5)	21			
Carcoar			2	2	(2)	21			
Lyndhurst			4	4	(4)	21			
Millthorpe			10	10	(10)	21			
Settlement/Village - Navigation & Signage									
Barry			5	9			9		
Blayney			10	14			14	0	3%
Carcoar			1	9			9		
Lyndhurst				11			11		
Mandurama				5			5		
Millthorpe			10	12			12	0	4%
Neville			4	5			5		
Newbridge				1			1		
Street Furniture									
Blayney				3			3		
Millthorpe				3			3		
Street Trees(Trees and Master Plan/Consultation)									
Barry			5	7			7		
Blayney				5			5		
Carcoar			5	8			8		
Lyndhurst				2			2		
Mandurama				3			3		
Millthorpe				3			3		

Blayney Shire Council

Quarterly Budget Review Statement

PART 4A:

for the period 01/10/15 to 31/12/15

Capital Budget Review Statement

Budget review for the quarter ended 31 December 2015

Capital Budget - Council Consolidated

(\$000's)	Estimated Dates		Original Budget 2015/16	Revised Budget 2015/16	Variations for this		Notes	Projected Year End Result	Actual YTD figures	%
	Start	Finish			Dec	Qtr				
Capital Expenditure										
Neville				2				2		
Studies/Plans/Consultancy										
Blayney			45	155				155	13	8%
Mandurama			7	7	(7)	22		-		
TOTAL VILLAGE ENHANCEMENT PROGRAM			168	401	(23)			378	34	9%
PLANT & EQUIPMENT										
Light Vehicle										
Hyundai Santa Fe			13	13				13		
Toyota Kluger			26	26				26	22	83%
Toyota Kluger			8	8				8	12	137%
Holden Colorado 4x2			13	13				13	13	102%
Toyota Kluger			13	13				13	18	139%
Subaru Forester			13	13				13	11	83%
Ford Ranger 4x4			16	16				16	17	110%
Hyundai i30 - Pool Car			-	-	15	13		15	15	0%
TOTAL LIGHT VEHICLE			103	103	15			118	108	92%
Minor Plant										
John Deere 5720 / mower	1/09/2015	30/04/2016	64	64				64		
John Deere 5720 4wd fr. Link	1/09/2015	30/04/2016	79	79				79		
John Deere F1445 mower	1/09/2015	31/01/2016	37	37	13	14		50		
New Holland telehandler	1/09/2015	1/05/2016	127	127				127		
John Deere F1445 mower	1/09/2015	31/01/2016	37	37	13	14		50		
Park mower	1/09/2015	1/10/2015	26	26				26		
Flail mower	1/09/2015	28/02/2016	26	26	(10)	24		16		
Flail mower	1/09/2015	28/02/2016	26	26	(10)	24		16		
Flail mower	1/09/2015	28/02/2016	26	26	(10)	24		16		
Slasher	1/09/2015	18/12/2015	21	21	5	32		26		
Road broom	1/09/2015	1/05/2016	41	41				41		
Rotavator	1/09/2015	30/09/2015	32	32	(26)	15		6	6	100%
Small plant & tools	1/07/2015	30/06/2016	32	32				32	11	36%
Hilux Utility	1/09/2015	1/10/2015	20	20	3	30		23	23	100%
Hilux Utility	1/09/2015	1/10/2015	20	20	4	30		24	24	100%
Ford Ranger 4x2 Store	1/09/2015	15/01/2016	11	11	9	30		20	20	100%
Holden Colorado (P&G Supervisor)	1/09/2015	30/09/2015	16	16	(2)	30		14	14	100%
Isuzu D-Max weed spray ute			-	-	28	31		28	28	100%
TOTAL MINOR PLANT			640	640	17			657	126	19%
Major Plant										
Hilux 4wd workshop	1/09/2015	1/05/2016	42	42				42		
Isuzu 4 tipper	1/09/2015	1/04/2016	48	48	25	25		73		
Volvo 12t. tipper	1/09/2015	16/12/2015	238	238				238		
Isuzu FRR 550	1/09/2015	1/04/2016	46	46	25	25		71		
Isuzu NPR 200	1/09/2015	1/04/2016	31	31	15	25		46		
Isuzu NQR 450	1/09/2015	1/04/2016	48	48				48		
Isuzu NPR 200	1/09/2015	1/04/2016	32	32	15	25		47		
Grader Cat 12H	1/09/2015	1/03/2016	309	450				450		
Loader Case 721C			180	180	(180)	28		-		
Backhoe Case 590 SR	1/09/2015	1/06/2015	127	127				127		
HL740-9 Wheel Loader			-	185				185		
Radio Communication System			-	-	95	29		95	34	36%
TOTAL MAJOR PLANT			1,101	1,427	(5)			1,422	34	

Blayney Shire Council

PART 4A:

Capital Budget Review Statement

Quarterly Budget Review Statement

for the period 01/10/15 to 31/12/15

Budget review for the quarter ended 31 December 2015

Capital Budget - Council Consolidated

(\$000's)	Estimated Dates		Original Budget 2015/16	Revised Budget 2015/16	Variations for this Dec Qtr	Notes	Projected Year End Result	Actual YTD figures	%
	Start	Finish							
Capital Expenditure									
Information Technology									
VMWare ESX Upgrades	1/03/2016	30/03/2016	5	5			5		
Website Enhancements	1/03/2016	30/03/2016	8	8			8		
Windows Server and Active Directory Upgrades	30/06/2015	30/03/2016	12	12			12		
Phone System Replacement	1/03/2016	30/06/2016	50	50	(50)	18	-		
Exchange 2010 Upgrade & Future Upgrade	1/02/2016	28/02/2016	6	6			6		
PC Replacement/Additions	1/09/2015	30/10/2015	55	55	15	16	70	70	100%
Ipad/Tablet	1/07/2015	30/06/2016	3	3			3	1	23%
Mobile Phones	1/07/2015	30/06/2016	4	4			4	1	26%
Asset Management Software - AssetFinda				10	25	23	35	1	3%
2nd Disaster Recovery Server		30/06/2016			10	17	10		
TOTAL INFORMATION TECHNOLOGY			142	152	(0)		152	72	
Other Plant & Equipment Purchases									
Centrepoin - various	1/07/2015	30/06/2016	10	10			10	8	83%
Blayney Community Centre - various	1/07/2015	30/06/2016	5	5			5	8	143%
Library			7	7			7		
Records Storage area				17			17	19	110%
TOTAL OTHER PLANT & EQUIPMENT PURCHASES			22	39	-		39	35	
TOTAL PLANT & EQUIPMENT			2,008	2,361	26		2,387	375	
Sewerage Services									
Millthorpe - Transfer Main Investigation & Augmentatic	1/02/2016	1/05/2016	368	368	(100)	19	268	5	2%
Lining/Replacement of Sewer Mains	1/11/2015	31/03/2016	210	210			210		
Replacement of pumps in SPS (incl Millthorpe)			21	21			21	5	25%
SPS Improvements - Internal improvements	1/11/2016	1/06/2016	53	53			53		
P&E Replacement (CCTV Camera, Jetter, Loader, Ut	1/09/2015	16/12/2015	29	129			129	6	5%
Ford Ranger 4x2 Sewer	1/09/2015	15/01/2016	11	11			11	20	
Sewerage Services Vehicle				42			42	37	89%
Manhole Rehabilitation Program	1/07/2015	30/06/2015	105	105			105	8	7%
TOTAL SEWERAGE SERVICES			797	939	(100)		839	81	
Total Capital Expenditure			8,407	10,298	430		10,728	3,181	

Blayney Shire Council

PART 4B:

Quarterly Budget Review Statement

for the period 01/10/15 to 31/12/15

**Capital Budget Review Statement
Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

Notes	Details	Variations to:	
		Income \$000	Expenditure \$000
1	Resolution 1511/E004: Alteration and Additions to Office Building		40
2	Reallocate VEP Willow/tree removal to building improvements Newbridge Showground		0
3	Resolution 1511/E003: Redmond Oval Canteen	105	105
4	Quote for Redmond Oval Tennis Court fencing was higher than budgeted		5
5	Upgraded amenities at Lyndhurst Showground. 1:1 funding from Public Reserve Management Trust received in 14/15 FY (External Restrictions - Unexpended Grants \$12,874)	13	24
6	Replace Cisterns at Blayney Showground (transfer from operating expense to capital)		4
7	Rural Fire Service Capital Expenditure (RFS funded) Kings Plains Lyndhurst	40 40	40 40
8	Works have been completed towards next years project resulting in additional expenditure in this financial year. Fixing Country Roads will pay on actual expenditure	250	95
9	Remaining works for realignment will see project come under budget		(10)
10	Costs to upgrade lane to suitable standard for safe access. Funded from Unsealed Roads budget.		40
11	Final locations to be determined following receipt of new road condition data. Forest Reefs Road is final seal over Blackspot Program works		0
12	Guardrail for approaches Forest Reef Rd (Cowriga Creek)		23
13	Pool car - funded through plant replacement		15
14	Assessment been undertaken, increased budget due to procurement of units with an enclosed cabin for WH&S improvements		26
15	Budget savings of Rotavator (Aerator)		(26)
16	Due to the decrease in the Australian dollar the cost for PC replacement increased.		15

Blayney Shire Council

PART 4B:

Quarterly Budget Review Statement

for the period 01/10/15 to 31/12/15

**Capital Budget Review Statement
Recommended changes to revised budget**

Budget Variations being recommended include the following material items:

Notes	Details	Variations to:	
		Income \$000	Expenditure \$000
17	Improve disaster recovery plan with a 2nd Disaster Recovery Server		10
18	The phone system replacement has been put on hold until amalgamation decisions have been made. Funds reallocated to 16,17 & 23.		(50)
19	Review of final design resulting in savings from estimated budget		(100)
20	King George Oval - Side line seating: to remove the existing slab, upgrade drainage, construct the new concrete tiers, install fencing, and install seating. (Requested funding from Town Improvement Internal Restriction)	40	40
21	Village Enhancement Program - Tourism expenditure is of an operating nature		(21)
22	Reallocate VEP Studies/Plans/Consultancy for Mandurama to capital works at Mandurama Recreational Ground		0
23	Initial costs for implementation and training for new Asset Management Software		25
24	Estimated costs for Flail Mowers expected to be \$15k per unit		(30)
25	Estimated costs for 4 x trucks increased to meet expectation		80
26	Blayney Cultural Centre Concept Plans Resolution 1509/002		10
27	Ring Fence at Blayney Showground (External Restriction - Unexpended Grant - \$49k)	50	50
28	Duplicated entry of loader - redistributed budget to Radio Communications, Trucks & Slasher		(180)
29	Radio Communications - commissioning of Council 2 way radio system.		95
30	Change in market conditions in regards to trade-in values		13
31	Replacement of written of vehicle		28
32	Other minor adjustments		24
Total variations December quarter:		537	430

Blayney Shire Council

Quarterly Budget Review Statement

PART 5:

for the period 01/10/15 to 31/12/15

Cash & Investments Budget Review Statement

Budget review for the quarter ended 31 December 2015

Cash & Investments - Council Consolidated

(\$000's)

Externally Restricted ⁽¹⁾

	Opening Balance 1/07/2015	Budgeted Transfers In/(Out)	Revised Balance 30/06/2016	Variations for this Dec Qtr	Notes	Projected Year End Balance	Actual YTD figures
Developer Contributions - General	670	58	728			728	670
Developer Contributions - Sewer	757	33	790			790	757
Unexpended Grants	1,480	(242)	1,237	(85)	1,3	1,152	1,404
Sewerage funds	4,062	(800)	3,262			3,262	4,164
Domestic Waste Management	169	126	295			295	169
Rates - SRV Mining	274		274			274	274
Total Externally Restricted	7,411	(825)	6,586	(85)		6,501	7,437

(1) Funds that must be spent for a specific purpose

Internally Restricted ⁽²⁾

Replacement - Plant & Vehicles	1,623	(326)	1,297			1,297	1,468
Employee Leave Entitlements	564		564			564	564
Asset Replacement Reserve	2,547	(334)	2,213	(75)	1,2	2,137	2,480
Blayney Town Works	185		185	(50)	4	135	185
Cemeteries	6	(5)	1			1	6
Election Reserve	44	17	61			61	44
Inala Units	84	14	98			98	84
I.T. Reserve	51	12	63			63	51
CentrePoint Leisure Centre	282	(10)	272			272	282
Property Account	525	(20)	505			505	525
Quarry	309		309			309	309
Land fill remediation & Assets	113		113			113	113
Village Enhancement	88	(88)	-			-	88
Environmental Projects	24		24			24	24
Total Internally Restricted	6,444	(741)	5,703	(125)		5,578	6,223

(2) Funds that Council has earmarked for a specific purpose

Unrestricted (ie. available after the above Restrictions)

	511		511			2,077	3,172
Total Cash & Investments	14,366		14,366	(211)		14,155	16,832

Blayney Shire Council
PART 5A:

Quarterly Budget Review Statement
 for the period 01/10/15 to 31/12/15

Cash & Investments Budget Review Statement

Cash

The Cash at Bank figure included in the Cash & Investment Statement totals \$16,831,525

This Cash at Bank amount has been reconciled to Council's physical Bank Statements.
 The date of completion of this bank reconciliation is 31/12/15

Reconciliation Status

The YTD Cash & Investment figure reconciles to the actual balances held as follows:

	\$ 000's
Cash at Bank (as per bank statements)	832
Investments on Hand	16,000
Reconciled Cash at Bank & Investments	16,832
Balance as per Review Statement:	16,832
Difference:	0

Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details	Variations to:	
		Transfers in \$000	Transfers out \$000
1	As per extraordinary meeting 30 November 2015 - Canteen Tender Grant funding from Office of Communities for Redmond Oval Canteen Asset Replacement Reserve		18 35
2	As per extraordinary meeting 30 November 2015		40
3	Office of Communities - King George Oval Seating <i>(External Restriction - Unexpended Grant)</i>		7
4	King George Oval - Side line seating		40
5	Cultural Centre Concept Plans		10
6	Budgeted Unexpended movement correction		10
7	Public Reserve Management Trust - Blayney Showground <i>(External Restriction - Unexpended Grant)</i>		50
			211

Blayney Shire Council
PART 6:

Quarterly Budget Review Statement
for the period 01/10/15 to 31/12/15

Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)

Budget review for the quarter ended 31 December 2015

(\$000's)	Current Projection		Original Budget 15/16	Actuals Prior Periods	
	Amounts	Indicator		14/15	13/14
	15/16	15/16			

NSW Local Government Industry Key Performance Indicators (OLG):

1. Operating Performance

Operating Revenue (excl. Capital) - Operating Expenses	717	4.4	1.7	3.6	-18.4
Operating Revenue (excl. Capital Grants & Contributions)	16379				

This ratio measures Council's achievement of containing operating expenditure within operating revenue.



2. Own Source Operating Revenue

Operating Revenue (excl. ALL Grants & Contributions)	12985	0.64	0.69	0.72	0.70
Total Operating Revenue (Incl. Capital Grants & Cont)	20251				

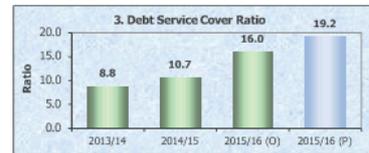
This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating



3. Debt Service Cover Ratio

Operating Result before Interest & Dep. exp (EBITDA)	5674	19.2	16.0	10.7	8.8
Principal Repayments + Borrowing Interest Costs	296				

This ratio measures the availability of operating cash to service debt including interest, principal and lease



4. Rates, Annual Charges, Interest & Extra Charges

Rates, Annual & Extra Charges Outstanding	4604	4.4	6.6	2.3	4.50
Rates, Annual & Extra Charges Collectible	10375				

To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of



Blayney Shire Council

PART 7:

Contracts Budget Review Statement

Quarterly Budget Review Statement

for the period 01/10/15 to 31/12/15

Budget review for the quarter ended 31 December 2015

Part A - Contracts Listing - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract Value*	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
Renworx	Reconstruction of Redmond Oval	433,546	01/12/15	28 Weeks	Y	
Abergeldie Water Tech	Relining gravity sewer lines	190,909	18/11/15	23 Weeks	Y	
Nick Harvey Constructions	Redmond Oval Canteen	144,536	22/12/15	18 Weeks	Y	
Stabilised Pavements Of Aust	Errowanbang Rd & Four Mile Creek Rd	146,697	01/12/15	2 Weeks	Y	
Dave Cowan Constructions	For Alterations And Additions To Office Building	188,787	01/12/15		Y	

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

*Excluding GST

Blayney Shire Council
PART 7A:

Quarterly Budget Review Statement
for the period 01/10/15 to 31/12/15

Consultancy & Legal Expenses Budget Review Statement

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	142,065	Y
Legal Fees	51,195	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Comments

Expenditure included in the above YTD figure but not budgeted includes:

Details

Nil to report this period

Blayney Shire Council
PART 8:

Quarterly Budget Review Statement
for the period ending 31/12/15

Loans Summary

Budget review for the quarter ended 31 December 2015

(A) External Loans

	LOAN DETAILS	Original Principal	Opening Balance 1/7/15	Interest paid to date	Repayments to date	Closing Balance 31/12/15	Scheduled completion date
2	Millthorpe Sewer	900,000	720,331	29,067	45,474	703,924	26-Feb-28
4	Blayney Works Depot	600,000	352,600	11,768	27,416	336,952	04-Dec-23
5	Blayney Works Depot	600,000	372,532	11,035	25,865	357,701	21-Dec-24
7	Blayney Bridges Program (LIRS)	1,000,000	903,601	25,601	66,043	863,158	22-Jan-24
		3,100,000	2,349,063	77,470	164,798	2,261,735	

(B) Internal Loans

	LOAN DETAILS	Original Principal	Opening Balance 1/7/15	Interest paid to date	Repayments to date	Closing Balance 31/12/15	Scheduled completion date
1	Community Centre	1,050,000	235,727	6,207	122,316	119,618	01-Jun-16
		1,050,000	235,727	6,207	122,316	119,618	

12) FINALISATION OF 2008/09 SPECIAL RATE VARIATION

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 6.3 A well-run Council organisation.

File No: RV.PO.2

Recommendation:

1. That Council inform the OLG of its intention to conclude the 2008/09 Special Rate Variation 2 years earlier than planned following finalisation of the Community Centre project within financial projections;
2. That Council reduce its general income in 2016/17 rating year by \$275,415 plus the equivalent cumulative proportion of this increase from any general variation increases or any special variation increases approved for the 2008/09 to 2015/16 rating years inclusive.

Reason for Report:

To report to Council the finalisation of the 2008/09 Special Rate Variation for the Community Centre and to seek endorsement of future direction.

Report:

In June 2008 Council obtained approval for a Special Rate Variation (SRV) for the Blayney Shire Community Centre project. The increase approved for commencement in 2008/09 was 11.42% to general income that included a special increase of \$275,415 (8.19%) for the above project.

The term of the SRV was for a period of 10 years with its expiry scheduled for 30 June 2018. All revenue generated must be used for the expressed purpose of the special variation. With the project being finalised well within budget projections Council had previously undertaken to conclude the SRV early. In June 2016 Council will finalise the internal loan for the Community Centre that will finalise all project expenditure.

The Instrument of Approval under section 508(2) of the Local Government Act (1993) issued in 2008 stipulates the following:

- ii) The Council will reduce its general income in 2018/19 rating year by \$275,415 plus the equivalent cumulative proportion of this increase from any general variation increases or any special variation increases approved for the 2008/09 to 2017/18 rating years inclusive.*

A review of past Council plans incorporating proposed rating structures indicate that no increases to this special variation were effected. Council's direction is now sought on this matter and how Council is to proceed.

A copy of the adopted 2008/09 Rating Structure from the 2008 - 2013 Management Plan and the Instrument of Approval, are provided as attachments to this report.

Issues:

The application of the 2007/08 SRV was applied as an increase to the base rate of all rating categories so as to apply the same increase in dollar terms to all property owners. The proposed reduction in 2016/17, if approved, will see a reduction to the Base Rates within each rating category.

Budget Implications:

A reduction to General Purpose Revenues of an amount equivalent to the approved special rate variation increase of 2008/09 will be effected in 2016/17. This will have no impact upon Council as these funds were quarantined for the approved purpose. Council's Long Term Financial Plan has provision for this event.

Enclosures (following report)

1	Instrument of Approval	1 Page
2	2008/09 Rating Structure	3 Pages

Attachments (separate document)

Nil



Department of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

OUR REFERENCE Doc ID:
YOUR REFERENCE
CONTACT

A142609
Sarah Gubb
02 4428 4142



Mr Andrew Roach
General Manager
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799

22 JUL 2009

Dear Mr Roach

I refer to Council's application for a special variation to general income for 2008/09.

The Minister has approved of the Council increasing its general income by 11.42%.
Therefore, Council's general income is determined as follows:

	\$	%
2007/2008 Notional General Income (Adjusted)	3,365,273	
Plus 2008/2009 General Variation	107,689	3.20
Plus Catch up/(Excess) Adjustment	1,069	.03
Special Increase	275,415	8.19
	<u>3,749,446</u>	<u>11.42</u>

The approval is subject to the conditions set out in the attached instrument.

The Minister's approval is on the understanding that the Council makes and levies its rates according to the provisions of the *Local Government Act 1993*. It should be noted that this approval is not an endorsement of the Council's rating structure or the projects that Council is planning to undertake with the additional funding.

It is also on the understanding that Council will continue to review its operations to identify where further efficiencies and tangible savings can be achieved. By applying this special variation all prior period shortfall or excess is eliminated.

Yours sincerely

Garry Payne AM
Director General

02 4428 4100 • 02 4428 4199 • 02 4428 4209
dlg@dlg.nsw.gov.au • www.dlg.nsw.gov.au • 99 567 863 195



LOCAL GOVERNMENT ACT 1993
INSTRUMENT UNDER SECTION 508(2)

I, **PAUL LYNCH MP**, Minister for Local Government:

In pursuance of section 508(2) of the *Local Government Act 1993* determine that the percentage by which Blayney Shire Council may increase its general income for 2008/09 is 11.42% above that for 2007/08 subject to the following conditions:

- (i) the Council will raise \$275,415 of the increase by additional rates for the costs associated with the Blayney Community Centre, as defined by the Council, for a period of 10 years; and
- (ii) the Council will reduce its general income for the 2018/19 rating year by \$275,415 plus the equivalent cumulative proportion of this increase from any general variation increases or any special variation increases approved for the 2008/09 to 2017/18 rating years inclusive; and
- (iii) the Council clearly reports in its annual report for the period 2008/09 to 2017/18 for the project and outcomes achieved.

This approval is on the understanding that the Council makes and levies its rates according to the provisions of the *Local Government Act 1993*.

Dated this 27th day of June, 2008.


The Hon Paul Lynch MP
Minister for Local Government

Revenue Policy

As an organisation, Council is committed to providing revenue-raising policies, which are simple, fair, uniform and more importantly acceptable to the wider community.

Council, at all times, strives to make more effective, efficient and economic use of all available resources by fostering a co-operative approach within the organisation specifically and the broader community generally.

The Local Government Act 1993 prescribes that Council may raise revenue in a number of different ways. These include rates, charges, fees, grants, borrowings and investments.

2008/2009 SOURCE OF FUNDS	AMOUNT	% OF INCOME
Rates	\$3,367,124	23.42%
<i>Special Variation to Rate Income</i>	<i>\$270,000</i>	<i>1.88%</i>
Domestic Waste Management Annual Charges	\$381,000	2.65%
Sewerage Services Charges	\$870,800	6.06%
User Charges & Fees	\$2,713,151	18.88%
Grants, Subsidies & Contributions	\$4,118,867	28.66%
Investment Interest	\$331,500	2.31%
Loans	\$1,700,000	11.83%
Sale of Assets	\$474,950	3.30%
Other Income	\$116,650	0.81%
Transfer from Reserves	\$28,500	0.20%
TOTAL	\$14,372,542	100.00%

Included in this Revenue Policy is Council's pricing policy, proposed borrowings and a schedule of Fees and Charges. Following are the forms of charges that Council will be levying on properties in the 2008/2009 Financial Year.

Council has made a major change to its rating structure for the 2008/2009 Rating Year. Council has moved from using the minimum rate structure to the base amount rate structure. This will mean that rate payers will pay a rate which comprises a base amount plus an ad valorem amount, which is based on their property valuation as provided by the Office of the Valuer General

CATEGORY –SUB CATEGORY	BASE AMOUNT	AD VALOREM (cents in the dollar)	TOTAL YIELD
Residential			
Blayney	\$80.00	\$0.00623481	\$584,384
Millthorpe	\$70.00	\$0.00523481	\$166,204
Carcoar	\$60.00	\$0.00423481	\$30,274
Other Areas	\$50.00	\$0.00323481	\$440,354
Business			
Blayney	\$120.00	\$0.00950498	\$133,308
Millthorpe	\$110.00	\$0.00850498	\$16,121
Carcoar	\$100.00	\$0.00750498	\$7,267
Other Areas	\$90.00	\$0.00650498	\$29,885
Limestone Production	\$120.00	\$0.01228685	\$6,853
Slate Production	\$120.00	\$0.01228685	\$1,779
Power Generation	\$120.00	\$0.00316650	\$8,019
Mining			
Gold/Copper Mining	\$200.00	\$0.04579119	\$560,884
Farmland			
Farmland	\$40.00	\$0.00310235	\$1,493,063
TOTAL YIELD			\$3,478,395

Ordinary Rates

Ordinary Rates are applied to properties on the basis of independent valuations supplied to the Council on all rateable properties within the Shire boundaries by the Land and Property Information NSW. All of the valuations used in the 2008/09 rating period have a base date of 1 July 2007.

In accordance with s497 of the Local Government Act 1993 the structure of the Ordinary Rate comprises:

- i) a base amount; plus
- ii) an ad valorem component (i.e. a rate levied on the unimproved land value).

Each property is categorised into one of four rating categories. The property is then sub-categorised which determines the base amount and the ad valorem rate that is levied on that property.

Rates have been calculated to include the 3.2% allowable increase announced by the Minister of Local Government.

CATEGORY –SUB CATEGORY	BASE AMOUNT	AD VALOREM (cents in the dollar)	TOTAL YIELD
Residential			
Blayney	\$155.00	\$0.00623481	\$673,784
Millthorpe	\$145.00	\$0.00523481	\$188,104
Carcoar	\$135.00	\$0.00423481	\$37,399
Other Areas	\$125.00	\$0.00323481	\$522,179
Business			
Blayney	\$195.00	\$0.00950498	\$144,108
Millthorpe	\$185.00	\$0.00850498	\$17,171
Carcoar	\$175.00	\$0.00750498	\$7,792
Other Areas	\$165.00	\$0.00650498	\$34,460
Limestone Production	\$195.00	\$0.01228685	\$6,928
Slate Production	\$195.00	\$0.01228685	\$1,853
Power Generation	\$195.00	\$0.00316650	\$8,146
Mining			
Gold/Copper Mining	\$275.00	\$0.04579119	\$561,034
Farmland			
Farmland	\$115.00	\$0.00310235	\$1,545,437
TOTAL YIELD			\$3,748,395

INCREASE IN REVENUE

\$270,000

Special Variation

Council has resolved to apply to the Minister for Local Government for "permission to apply a Special Variation to General Income for the purpose of funding the loan repayments for the re-development of the Blayney Community Centre" (14th April 2008).

Should the Minister allow Council the Special Variation that it has applied for, the rating structure in the table to the left will be levied.

This Special Variation equates to an increase of approximately 7.9% over and above that of the 3.2% allowable increase announced by the Minister of Local Government.

It should also be noted that the duration of this Special Variation levy is being limited to ten (10) years in line with the period of the loan which is being drawn to fund this redevelopment. That is, following the expiration of the loan period the increase in revenue will cease to be levied.

13) SIX MONTHLY DELIVERY PROGRAM REVIEW - DECEMBER 2015

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 6.3 A well-run Council organisation.

File No: GS.LI.1

Recommendation:

That the six-monthly review, as at 31 December 2015, of Council's 2014/15 – 2017/18 Delivery Program be received.

Reason for Report:

To review progress of Council's 2014/15 – 2017/18 Delivery Program.

Report:

As part of the Integrated Planning and Reporting Framework the Office of Local Government (OLG) requires Council to adopt a suite of strategic planning documents. These documents include a long term Community Strategic Plan, a 4 year Delivery Program and an annual Operational Plan and Budget. These documents are supported by the Resourcing Strategy comprising the Long Term Financial Plan, Asset Management Policy and Plans and the Workforce Plan.

The current Delivery Program was originally adopted in 2013 following consultation surrounding the Blayney Shire Council Community Strategic Plan 2025 involving the community, Councillors and Council staff. The Delivery Program is a document which outlines what will be delivered to the community during the 4 year term of Council using the Blayney Shire Council Community Strategic Plan 2025 as an overarching guide.

It is a further requirement of the OLG that progress reports are provided to Council and the community every 6 months. At the conclusion of the life span of the Delivery Program a full and comprehensive report is prepared for the benefit of the outgoing Council and community. The End of Term Report will be tabled in August 2016.

This 6 monthly progress report is presented in a format which summarises the activities across the organisation using qualitative and quantitative information sourced from Managers and Directors.

Issues:

There are no issues foreseen by the consideration of this report.

Budget Implications:

Nil.

Enclosures (following report)

Nil

Attachments (separate document)

1 Delivery Program Report

10 Pages

14) ADOPTION OF DISPOSAL OF ASSETS POLICY

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 6.3 A well-run Council organisation.

File No: FM.PO.3

Recommendation:

That the draft Disposal of Assets policy be adopted and included in Council's policy register.

Reason for Report:

Council has developed a policy for Disposal of Assets to formalise a framework for asset disposal.

Report:

Council at its meeting held 21 December 2015 resolved to place the Disposal of Assets policy on public exhibition.

The objective of the policy is to ensure when Council has determined an asset will be disposed of that there is adequate consideration of the method of disposal.

At the closing date of the exhibition period Council received no objections received.

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

Issues:

There are no issues foreseen by the endorsement of this policy.

Budget Implications:

Nil effect.

Enclosures (following report)

1 Disposal of Assets Policy

6 Pages

Attachments (separate document)

Nil



Blayney Shire Council

Policy Register

Policy No

Policy Title Disposal of Assets

Document/File No

Officer Responsible Director Corporate Services

Last Review Date 15/02/2016

Objectives

To ensure when Council has determined an asset will be disposed of that there is adequate consideration of the method of disposal.

Policy Statement

Blayney Shire Council



Disposal of Assets

1. POLICY:

- a) The “apparent value” of assets shall be determined by the relevant Manager as listed in this policy who has carriage of management of the asset.
- b) “Apparent value” will be determined by the Manager with consideration of the book value, and/ or the replacement value of the asset and/or an assessment of the market value of the asset made by taking into consideration the potential to sell the assets, the perceived value of the asset to a buyer, its life stage and condition, potential for obsolescence and usefulness for future needs.
- c) The Manager should detail the assumptions they use in estimating the asset’s value in preparing their recommendation to dispose of the asset.

2. ASSETS WITH AN APPARENT VALUE OF LESS THAN \$1,000

- a) Assets with an apparent value of less than \$1,000 each will be disposed of using a method that maximises the return to Council;
- b) Assets with an apparent value of less than \$1,000 shall be disposed of by a method determined by the relevant Manager who must document the process of determining the asset disposal methodology and ensure full documentation is placed on Council’s records management system detailing the decision making process and actions taken;
- c) The Manager shall ensure the Chief Financial Officer is aware of the disposal of the asset
- d) The Manager must be aware and have control of the process of disposal of these assets and be aware and conduct the disposal in light of risk assessment considerations and must ensure no conflict of interest issues are present in the means of disposal chosen.

3. ASSETS WITH AN APPARENT VALUE OF MORE THAN \$1,000

- a) Assets disposal will be assessed on a case by case basis for assets with an apparent value of more than \$1,000 by the relevant Manager and the attached memo will be completed to be considered by the General Manager;
- b) Managers will consider the following in their assessment and formulation of recommendations to dispose of an asset provided in the memo: Market forces and impact on return from the sale of the asset should be considered and commented upon;
- c) Community need for the asset and alternative resources which could be considered to be substitutes should be assessed;
- d) The strategic worth of the asset and its long term benefit to the community should be assessed;

- e) The purchase price and maintenance costs incurred over the lifespan of the asset should be assessed to determine, where possible, a return on investment of a particular asset;
- f) That the funds raised from the sale of an asset should be considered as to their use and this must be reflected in the Council's Operational Plan and Delivery Program and include in the recommendation how this will be achieved.

4. METHODS OF DISPOSAL

- a) Assets of significant apparent value (being more than \$150,000) are to be disposed of either by auction or tender;
- b) Real property (land and buildings) disposal methodology will always be determined by Council, via a resolution;
- c) All motor vehicles and plant, except those on novated leases, shall be disposed of via public auction, trade-in or tender processes. Motor vehicles will not be made available to council staff or councillors in private sale arrangements.
- d) For other assets, the Manager who has carriage of the assets will provide to the General Manager a recommended method of disposal which shall be made after assessing the means to maximise the return to Council;
- e) The General Manager will determine the manner of disposal for information technology (IT) assets, office furniture, stores items and scrap materials (including scrap metal) on each occasion disposal is recommended by a Manager;
- f) Where a recommendation for destruction of an asset is made, the Manager will provide the General Manager with the assessment criteria used to determine that the asset has no potential to realise a return for Council and will detail the method of destruction and name of the officer who will be charged with the responsibility of ensuring the asset is destroyed.
- g) If after offering an asset for sale, if no interest in purchasing the asset is shown, the Manager may recommend to the General Manager the asset be dumped and provide the recommended best means for managing the dumping process to ensure environmental management conditions are observed
- h) Dumping or destroying of assets shall be undertaken after consideration of the environmental issues so that any hazardous substances shall be assessed to ensure safe disposal
- i) Assets can only be donated to other organisations if the organisation can:
 - affirm in writing their status as a non-profit organisation;
 - provide written acknowledgement of receipt of the asset;
 - acknowledge Council will not be responsible for any repair or maintenance of the asset;

- acknowledge that all copyright or licensed content has been removed (for example, software on computers);
- take responsibility for the timely removal of the asset and any associated costs that arise from the assets removal;
- acknowledge council's donation to the organisation via a media release that Council approves.

5. PROCEEDS FROM ASSET DISPOSAL

- a) Where not applied to the purchase of replacement vehicles or plant, proceeds of all motor vehicle and plant sales will be restricted for the purpose of Plant Replacement or as approved by Council in approval of such a transfer.
- b) The funds generated from the sale of land and/or buildings will be internally restricted for the purpose of Property Development or as determined by Council in approval of such a transfer.

6. ASSETS CARRIAGE FOR PURPOSES OF DISPOSAL

The following staff are determined to have carriage of assets and are responsible for the assessment and recommendations to dispose of assets:

Motor vehicles and plant items	Director Infrastructure Services
Information technology assets	Manager Information Technology
Real property (land and buildings)	General Manager
Office furniture	Chief Financial Officer
Stores items	Director Infrastructure Services
Scrap metal	Manager Operations

7. DOCUMENTATION OF ASSET DISPOSAL PROCESSES

- a) Documentation detailing decisions made on asset disposal is to be archived in Council's records management system by the relevant Manager;
- b) Receipt of the disposal of materials to a licensed scrap dealer or contracted engineer are to be included in the documentation
- c) The Finance Department is to be informed by the relevant Manager of the disposal of all assets in order that the assets register can be updated and accounting treatments for disposed assets initiated
- d) Where a councillor or member of Council's staff or members of the immediate family of a councillor or member of staff purchase an asset, the General Manager is to authorise countersign the documentation that specifies the price

Memorandum

To: General Manager
 From: [Click here and type name]
 Date: [Click here and type date]
 Subject: Disposal of Assets – Recommended Actions

Asset number(s):	
Asset(s) description:	
Asset type	<input type="checkbox"/> IT asset <input type="checkbox"/> Plant or motor vehicle <input type="checkbox"/> Scrap metal <input type="checkbox"/> Other – specify _____
Reason requesting approval to dispose of asset(s):	<input type="checkbox"/> Technically Obsolete or Inefficient <input type="checkbox"/> Identified as part of asset replacement in Operational Plan <input type="checkbox"/> Unserviceable – Beyond economic repair <input type="checkbox"/> Surplus to current and foreseeable future needs <input type="checkbox"/> Other – specify _____ _____
If failing, cost of repair – attach quotation(s)	
Cost of replacement if required – indicate new vs second hand options assessed – also purchase vs lease options etc. attach quotation(s):	

<p>Recommended method of disposal:</p>	<p><input type="checkbox"/> Tender – Council resolution will be required and Manager to determine Open or Selective Tendering processes</p> <p><input type="checkbox"/> Expression of interest</p> <p><input type="checkbox"/> Public auction</p> <p><input type="checkbox"/> Destruction - include details of reasons for recommending destruction, method of destruction and officer who will be responsible for the destruction as per policy requirements in an attachment to this memo</p> <p><input type="checkbox"/> Other – specify _____</p>
<p>General Manager comments - required for assets where the Manager has determined an apparent value >\$1,000</p>	<p><input type="checkbox"/> Approved <input type="checkbox"/> Rejected</p> <p>Signed: _____ Date: _____</p>
<p>Advice to Finance Department sent – required for all assets regardless of apparent value – attach advice to Finance Department to this memo when archiving</p>	<p>Relevant Manager: _____</p> <p>Date: _____</p>

NB: A completed memo is to be archived on Council's records management system by the author of this memo along with all quotations and associated documentation relating to the disposal of the asset(s).

End of Policy

Adopted:	15/02/2016	<Minute>
Lasted Reviewed:	15/02/2016	
Next Review:		

15) ADOPTION OF USE OF PARKS AND PUBLIC OPEN SPACE BY FITNESS INSTRUCTORS AND GROUP TRAINERS POLICY

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 6.3 A well-run Council organisation.

File No: PR.PO.4

Recommendation:

That the draft Use of Parks and Open Space by Fitness Instructors and Group Trainers policy be adopted and included in Council's policy register.

Reason for Report:

To establish a Council policy for arrangements and administration associated with use of parks and public open space by fitness instructors and group trainers.

Report:

Council at its meeting held 21 December 2015 resolved to place the Use of Parks and Open Space by Fitness Instructors and Group Trainers policy on public exhibition.

The objective of the policy is to provide a framework for the effective management of the commercial use of Blayney Shire Council's Parks and other Public Open Spaces, for personal and group fitness training activities, and to minimise the disturbance of the general public's use of these facilities.

At the closing date of the exhibition period Council received no objections received.

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

Issues:

There are no issues foreseen by the endorsement of this policy.

Budget Implications:

Nil effect.

Enclosures (following report)

- | | | |
|---|--|---------|
| 1 | Use of Parks and Open Space by Fitness Instructors and Group Trainers Policy | 7 Pages |
|---|--|---------|

Attachments (separate document)

Nil



Blayney Shire Council

Policy Register

Policy No

Policy Title Use of Parks and Public Open Space
by Fitness Instructors and Group
Trainers

Document/File No

Officer Responsible Director Infrastructure Services

Last Review Date 15/02/2016

Objectives

To provide a framework for the effective management of the commercial use of Blayney Shire Council's Parks and other Public Open Spaces, for personal and group fitness training activities, and to minimise the disturbance of the general public's use of these facilities.

Policy Statement

Blayney Shire Council



Use of Parks and Public Open Space by Fitness Instructors and Group Trainers

1. POLICY OBJECTIVE

To provide a framework for the effective management of the commercial use of Blayney Shire Council's Parks and other Public Open Spaces, for personal and group fitness training activities, and to minimise the disturbance of the general public's use of these facilities.

2. DEFINITIONS

Hazard

Anything with potential to harm health, life or property.

Risk

The probability that a hazard will cause injury or damage.

Parks & Public Open Spaces

Those parks, public open space areas, and recreational spaces, as identified in this policy for approved use within the Blayney Shire Local Government Area.

3. BRIEF

Blayney Shire Council recognises the significant contribution the Fitness Industry has made in Australia and has observed the substantial growth over the past two decades. It is therefore, important that Blayney Shire Council acknowledges such growth and meet the demands of private enterprise, council residents and park users.

The management of the use of community land within the Blayney Shire Council Local Government area is regulated by the Local Government Act 1993 and Crown Lands Act 1989, and is subject to Council's plans of management. This policy will address the various issues raised due to the increasing numbers of personal trainers using Parks and Public Open Spaces.

4. PURPOSE

To provide effective management of the use of Blayney Shire Council's Parks and Public Open Spaces, by group fitness instructors and personal trainers.

Council aims to:

- Encourage supervised physical activity
- Enhance public health outcomes
- Minimise damage to the local environment
- Minimise impact on Council assets
- Minimise the impact on surrounding residents
- Address public Risk concerns
- Ensure equity of access to all Parks and Public Open Spaces

5. PERMITTED AREAS

Table 1 below provides a list of Parks and Public Open Spaces within which Group Fitness Instructors or Personal Trainers are approved to operate:

Table 1. Parks and Public Open Spaces approved for use by Group Fitness Instructors or Personal Trainers

Locality	Description	Lot	DP		
Blayney	Carrington Park	2	1038633		
	Heritage Park adventure playground and wetlands	320 701	750380 1023215		
	Napier Oval and Hobbys Yards Road open parklands	53	237649		
	Dakers Oval	1 2 3 4 5 7001	758121 1023253		
	Medway/Mount Errol Street parklands	107 134	253126 253126		
	Orange Road open parkland "Frog Hollow"	18 43 1 1	244853 240960 791883 241681		
	Carcoar	Carcoar Oval and parklands	7002	1023332	
Belubula River parklands		3 1	758225 1090769		
Lyndhurst	Capital Park	1	999523		
	Lyndhurst Recreation Ground	7302	1148005		
Mandurama	Mandurama Memorial Sporting Grounds	1	1088270		
		2			
		3			
		4	1088272		
		9			
		10			
		11			
		12			
		13			
		14			
		15			
		16			
		5	1088273		
		Millthorpe	Redmond Oval	235	750384
		Neville	Neville Memorial Park	1	402145
		Newbridge	Newbridge Recreation Ground	1	154867

The number of permits issued per location will be limited to manage congestion.

6. EXCLUSION ZONES

Organised or commercial group fitness and personal training activities are not permitted within or on the following areas:

- King George Oval
- Carcoar Dam
- Cemeteries
- Car parks
- Public roads

- Footpaths
- Park furniture including picnic tables, shelters, seats and benches
- Playgrounds
- Bushland areas
- Within ten metres of memorials, memorial seats and playground equipment
- Within twenty metres of residential dwellings
- Within twenty metres of all sporting activities
- Sporting fields allocated to sporting clubs during their allocated use

Council may nominate other areas during the life of this policy as it sees fit.

7. APPLICATION TO USE COUNCIL PARKS AND PUBLIC OPEN SPACES

A request to use Council Parks and Public Open Spaces for personal or group fitness training must be made on the prescribed form.

Approvals will be valid for up to one year (with dates clearly specified in the application), authorising each hirer to undertake fitness activities in accordance with this policy.

Applications will be assessed, taking into consideration the following factors:

- Type of activities to be undertaken and the potential impact on other users and neighbouring residents during the times requested
- Whether the number of clients will impact on the area requested
- Whether the activities will contribute to increasing congestion or user conflict in the areas requested
- Whether the proposed site is within an exclusion zone

8. ELIGIBILITY

All applicants must:

- hold a minimum Certificate IV in Fitness (or approved equivalent)
- be registered with Fitness Australia (or similar body).
- hold a current Senior First Aid Certificate
- maintain Public Liability Insurance which nominates Blayney Shire Council as an interested party, to a minimum of \$20 million

Failure to provide one or more copies of the above documents will result in non-approval by Council.

9. PERMISSABLE FITNESS ACTIVITIES

- Boxing and padded training (non-contact)
- Organised aerobic training
- Yoga, Tai Chi, Pilates type activities
- Meditation (or like activities)
- Circuit training
- Walking and running
- Or any other pre-approved fitness activity

10.

PROHIBITED FITNESS ACTIVITIES

- Portable training equipment – rowing machine, cross trainer, bench press etc.
- Training with companion animals, on or off leash
- Use of heavy items – tyres etc. being dragged in any form
- Suspension of boxing, kickboxing bags or other training apparatus from trees and/or structures in Parks and Public Open Spaces
- Utilising trees, seating, picnic table, rotundas and other park infrastructure for exercise training.
- Intimidating, violent or aggressive activities such as boot camp style training
- Create any noise from training activities that unreasonably disturbs other users and/or surrounding residents

11. FEES

Fees (Inc GST) are set out in Council's Annual Fees and Charges available on Council's website www.blayney.nsw.gov.au

12. PARKING AVAILABILITY

Group Fitness Instructors, Personal Trainers and attendees are to park in designated parking spaces located in Council space (including on public roads in accordance with the NSW Road Rules).

Permit holders are solely responsible for ensuring that all group session participants park in designated spaces.

Parking on grassed open space is not permitted and is a breach of Section 632(1), 650, 651 of the *Local Government Act 1993* & *NSW Road Rules*.

A breach of such laws may result in fines.

13. ACCESS TO PUBLIC TOILETS

Access to public toilets (where available) may be made available for use by Group Fitness Instructors, Personal Trainers and their clients.

Where public conveniences are locked outside of ordinary Council business hours, a key may be made available by separate application and upon payment of the prescribed key deposit.

Council will clean and maintain public toilets that are ordinarily open for use by the general public, outside the hiring period.

Group Fitness Instructors, Personal Trainers and their clients, must leave the toilet facilities clean and tidy.

14. WET WEATHER

Council utilises a system of visual assessment of turf surfaces during periods of wet weather to assess their usability. An unusable surface is one that has been saturated to a point where any further rainfall will pond water on any portion of its surface making even pedestrian traffic a damaging action.

A point will be reached for each Park and Public Open Space beyond which it may be expected that usage of the facility will result in damage to the turf surface. Upon that point being reached, use of the Park and Open Public Space, will be suspended

until such time as it is considered safe to resume use without subsequent use causing damage to the surface.

15. STORAGE

All permitted equipment is not to be stored on site at any Council premises.

16. ANTI-SOCIAL BEHAVIOUR

The permit holder is responsible for the conduct of clients and will ensure that neither they nor others engage in anti-social behaviour. Failure to do so will result either in a written warning or their approval terminated immediately if an unlawful act has been committed.

Should a permit be terminated prior to the end of the approval period, fees will not be refunded either in part or full.

17. REPORTING

Should there be an accident or injury arising through the Hirer's use, the Hirer must inform Council in writing within seven (7) days of the incident.

The Hirer must notify Council immediately upon becoming aware of any broken facilities or dangerous conditions of the Park and Public Open Space.

18. TERMINATION

Council reserves the right to revoke the permit if in its opinion it has determined that the trainer has breached the conditions of the permit or terms set out in this Policy.

19. GENERAL CONDITIONS

- Instructors must be licensed Trainers and be registered with Fitness Australia (or similar body). A copy of the certificate of registration must be provided to Council.
- Instructors must have a current Senior First Aid Certificate and provide Council with a copy.
- Instructors must not at any time interfere with permanent/ and or casual users of the Parks and Public Open Spaces.
- The Licensed Instructor shall indemnify and hold harmless the Council from and against all damages, sums of money, costs, charges, expenses, actions, claims and demands which may be sustained or suffered or recovered or made against Blayney Shire Council by any person for any loss of life or injury or damage any person may sustain due to the negligent act of the Instructor whilst conducting a training session.
- The Instructor shall provide Council with a copy of their public liability cover, nominates Blayney Shire Council as an interested party and should be in the sum of \$20,000,000.
- The Instructor must keep and maintain a logbook of accidents or injuries and forward a copy to Council for their records.
- A flag shall be erected in recognition of the area the training will be taking place.
- The Instructor shall be responsible for all occupational health and safety legislation, regulations and requirements pertaining to the running of their business.
- The Instructor shall not exceed 18 persons per squad when conducting training in a Park and Public Open Spaces.

- An Instructor shall not conduct aggressive and intimidating activities such as boot camp style training. That is any activity that is deemed to be aggressive or intimidating in nature whether real or perceived by participants or the general public
- No amplified music or amplified audio (voice) equipment is permitted.
- The Instructor must not use picnic tables and street furniture as training aids and not cause excessive wear and tear to turfed areas, natural areas and bushland.
- The Instructor shall not suspend boxing, kickboxing bags or other fitness apparatus from trees and/or structures in the public open space.
- The instructor shall conduct their activities so not to dominate, monopolise and/or obstruct stairways or pathways
- The instructor must ensure that any training group, for which they are responsible, runs in a single file when running in narrow areas or pathways.
- The Instructor is not permitted to display any advertising signage including banners or "A" Frame signs on Council's Parks and Public Open Space.
- A point will be reached for each Park and Public Open Space beyond which it may be expected that usage of the facility will result in damage to the turf surface. Upon that point being reached, use of the field will be suspended until such time as it is considered safe to resume use without subsequent use causing damage to the surface.
- The instructor is responsible for ensuring the area chosen to undertake training is safe for purpose. Council gives no warranties as to the suitability of any particular site for use as a personal training area. Any Hazards requiring repair noted by the instructor should be reported to Council.

End of Policy

Adopted:	15/02/2016	<Minute>
Lasted Reviewed:	15/02/2016	
Next Review:		

16) ADOPTION OF REVISED COUNCIL CODE OF CONDUCT

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 6.3 A well-run Council organisation.

File No: GO.PO.1

Recommendation:

That the revised Council Code of Conduct be adopted and included in Council's policy register.

Reason for Report:

For Council to adopt the revised Council Code of Conduct following advice from the Office of Local Government on amendment to clause 4.29 of the Model Code.

Report:

The Office of Local Government (OLG) issued Circular 15-41 in December 2015 to inform councils of amendments to the Local Government Act 1993 made by the Local Government Amendment (Councillor Misconduct and Poor Performance) Act 2015.

The Circular amongst a number of matters advises amendment to clause 4.29 of the Model Code of Conduct for Local Councils in NSW that became effective 13 November 2015. The amendment will mean that councillors with significant non-pecuniary conflicts of interests in the making, amendment, alteration or repeal of an environmental planning instrument applying to the whole or a significant part of their local government area will no longer be permitted to participate in consideration of those matters unless:

- the only interests affected by the changes relate to the interest a person (e.g. a close friend or affiliate of a Councillor) has in their principal place of residence; and
- the Councillor has disclosed the affected interests.

Council has adopted the Model Code of Conduct as its own in the past and this is recommended on this occasion. As the amendment is as advised by the OLG it is not recommended for public exhibition.

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

Issues:

There are no issues foreseen by the endorsement of this policy.

Budget Implications:

Nil effect.

Enclosures (following report)

Nil

Attachments (separate document)

1 Council Code of Conduct Policy

26 Pages

17) RISK MANAGEMENT POLICY**Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 6.3 A well-run Council organisation.**File No:** FM.PO.3**Recommendation:**

That the draft Risk Management policy be placed on public exhibition for a period not less than 28 days.

Reason for Report:

For Council to adopt an amended Risk Management Policy following its review reflecting Council's maturing approach to Risk management.

Report:

Council has reviewed its Risk Management policy developed prompted by following recommendation from InConsult who undertook risk management training late 2015 and following Audit Committee discussion.

The objective of the policy is to clearly articulate the Council's commitment to the implementation of Risk Management throughout the organisation.

The associated Enterprise Risk Management guideline has been tabled before the meeting Audit Committee held 22 October 2015 with recommended amendments effected.

A copy of the draft policy is provided as an attachment to this report. A copy of the guideline is also attached for information.

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

Issues:

There are no issues foreseen by the endorsement of this policy.

Budget Implications:

Nil effect.

Enclosures (following report)

1 Risk Management Policy 4 Pages

Attachments (separate document)

2 Risk Management Guideline 17 Pages

Blayney Shire Council



Policy Register

Policy No 21

Policy Title Risk Management Policy

Officer Responsible Risk Officer

Last Review Date 15/02/2016

Objectives

This Policy will clearly state the Council's commitment to the implementation of Risk Management throughout the organisation.

Policy Statement

Blayney Shire Council



Risk Management Policy

Blayney Shire Council - Risk Management Policy

This Policy:

- ~~provides documented evidence of Council's commitment to adopting risk management principles as an integral part of operations and decision making;~~
- ~~is designed to promote an atmosphere of risk awareness and willingness to manage risk at all levels of the organisation;~~
- ~~is designed to provide opportunities for continuously improving performance at all levels of the organisation.~~

Policy Intent:

This Policy provides documented evidence of Council's commitment to implementing enterprise risk management as an integral part of operations and decision making. This is to ensure a consistent approach to risk management across Council in accordance with methodology established in AS/NZS ISO 31000:2009 Risk Management Principles and Guidelines, Blayney Shire Council Enterprise Risk Management Guideline and other applicable guidelines, procedures, standards and codes of practice.

Context:

Council's continued ability to achieve its strategic and operational objectives depends on understanding and responding to the challenges of uncertainty and change. This uncertainty generates risk, with the potential to be a source of both opportunities and threats. By understanding and managing risk Council can provide greater certainty and confidence for all Stakeholders. Enterprise risk management will be embedded into the policy development, strategic and operational planning and review and change management processes. Responsibility for risk management is shared across all levels of Council.

Objectives:

This Risk Management Policy is designed to:

- Facilitate open and transparent communication and consultation between Councillors, the Management Executive Group (MANEX), managers and employees in defining aspects related to the identification, analysis, evaluation and treatment of strategic and operational risks Council is exposed to;
- Enhance corporate governance by promoting a structured and systematic approach to Council's decision making processes;
- Maintain the highest possible integrity for services provided by the Council;
- Safeguard and enhance Council assets, including people, property and financial resources;

The main objectives of Council's Risk Management Policy are to:

- ~~Maintain the highest possible integrity for services provided by the Council;~~
- ~~Safeguard and enhance Council assets, including people, property and financial resources;~~

- Create an environment where all Council employees will assume responsibility for managing risk;
- Ensure allocation of resources and operational capabilities for managing risk;
- Provide staff with appropriate risk management training;
- Include risk management responsibilities in job descriptions and staff performance appraisals;
- Ensure Council can appropriately deal with risk;
- Demonstrate transparent and responsible risk management processes.

Council's Risk Management Policy covers, but is not limited to, the following areas of Council activity:

- People
- Property and Finance
- Information
- Reputation
- Environment
- Corporate Governance and Legal Compliance

~~All employees are to be actively involved in the management of risk and are responsible for avoiding unnecessary risks to themselves and/or others, property and Council image. Any activities or conditions that may result in unacceptable levels of risk are reported through their supervisors, managers or directly to the Risk Officer.~~

Responsibilities:

The Council is responsible for the oversight of Risk Management, through the Management Executive Group (MANEX), and may obtain advice and guidance from appropriate sources within and outside Council.

The General Manager is responsible for the implementation and effective operation of Risk Management, and responding to and reporting on significant risks that may arise from time to time.

Directors are the risk owner for their Directorate and ensure that risks are identified and recorded in the Council Risk Register.

Managers are responsible for developing and implementing proposed actions on the Risk Register and ensuring actions are completed in the allocated time frame.

The Risk Officer will work with Directors and Managers to achieve effective operation of Risk Management within their respective departments and will submit reports to MANEX and the Audit Committee. Any significant risks that may arise will be reported directly to the General Manager. Risk management training consultation will be coordinated by the Risk Officer

Review:

This Policy will be reviewed within twelve months of the date of election of a new Council or as a result of any changes necessitating revision or variation of this Policy.

~~The Council is responsible for the oversight of Risk Management, through the Management Executive Group (MANEX), and may obtain advice and guidance from appropriate sources within and outside Council.~~

~~The General Manager is responsible for the implementation and effective operation of Risk Management, and responding to and reporting on significant risks that may arise from time to time.~~

~~The Risk Officer will work with Directors to achieve effective operation of Risk Management within their respective departments and will submit reports to MANEX. Any significant risks that may arise will be reported directly to the General Manager.~~

~~All employees are responsible for avoiding unnecessary risks to themselves and/or others, property and Council image, and to report through their supervisors any activities or conditions that may result in unacceptable levels of risk.~~

Relevant Documents include

~~[AS/NZS ISO 31000:2009 Risk management - Principles and guidelines](#)
[SA/SNZ HB 436:2013 Risk management guidelines – Companion to AS/NZS ISO 31000:2009](#)~~

~~[SA SNZ HB 89 - 2013 Risk management - Guidelines on risk assessment techniques](#)~~

~~[Blayney Shire Council Enterprise Risk Management Guideline](#)~~

~~Work Health and Safety Act 2011~~

~~Work Health and Safety Regulation 2011~~

~~Local Government Act 1993~~

~~Blayney Shire Council WHS Policy~~

~~Blayney Shire Council Risk Management Procedure~~

~~WorkCover How to Manage Work Health and Safety Risks Code of Practice~~

~~AS/NZS ISO31000:2009~~

Adopted:	09/09/2013	1309/012
Last Reviewed:	09/09/2013	1309/012
	15/02/2016	
Next Reviewed:	14/11/2016	

18) COMMUNITY BANNER POLES POLICY AMENDMENT

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 1.3 A well established, connected and prosperous tourism industry.

File No: RC.PO.2

Recommendation:

That the Community Banner Poles Policy, as amended, be adopted and included in Council's policy register.

Reason for Report:

To seek Council approval to an amendment to the Community Banner Poles Policy.

Report:

Council approved a Community Banner Poles Policy at its July 2015 meeting. The aim of the policy is to provide details and parameters for use of the Community Banner Poles and assist not-for-profit community groups and organisations to erect banners in Blayney to promote community events.

An amendment to the policy under clause 6.1 has been proposed for inclusion to better inform promoters on banner specifications to ensure banners are preserved when exposed to extreme weather conditions. It has been proposed that reference to corners being reinforced with canvas and slits in the banner be at spacing of two metres be inserted.

As the changes proposed are minor and immaterial it is not recommended that the policy be placed on public exhibition.

A copy of the policy has been provided as an attachment to this report.

Issues:

There are no issues foreseen by the endorsement of this policy amendment.

Budget Implications:

Nil effect.

Enclosures (following report)

1 Community Banner Poles Policy

5 Pages

Attachments (separate document)

Nil

Blayney Shire Council



Policy Register

Reference No. 91

Title Community Banner Poles Policy

Officer Responsible Director Corporate Services

Last Review Date 15/02/2016

Objective

To set out Council's policy for the approval of banner displays by community organisations wishing to utilise banner poles provided by Council.

Blayney Shire Council



Community Banner Pole Policy

1. PURPOSE

- 1.1 To describe Blayney Shire Council's approach to the approval of banner displays for installation on permanent purpose built banner poles, at designated community banner pole sites on Council managed land.
- 1.2 To establish a framework to assist community groups to determine if a proposed banner display can be approved for display at Council managed community banner pole sites.

2. DEFINITIONS

- 2.1 Commercial or for-profit enterprise is defined as any group that is NOT a non-profit organisation and which operates for the profit or gain of its individual members, whether these gains would have been direct or indirect.
- 2.2 Community benefit generally refers to an outcome, usually of an event, program or activity, that delivers an improvement to the welfare or well-being of a community or which seeks to reduce a social or economic disadvantage within a community. In broad terms a community benefit involves an activity which;
 - Responds to needs of special populations such as persons living in poverty and other disenfranchised persons
 - Aims to supply, augment or maintain a social services or program that would likely be discontinued or reduced without financial assistance
 - Responds to a public health or public safety need
 - Raises community awareness or involves education or research that improves overall community health and well-being
 - Supports the active participation of residents in community and civic life who otherwise might face barriers which would prevent their participation usually generates a low or negative financial return
- 2.3 Community event is an event whose primary purpose is not to generate income for private gain and which is generally open to all residents to attend. Where an entry fee is payable, the level of the fee is generally determined on a cost recovery basis or alternatively has been imposed to raise funds for a charitable purpose usually in conjunction with an advertised community appeal.
- 2.4 Community or not-for-profit organisation is taken to refer to a community association or legal entity registered under the Associations Incorporation Act 2009 which has generally been established for the purpose of engaging in small-scale, non-profit and non-commercial activities. A not-for-profit organisation is one which does not operate for the profit or gain of its individual members, whether these gains would have been direct or indirect. A not-for-profit organisation may generate income to operate; including profit, but this income must be used to carry out its purposes and cannot be distributed to owners, members or other private people.

3. SCOPE

This Policy applies to community organisations and other entities requesting to display banners at Council managed banner poles sites.

4. BACKGROUND

4.1 In response to requests from not-for-profit community organisations to erect banners in Blayney to promote community events and activities, Council has erected permanent banner poles.

5. PRINCIPLES

- 5.1 Council acknowledges that it has a role in assisting community organisations to raise awareness about issues impacting on residents and to promote activities and events which are undertaken for the community's benefit.
- 5.2 Council recognises that working in partnership with community groups to promote community events and to publicise public health and safety messages will complement Council's strategic and operational objectives.
- 5.3 Council has established community banner pole sites to provide safe and permissible locations for the display of banners by community organisations. Council's primary aim in establishing these sites is to support local community groups, with limited access to funds, to undertake promotional activities. Council will operate these sites in a way that minimises the cost to community organisations of accessing these sites for the display of banners deemed to be in the community interest.
- 5.4 Approval to display a banner at a designated community banner pole site managed by Council may convey an implied association between Council and the banner applicant. In providing a community organisation with access to a community banner pole site for the purpose of promotion and/or information sharing, there will be an obligation on the part of the banner applicant to ensure that the text of the banner is appropriate and is consistent with the principles outlined in this Policy. While the text and content of a banner remains the responsibility of the banner applicant, the banner applicant should be aware that the wording and intent of a banner displayed at a community banner pole site may be perceived by the community as communicating information which Council has approved or endorsed.
- 5.5 Where a banner which has been approved for display is subsequently determined to be in breach of the provision of Clause 4.2 or 4.4 Council reserves the right to remove and impound a banner without reference to the banner applicant.

6. BANNER SPECIFICATIONS

6.1 The banner dimensions should as follows:

- 2900mm Horizontally
- 1200 mm Vertically
- One reinforced eye-lit and canvas on each 4 corners and one centred at top and bottom of banner.
- The border around the banner shall be double stitched.
- To minimise wind damage there should be strategically placed slits (approx. 2 per metre) within the banner to allow wind to pass through.

7. SPONSORSHIP CONTENT

7.1 Council acknowledges that a degree of sponsorship is typically negotiated to assist in the staging of a banner campaign. The advertising slogan or corporate or organisational logo of such a sponsor may be allowed to occupy some space on a flag or banner. Such advertising on a banner can occupy a maximum of 10% of its total area. If there are a number of companies or organisations sponsoring an event, a maximum of 20% of the area of the banner may be allocated for advertising.

8. MESSAGE GUIDELINES

8.1 Messages on banners must relate to an event or activity that promotes community events affecting; or with the potential to affect the Blayney Shire LGA.

8.2 Potentially offensive messages or images will not be permitted.

8.3 Politically or religiously biased messages will not be permitted.

8.4 Material deemed to be inappropriate or offensive to the community at large, or a particular community sector, will not be permitted

9. SUITABLE EVENTS FOR PROMOTION

9.1 As a guide Council considers events including, but not limited to, those listed below to be suitable for promotion:-

- Community
- Recreational
- Cultural
- Economic development
- Educational
- Artistic
- Tourism
- Sustainability
- Environmental
- Awareness raising
- Commemorative
- Celebratory

10. UNSUITABLE EVENTS FOR PROMOTION

10.1 Blayney Shire Council does not consider the following events suitable for promotion:

- Events promoting the manufacture, distribution and wholesaling of tobacco related products, pornography and addictive drugs;
- Events coordinated by those found guilty of illegal or improper conduct by ICAC or any other legal authority;
- Events which promote political fields; and
- Events that involve services or products that are considered to be injurious to health, or are seen to be in conflict with Council's policies and responsibilities to the Community.

11. SPECIAL CONSIDERATIONS

11.1 Special consideration may be given at an ordinary meeting of Council, regarding promotion of a significant New South Wales company or advertising event, e.g. a bicentennial of a company, award recipients etc.

12. ADMINISTRATION OF POLICY

12.1 Administration of this policy will be conducted in conjunction with the Community Banner Poles Procedure.

13. APPROVAL PROCESS

13.1 Applications will be assessed on a merit basis in accord with requirements of policy.

END

Adopted:	Date: 13/07/2015	Minute:1507/005
Lasted Reviewed:	Date: 13/07/2015	Minute:1507/005
	15/02/2016	
Next Reviewed:	Date:..14/11/2016	

19) 2016 BLAYNEY MUSIC SCHOLARSHIP PROGRAM RECIPIENTS

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2.3 Blayney Shire - a centre for arts, performance and entertainment.

File No: CR.AW.2

Recommendation:

That the report on the 2016 Music Scholarship program recipients be received.

Reason for Report:

To inform Council on the outcome of the 2016 Music Scholarship program.

Report:

Since 2009 Council has been part of the above program offering 4 scholarships with Mitchell Conservatorium, Bathurst and Orange Regional Conservatorium to the Blayney Shire community. The program was for an initial period of 4 years however private sponsorship of \$1,500 in conjunction with Council support has enabled its continuation.

The scholarship program is open to students that reside in the Blayney Shire aged 7 to 18 years and wish to further their music studies. Scholarships will be awarded for tuition at Orange Regional Conservatorium and Mitchell Conservatorium, Bathurst.

Auditions were held 14 November 2015 at the Community Centre with adjudicators provided by Orange Regional Conservatorium and Mitchell Conservatorium.

The recipients of the 2 music scholarships of \$1,500 each for 2016 were:

- George Sargent – Voice. (Mitchell Conservatorium);
- Chloe Begbie – Piano (Orange Regional Conservatorium).

The recipients of the encouragement awards of \$750 each for 2016 were:

- Jaide Goodworth – Voice (Mitchell Conservatorium)
- Mia Davis - Violin (Orange Regional Conservatorium).

Applications for the 2017 Music Scholarship program will be called for in September 2016.

Issues:

There are no issues foreseen by the consideration of this report.

Budget Implications:

Council has provision of \$1,500 in the 2015/16 budget for music scholarship program. Provision has also been made in the Long Term Financial Plan for future years.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

20) COMPLIANCE AND REPORTING ACTIVITIES - JANUARY**Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 6.3 A well-run Council organisation.**File No:** IM.CO.3**Recommendation:**

That the report on Compliance and Reporting Activities for January 2016 be received.

Reason for Report:

For Council to be updated on compliance and reporting activities for the month of January 2016.

Report:

The Office of Local Government (OLG) issues all councils with a calendar of compliance and reporting activities annually. These activities are statutory obligations required under various pieces of legislation.

This report outlines activities undertaken since the last Council meeting:

Activity	Legislation	Due Date	Completion Date
Delivery Program progress report to Council	L.G. Act s.404(5)	31/12/2015	21/12/2015
Complaint statistics report to Council	Model Code procedures 12.1	31/12/2015	19/10/2015
Complaint statistics report to OLG	Model Code procedures 12.2	31/12/2015	19/10/2015
Issue 3 rd Rates Instalment notices	L.G. Act s.562	31/01/2016	22/01/2016
Ledger balances prepared for 6 monthly inspection by Auditor	LGGR cl.228	31/01/2016	28/01/2016
Public Interest Disclosure (PID) report to NSW Ombudsman	PID Act s.6CA	31/01/2016	27/01/2016

Issues:

Nil. Council has met all compliance and reporting requirements as determined by the OLG within legislated timeframes.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

21) AMENDMENTS TO DELEGATIONS REGISTER

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 6.3 A well-run Council organisation.

File No: PE.AT.1

Recommendation:

That the proposed amendments to Council's Register of Delegations, as detailed within this report, be adopted.

Reason for Report:

For Council to approve amendments to the Delegations Register.

Report:

A review of the Register of Delegations has been undertaken that has identified some amendments required to assist in the seamless operation of Council and effective provision of service.

Council's responsibility under the Local Government Act (1993) s.377, is the delegation of responsibilities to the General Manager. Delegation of responsibilities to staff are tasked to the General Manager under s.378 of the Local Government Act (1993).

A copy of the Delegations Register is provided as an attachment and amendments to the register have been marked and underlined for ease of reference. Amendments include update of legislative references; addition, deletion or amendment of delegations and updating of position titles.

Issues:

The Local Government Act (1993) Chapter 12 Part 3 outlines requirements pertaining to delegation of authority.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

1 Delegations Register

44 Pages

22) DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT

Department: Infrastructure Services

Author: Director Infrastructure Services

CSP Link: 4.1 Adequate provision of transport, roads, rail, information and communication technologies and community social assets.

File No: GO.ME.1

Recommendation:

That the Director of Infrastructure Services Monthly report for February 2016 be received and noted.

Reason for Report:

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

Report:

Topical Issues

Kings Plains Road Acquisition

Work to finalise land acquisition matters associated with this long running project are approaching finalisation.

Traffic is now using the new alignment that has eliminated the “dog leg”, and the gravel surface is being monitored for any possible pavement issues. Crown Land’s Officers have made a recommendation to approve one of the final elements, being the closure of the old road alignment around the “dog leg” in the vicinity of “Drayshed Nursery”. Once this is signed off, the final plan of subdivision can be lodged, and the related land transfers formalised.

Procurement of Traffic Control

Council is working in partnership with Cabonne Council to undertake a tender process for the provision of traffic control services within both shires. Both Councils are currently utilising external contractors for their traffic control needs, and it has been a considerable and consistent spend item for Blayney Shire Council in the last 3 years.

The contract will be on an as used basis, and will not commit Council to a guaranteed expenditure with the successful contractor. It is proposed that the contract will run until June 2017.

Newbridge Road Speed Review

Council with the endorsement of the Local Traffic Committee (LTC) requested a speed zone review of Newbridge Road from the end of the existing 80km/h to the Village Road intersection.

Council has received the draft Speed Zone Review Report from Roads and Maritime Services. The report recommends a reduction in the current speed limit from 100km/h to 80km/h, which reflects the outcome Council and the LTC were seeking.

LED Street Lighting Replacement

Centroc currently represent member councils on the Essential Energy Streetlight Consultative Committee.

Essential Energy has recently completed the “Northern Lights Project” in the New England region with Category “P” luminaires changed to LED’s by the end of 2015.

Council understands that Essential Energy proposes to start consultation with Councils in early 2016 to work toward replacing all Category “P” luminaires across the region.

Floodplain Risk Management

- Blayney Flood Study was adopted in 2015.
- Consultant currently working on Floodplain Risk Management Study.
- Approx. 185 buildings have been identified as possibly impacted by either flooding associated with the Belubula River, and its tributaries, or from stormwater based overland flow.
- Floor level data is required to ascertain actual impact, and will be carried out in February – March. Prior notification is to be provided by way of letter box drop.
- This work may raise concerns from residents, if they believe it is only associated with traditional flooding of the river. With advanced data gathering technology available today, flood studies look at greater areas than just the immediate river floodplain, and now include developed areas and the impact from stormwater.
- The data collected will enable the Risk Management Study to progress, with development of average annual flood damage and to identify and assess works and measures required to address the existing risks for the properties, affected by either riverine flooding or stormwater based overland flow.

Funding Applications

Bridges Renewal Program

\$165,000 Funding (50:50) - Felltimber Road Bridge

An application for funding under the Federal Bridge Renewal Program for replacement of the bridge has been successful (subject of separate Council report). The project is currently identified for replacement in the 2016/17 financial year with a 4m wide single lane bridge. The bridge is already included for pre investigation (geotechnical and environmental studies) underway. Upon completion of these works, a tender for the replacement of this and a number of other bridges identified in the Long Term Financial Plan, will be undertaken, and subject to a future report to Council.

NSW Government Community Building Partnership Program\$15,000 Funding (50:50) - Blayney Showground Kitchen

An application for funding for the replacement of the kitchen, through the CBP program was successful, albeit not for the amount applied for (\$20,000). Meetings with relevant stakeholders will be undertaken to identify priorities, with the objective being to provide a Food Safety compliant kitchen.

NSW Government Floodplain Management Program

The 2016/17 funding round has been announced for projects that manage flood risk, with submissions closing on 17 March 2016.

As work on the Town of Blayney project continues into the second stage it is proposed to make application for the development of a flood study and floodplain risk management plan for the Village of Carcoar.

Major Works

Major road construction and notes on current works are as follows:

- Errowanbang Road – Stage 1 of the Fixing Country Roads (FCR) project has reached practical completion, with line marking to be undertaken in the coming weeks. Stage 1 was officially opened by The Hon. Duncan Gay, MP, Minister for Roads, Maritime and Freight on 1 February 2016. Works on Stage 2 are proposed to commence towards the end of August 2016, with completion (of the FCR component of the overall improvement project) expected by Christmas 2016.
- Council has recently undertaken heavy patching works along Four Mile Creek Road. These works have repaired the running surface of this road, and will reduce Council's maintenance cost for this section. In the past 12 months Council has spent approximately \$40,000 on pothole patching works along this section of road, with associated losses in productivity due to the distant location.
- Works on Hobbys Yards Road are proposed to commence the week starting 8 February 2016. This project consists of approximately 2km of rehabilitation and widening works, which is jointly funded with Roads and Maritime Services. It is expected that these works will be completed in late May 2016. Council is planning works around the Blayney to Bathurst (B2B) Cyclo Sportif, however must remain cognisant of the weather issues and early onset of winter.
- Gravel re-sheeting works have been undertaken on Millamolong Road, Felltimber Road, Eves Lane, Springvale Lane, Richards Lane and Plumb Street over December/January.
- Maintenance grading works continue across the shire, with Council's crews undertaking works on Gregghamstown Road, Millamolong Road, Boondaroo Road, Lochewen Lane, Bakers Road, Gap Road, Carcoar Road, with works planned on Cadia Road and Errowanbang Road in the coming weeks.

- Shared pathway works – Work has recommenced with progress being hampered by poor weather. However it is expected that this project will be completed in the coming weeks. Further engagement with Roads and Maritime Services is underway to pursue opportunities for further work along Adelaide Street, as a result of savings from earlier stages of these works.
- Blayney Bridge Program - Quotations have been received from 21 companies for the Review of Environmental Factors (REF) for 11 bridges within the Shire. The REF's will form an important part of the tender for the replacement of these bridges over the coming 2 years. The quotation process was very competitive, with many high quality submissions that offer good value for the delivery of this critical service.

Major Contracts

Redmond Oval Canteen

- Budget \$144,536.36 (ex GST)
- Work has commenced on site, with excavation for foundations and the slab, following a joint meeting between contractors undertaking both the canteen and oval projects.
- Quotations for the kitchen fit out will be prepared in coming months, and budget amendments made via the QBRs.

Redmond Oval Upgrade

- Budget \$500,000 (ex GST)
- Construction works began on 11 January with site establishment and set up works being undertaken. The earthworks have begun and the subgrade preparation is nearing completion.
- Rain has hampered the continuity of works and made for saturated areas of the subgrade requiring removal and replacing with dry fill. Subsurface ground water in the North West corner of the field have increased the complexity of construction to the Contractor. Council staff are continuing to work with the Contractor to provide a suitable solution to ensure the long term sustainability of the ground is achieved.
- The project remains on schedule with irrigation, drainage and underground tank construction expected to begin during February. Working relations with the contractor have been positive and proving to be effective as the hurdles and challenges of a project of this nature continue to unfold.
- Fence quotes are to be sought in coming weeks to begin the process of providing a boundary fence to the newly constructed surface. The fence is expected to be a powder coated aluminum picket fence that will provide a suitable aesthetic appeal to the oval as well as protection of the asset of the new oval and the playing surface.
- Engineering staff have reviewed final design of the proposed works which have highlighted some areas that require additional works.
 - Storm and heavy rain events cause overland flows to run onto the oval and down the Western boundary of the oval towards the tennis court. To provide a level of suitable drainage to this area there is to be an additional stormwater pipe to divert some of the

stormflows through this pipe to the drainage system near the tennis courts. Undertaking of these works provide cost benefits of undertaking these works whilst other earthwork activities are being undertaken as well as the issues around trying to install this infrastructure in the future in and around the new services that will be installed as part of this project. Future works will be required on the drain under the footpath to Park St.

- The cut in the North East corner of the new field has led to a steep grade being required to match the existing ground level near the base of the trees. The proposed slope poses issues in terms of maintenance and scouring. Council have requested the bank be tiered with sufficient rises to allow for maintenance with mowers with the added benefit of providing an area for seating on grassed area for viewing of sporting events and other general community activities.

Both items will incur variations to the contract and are expected to be included in a quarterly budget review with the picket fence, as the cost of these items will exceed the ClubGrants funding.

Showground Irrigation

- Budget \$ 112,000 (ex GST)
- A request for quotation (RFQ) has been undertaken for the first stage of works. The RFQ was undertaken similar to the process for a tender, where advertisement in the Sydney Morning Herald, local papers and on the online tenders portal helps ensure a wide spread, to capture a large field of contractors for a competitive quotation process.
- Early indications with enquiries from various Contractors suggest a number of quotes will be received. The RFQ closes on the 4th of February with assessment to be completed the week following.
- It is anticipated works will commence in March after the Blayney Show. User groups of the showground have been advised and Council will continue to notify the groups of the dates the works are to be undertaken when information comes to hand.

Showground Fencing

- Budget \$49,897 (ex GST)
- The contractor has been engaged and works are programmed to commence the first week of February with an anticipated time frame of two weeks. Finishing in time for Blayney Show.
- A minor variation was approved for the removal of the existing fence as the contractor progresses rather than by way of volunteers that would have necessitated the removal of the entire fence at once, and presented issues for harness racing trainers.

Active Movement Strategy

- Budget \$59,000 (ex GST)
- The Consultants are nearing completion of the review of existing facilities and a matrix of suggested projects. When completed, the consultants will be providing an initial draft of the Active Movement

Strategy to Council staff for review. This is expected within the next week.

Land Development

Cook Street (11 Lot subdivision)

- Council has received the results of the soil classification testing undertaken in late 2015. A discussion paper is to be provided to the March Councillor workshop.

Wastewater

Sewer Relining

- Budget \$210,000 (ex GST)
- Works have commenced and are expected to be completed by end of February and within the set budget.
- Preliminary CCTV and cleaning works have identified further works required by Council staff to rectify, with faulty junctions repaired and buried manholes being located.
- The contractor has worked well with advanced notification to residents of their future works and to date Council have not received any complaints from the community about the Contractors activities.

Trade Waste

- The Millthorpe pump station has been impacted by high levels of fat build up for several years. Council have been advising and working with businesses and owners in Millthorpe to raise the awareness of the requirements of the businesses to comply with the Liquid Trade Waste Regulation and Guidelines as the fats and greases are generally attributed to commercial activities.
- Council is currently trialing a new chemical that assists to break down the fats at this pump station. The chemical is a natural product and poses less risk to the operators than chemicals used in the past. The process has worked well over the past few months and staff will continue to monitor to see how long the effects of the chemical continue to work. The new chemical is expensive to purchase and is another reason to continue to raise awareness of the activities of the businesses and how they can assist to prevent this problem.
- Nestle Purina have submitted an application to discharge trade waste from the kennels on Browns Creek Road to Council's sewer network. The application will be assessed on its merits and may be subject to DPI concurrence, prior to approvals being obtained.

Recreation and Environment

King George Oval

- Rangehood and splashbacks have been installed, and discussions with stakeholders are underway to prioritise other appliances and fixtures.
- The electronic scoreboard has been installed and is operational.
- User groups will be inducted and shown how to operate scoreboard as each sporting activity commences their season.

Lyndhurst Recreation Ground

- NSW Public Reserves Management Fund Project \$12,874 (50:50)
- The project has been completed.

Asset Management

Culvert Renewal Program

- Council staff are nearing completion of the Culvert Identification and Condition Assessment project. To-date having identified 1,169 Culverts over 512kms of Rural Roads. With approximately 150kms of Rural Roads still to be assessed, it is expected that this phase of the project will be finalised in the next couple of weeks, depending on favorable weather.
- Council staff have also been developing the renewal costs for these culverts and Operations staff will be assessing the Culverts identified as being in condition 4 and 5. Once completed Council will be able to develop a full 30 year renewal program and a maintenance and replacement program for Culverts in condition 4 and 5.
- A further program of maintenance works will also be developed for all culverts with waterway obstructions.
- A full report will be provided to Council in due course.

AssetFinda Implementation

- AssetFinda have loaded a first cut of Councils Road Centre Line data.
- The system will be considered implemented after Councils Asset, Finance and IT staff undergo two days of training starting on the 8th February.

Infrastructure Services Personnel

- The 2 Trainee Works Operator roles were advertised in December 2015 by Skillset and with Council the recruitment process is nearing completion.
- The Construction Carpenter has commenced and is already undertaking a variety of jobs, including minor building maintenance works.

Issues:

Nil

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

23) FELLTIMBER ROAD - BRIDGE REPLACEMENT

Department: Infrastructure Services

Author: Manager Infrastructure

CSP Link: 4.1 Adequate provision of transport, roads, rail, information and communication technologies and community social assets.

File No: GS.LI.1

Recommendation:

That Council approve funding of \$165,000 from the Bridge Replacement Program to match the \$165,000 from the Federal Government's Bridges Renewal Programme (Round 2), for the replacement of the bridge over Coombing Creek on Felltimber road.

Reason for Report:

In order for Council to receive the \$165,000 from the Federal Bridge Renewal Programme, Council is required to confirm its commitment and provide evidence of matching funds within 60 days, following the announcement of successful projects.

Report:

As Councillors may recall, funding the replacement of this single lane concrete decked timber bridge on Felltimber Road over Coombing Creek, with a single lane concrete bridge has been approved in the current Long Term Financial Plan. It is one of the 11 bridges Council is currently seeking quotations for Geotechnical investigation and Review of Environmental Factors (subject to separate Council Report). Detailed surveys have been completed for all of these bridges.

This bridge is currently subject to a 5 tonne load limit, which restricts access for local farmers, Central Tablelands Water to their Water Treatment Facility and restricts Rural Fire Services access between Neville and Carcoar.

Issues:

This bridge is identified for replacement in the 2016/17 financial year. As Council is yet to tender the construction of this bridge, it is proposed that the original allocation of \$330,000 in the Bridge Replacement Program remain unchanged until Council has approved a tender for this bridge. Any adjustments to the value of works shall be addressed in a future Quarterly Budget Review.

Budget Implications:

Nil at present, subject to future review of tendered Bridge replacement cost.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

24) PROPOSED ROAD NAMING - DAVIS ROAD, BROWNS CREEK

Department: Infrastructure Services

Author: Director Infrastructure Services

CSP Link: 4.1 Adequate provision of transport, roads, rail, information and communication technologies and community social assets.

File No: RD.MT.1

Recommendation:

1. That Council note the report on the proposed naming of the unnamed road at 580 Browns Creek Road and:
 - a. That it be included on Council's asset register as a Council Public Road with a length of 1,050m, and;
 - b. That the recommended name, Davis Road be placed on public exhibition for a period of not less than 28 days and the public and relevant authorities be invited to make submissions.

Reason for Report:

To seek Council approval to the proposed naming of the unnamed public road at 580 Browns Creek Road to Davis Road, and seek public submissions.

Report:

Councillors will recall the report presented to the Ordinary meeting of Council on 19 October 2015, where the following resolution was adopted:-

1. *That Council:*
 - a. *Accept the unnamed road providing access to Lots 202, 204 DP603351 and Lot 1 DP1166095 as Council Public Road.*
 - b. *Request Crown Lands revoke Crown Reserve R750380 over Lot 1 DP256367, and dedicate the road as Council Public Road.*

(Resolution No 1510/013)

Council has been notified that Gazettal of the dedication was made in the NSW Government Gazette (No. 102) dated 20 November 2015.

Council has upgraded the track, and associated drainage to provide an all-weather access road to Council standard, ensuring residents safe public road access to their front gate.

As the link is now a public road, and to ensure Emergency Services and other government agencies/authorities are able to locate individual properties, Council must now consider naming the road.

Residents were asked to provide a preferred name in accordance with Council's Guidelines for the Naming of Public Roads and Streets.

Affected residents on this road submitted a proposal that the road be named, Davis Road; and it can be confirmed this has been chosen from Council's preferred list in accordance with Council Guidelines.

It is therefore recommended that the unnamed road at 580 Browns Creek Road be named Davis Road, in accordance with Council's Road and Street Name Policy, and the proposal be placed on public exhibition.

Issues:

Nil

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

25) MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE MEETING HELD 11 DECEMBER 2015

Department: Infrastructure Services

Author: Manager Infrastructure

CSP Link: 4.1 Adequate provision of transport, roads, rail, information and communication technologies and community social assets.

File No: TT.ME.1

Recommendation:

That Council accept the Minutes of the Blayney Traffic Committee Meeting, held on Friday 23 October 2015 and resolve to adopt the recommendations 2 to 7 as follows:

1. That Council request Roads and Maritime Services to investigate action required in relation to signage on the Mid Western Highway near Lucks Lane.
2. That Council request Roads and Maritime Services to investigate and take appropriate action in relation to the safety of vehicles turning into the property Knocknarney on the Millthorpe Road.
3. That Council supports the Newcrest Orange Challenge 2016 to be held Sunday, 20 March 2016 subject to the following conditions:
 - a. Council to receive a certified and signed Traffic Control Plans.
 - b. Development and implementation of a Traffic Management Plan (including Traffic Control Plans). All implementation and Traffic Control Works and Plans are to be completed by persons qualified to do so.
 - c. Approval is to be obtained from the Roads and Maritime Services Traffic Operations Manager.
 - d. Approval is to be obtained from NSW Police.
 - e. Council is to be provided with a copy of a \$20M Public Liability Insurance Policy indicating Blayney Shire Council's interests, with the date and location of the event.
 - f. The Event Organiser is to notify all Emergency Services of the event including Blayney Hospital.
 - g. The Event Organiser is to notify all business proprietors and residents affected by the event at least 7 days prior to the event.
 - h. The Event Organiser is to comply with the requirements of the "Guide to Traffic and Transport Management for Special Events" (Version 3.4), 2 August 2006, for a class 1 event.
 - i. The Event Organiser is to comply with the requirements of the "Guide for Bicycle Road Races" NSW 1 January 2004.
 - j. Approval is to be obtained from Cabonne and Orange Council's.
 - k. Advice is to be provided to RMS through the Traffic

- Management Plan (TMP) of alternate routes.
- i. A formally nominated Controller/Liaison person for start of all events, shall be located at a designated place at all times.
4. That Council supports the 2016 NAB Blayney to Bathurst (B2B) Cycling Festival to be held Sunday, 10 April 2016 subject to the following conditions:
The Event Organiser is to comply with the following:
- a. That Council receive certified and signed Traffic Control Plans.
 - b. Development and implementation of a Traffic Management Plan (including Traffic Control Plans). All implementation and Traffic Control Works and Plans are to be completed by persons qualified to do so.
 - c. Approval is to be obtained from the Roads and Maritime Services Traffic Operations Manager.
 - d. Approval is to be obtained from NSW Police.
 - e. Council is to be provided with a copy of a \$20M Public Liability Insurance Policy indicating Blayney Shire Council's interests, with the date and location of the event.
 - f. The Event Organiser is to notify all Emergency Services of the event including Blayney Hospital.
 - g. The Event Organiser is to notify all business proprietors and residents affected by the event at least 7 days prior to the event.
 - h. The Event Organiser is to comply with the requirements of the "Guide to Traffic and Transport Management for Special Events" (Version 3.4), 2 August 2006, for a class 1 event.
 - i. The Event Organiser is to comply with the requirements of the "Guide for Bicycle Road Races" NSW 1 January 2004.
 - j. A parking plan for the start area is developed (which must ensure no parking in front of fire stations).
 - k. There shall be no parking on any footpaths.
 - l. Advice is to be provided to RMS through the Traffic Management Plan (TMP) of alternate routes.
 - m. There shall be additional VMS placed alerting motorists to closed roads ahead at Crookwell.
 - n. A formally nominated Controller/Liaison person for start of all events, shall be located at a designated place at all times.
5. That Council supports the Australia Day Fair to be held at Carcoar on Tuesday, 26 January 2016 subject to:
- a. Council seeking clarification on current public liability insurance and noting that Council provides Traffic Control.
6. That Council and the Roads and Maritime Services Safety Around Schools Officer investigate and review the parking requirements on Adelaide Street in front of St Joseph's Primary School and present a diagram of any proposal to the next Local Traffic Committee meeting.
7. That Council write to the truck owner with regards to restricting public access along Lane/Marsden Streets Blayney and advise them of – Road Rules 2014 – Rule 200. Blayney Police have been advised of the trucks parking in residential areas.

**MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE MEETING
HELD ON FRIDAY 11 DECEMBER 2015 AT THE BLAYNEY SHIRE
COMMUNITY CENTRE – CADIA ROOM**

Meeting commenced at 10.00am

PRESENT

Prue Britt (Roads & Maritime Services), Cr Kevin Radburn (Chair), Geoff Paton (Blayney Shire Council), Iris Dorsett (Roads Safety Officer), Reg Rendall (Paul Toole Representative), Jason Marks (NSW Police - Bathurst), Kark Hutchings (NSW Police - Blayney), Nikki Smith (Blayney Shire Council).

APOLOGIES

Peter Foran (NSW Police), Sharon Grierson (Roads & Maritime Services) and Deanne Freeman (Roads & Maritime Services)

CONFIRMATION OF MINUTES

RESOLVED: That the minutes of the previous Traffic Committee Meeting held on Friday, 23 October 2015 be confirmed to be a true and accurate record of that meeting. (Prue Britt/Cr Radburn)

TRAFFIC REGISTER

Update provided and information noted.

GENERAL BUSINESS

20151211:01 – Road Safety – Luck’s Lane, Blayney

RECOMMENDED: That Council request Roads and Maritime Services to investigate action required in relation to signage on the Mid Western Highway near Lucks Lane. (Reg Rendall/Prue Britt)

20151211:02 – Road Safety – Millthorpe Road, Blayney (Knocknarney)

RECOMMENDED: That Council request Roads and Maritime Services to investigate and take appropriate action in relation to the safety of vehicles turning into the property Knocknarney on the Millthorpe Road. (Reg Rendall/Karl Hutchings)

20151211:03 – Newcrest Orange Challenge 2016

RECOMMENDED: That Council supports the Newcrest Orange Challenge 2016 to be held Sunday, 20 March 2016 subject to the following conditions:

- a. Council to receive a certified and signed Traffic Control Plans.
- b. Development and implementation of a Traffic Management Plan (including Traffic Control Plans). All implementation and Traffic Control Works and Plans are to be completed by persons qualified to do so.
- c. Approval is to be obtained from the Roads and Maritime Services Traffic Operations Manager.
- d. Approval is to be obtained from NSW Police.
- e. Council is to be provided with a copy of a \$20M Public Liability Insurance Policy indicating Blayney Shire Council’s interests, with the date and location of the event.

- f. The Event Organiser is to notify all Emergency Services of the event including Blayney Hospital.
- g. The Event Organiser is to notify all business proprietors and residents affected by the event at least 7 days prior to the event.
- h. The Event Organiser is to comply with the requirements of the “Guide to Traffic and Transport Management for Special Events” (Version 3.4), 2 August 2006, for a class 1 event.
- i. The Event Organiser is to comply with the requirements of the “Guide for Bicycle Road Races” NSW 1 January 2004.
- j. Approval is to be obtained from Cabonne and Orange Council’s.
- k. Advice is to be provided to RMS through the Traffic Management Plan (TMP) of alternate routes.
- l. A formally nominated Controller/Liaison person for start of all events, shall be located at a designated place at all times.
(Prue Britt/Reg Rendall)

20121211:04 – 2016 NAB Blayney to Bathurst (B2B) Cycling Festival

RECOMMENDED: That Council supports the 2016 NAB Blayney to Bathurst (B2B) Cycling Festival to be held Sunday, 10 April 2016 subject to the following conditions:

The Event Organiser is to comply with the following:

- a. That Council receive certified and signed Traffic Control Plans.
- b. Development and implementation of a Traffic Management Plan (including Traffic Control Plans). All implementation and Traffic Control Works and Plans are to be completed by persons qualified to do so.
- c. Approval is to be obtained from the Roads and Maritime Services Traffic Operations Manager.
- d. Approval is to be obtained from NSW Police.
- e. Council is to be provided with a copy of a \$20M Public Liability Insurance Policy indicating Blayney Shire Council’s interests, with the date and location of the event.
- f. The Event Organiser is to notify all Emergency Services of the event including Blayney Hospital.
- g. The Event Organiser is to notify all business proprietors and residents affected by the event at least 7 days prior to the event.
- h. The Event Organiser is to comply with the requirements of the “Guide to Traffic and Transport Management for Special Events” (Version 3.4), 2 August 2006, for a class 1 event.
- i. The Event Organiser is to comply with the requirements of the “Guide for Bicycle Road Races” NSW 1 January 2004.
- j. A parking plan for the start area is developed (which must ensure no parking in front of fire stations).
- k. There shall be no parking on any footpaths.
- l. Advice is to be provided to RMS through the Traffic Management Plan (TMP) of alternate routes.
- m. There shall be additional VMS placed alerting motorists to closed roads ahead at Crookwell.
- n. A formally nominated Controller/Liaison person for start of all events, shall be located at a designated place at all times.

(Karl Hutchings/Prue Britt)

INFORMAL MATTERS

20151211:05 - Monthly Road Safety Reports – October and November 2015.

Reports were noted.

20151211:06 - Chifley Local Area Command – Serious/Fatal Motor Vehicle Accidents Reports – October 2015.

Reports were noted.

20151211:07 - Random Drug Testing

General Discussion on random drug testing.

20151211:08 - Australia Day Fair – Carocar

RECOMMENDED: That Council supports the Australia Day Fair to be held at Carocar on Tuesday, 26 January 2016 subject to:

- a. Council seeking clarification on current public liability insurance and noting that Council provides Traffic Control.

(Prue Britt/Karl Hutchings)

20151211:09 - Adelaide Street Parking – St Joseph’s Primary School

RECOMMENDED: That Council and the Roads and Maritime Services Safety Around Schools Officer investigate and review the parking requirements on Adelaide Street in front of St Joseph’s Primary School and present a diagram of any proposal to the next Local Traffic Committee meeting.

(Karl Hutchings/Prue Britt)

20151211:10 - Lane/Marsden Streets Blayney – Trucks Parking

RECOMMENDED: That Council write to the truck owner with regards to restricting public access along Lane/Marsden Streets Blayney and advise them of – Road Rules 2014 – Rule 200. Blayney Police have been advised of the trucks parking in residential areas.

(Karl Hutchings/Reg Rendall)

FUTURE MEETING DATES - 2016

- Friday 19 February 2016
- Friday 15 April 2016
- Friday 17 June 2016
- Friday 19 August 2016
- Friday 21 October 2016
- Friday 9 December 2016

MEETING CLOSED

The meeting closed at 11:17am.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

26) STRATEGIC PLANNING PROJECTS**Department:** Planning and Environmental Services**Author:** Director Planning and Environmental Services**CSP Link:** 3.4 Sustainable land use practices across the Shire.**File No:** LP.RS.3

Recommendation:

1. That Council prepare a Planning Proposal to amend the Blayney Local Environmental Plan 2012 for Rural and Large Lot Residential Areas, including;
 - a) Insertion of a new standard instrument boundary adjustment clause,
 - b) A minor wording amendment to Clause 4.2A,
 - c) To extend the period of time specified in Clause 4.2A (4) of the Blayney Local Environmental Plan 2012 from 3 to 5 years,
 - d) To transfer all land which is zoned 1(c) Rural Small Holdings under the Blayney Local Environmental Plan 1998 in the vicinity of Forest Reefs Road Millthorpe to R5 Large Lot Residential under the Blayney Local Environmental Plan 2012 with a Minimum Lot Size of 2 Hectares,
 - e) To transfer all land which is zoned 1(c) Rural Small Holdings under the Blayney Local Environmental Plan 1998 in the vicinity of Browns Creek Road Blayney to R5 Large Lot Residential under the Blayney Local Environmental Plan 2012 with a Minimum Lot Size of 20 Hectares,
2. That Council continue with the Employment Lands Study, including an industry engagement evening with key stakeholders in March 2016.
3. That Council proceed to prepare a Planning Proposal to rezone the area described “Blayney West” from RU2 Rural Landscape to appropriate residential zoned land.
4. That Council proceed to develop a comprehensive Development Control Plan for the Blayney Shire LGA prior to January 2017.

Reason for Report:

The purpose of this briefing report is to outline the strategic planning projects that are proposed for 2016, highlight the potential process and way forward for each project, approve the indicative resourcing and draft consultation strategy, and approve the preparation of any relevant Planning Proposal to enable the projects to move forward.

Report:

There are four (4) key strategic projects identified:

1. Project 1 – Rural & Large Lot Residential Areas
2. Project 2 – Employment Lands (North Blayney)
3. Project 3 – Blayney West Urban Release
4. Project 4 – Development Control Plan (DCP)

The enclosed briefing paper prepared by iPLAN PROJECTS assesses a variety of options for each of the 4 issues/projects including the preferred and recommended option for the abovementioned 4 projects. The preferred option for each issue/project is reflected in the recommendation.

The intent of this report is to ensure Council is aware of the 4 Strategic Projects, particularly the proposed timeframes during 2016. Subject to Council resolutions in this report it is intended to have detailed Planning Proposals for projects; 1, 2 and 3 prepared for Council consideration at the March 2016 Meeting.

Issues:

Each project contains its own set of issues which are detailed within the attached Briefing Paper.

Budget Implications:

It is estimated that the work, that is required to be outsourced, will result in a budget variation of approximately \$20,000 for contracts in Planning and Environmental Services the 2016/16 financial year. The request to Council for this supplementary vote has been included in the December 2015 Quarterly Budget Review.

Enclosures (following report)

1	Strategic Review Report	29 Pages
---	-------------------------	----------

Attachments (separate document)

Nil

Project Outline & Consultation Strategy, Strategic Projects, Blayney Council 2016



Project Outlines & Consultation Strategy

Strategic Planning Projects

Blayney Shire Council 2016

P1 – Rural & Large Lot Residential Areas (Large Lot Residential, Existing Holdings, Boundary Adjustments & Minor Administrative Amendments) – To prepare Planning Proposal

P2 – Employment Lands (North Blayney) – To Consult/Engage

P3 – Blayney West Urban Release – To prepare Planning Proposal

P4 – Development Control Plan – To prepare Comprehensive DCP

Prepared for

Blayney Council

5 February 2016

Version D (Council Report)



Project Outline & Consultation Strategy, Strategic Projects, Blayney Council 2016

Document Control

Version	Date	Document	Provided To
A	28 January 2016	Draft for Discussion	Mark Dicker / Patsy Moppett
B	1 February 2016	Draft for DPE	DPE / GM / DES / Mayor / Senior Planner
C	3 February 2016	Draft Report for Council Meeting	DES
D	5 February 2016	Report for Council Meeting	Council Staff & Councillors

Table of Contents

1	INTRODUCTION	3
1.1	Purpose of this Report	3
1.2	Projects	3
1.3	DRAFT Council Resolutions	3
1.4	Deadlines	3
1.5	Key Dates / Milestones	4
1.6	Merger Restrictions	4
1.7	References	4
2	PROJECT 1 – RURAL & LARGE LOT RESIDENTIAL AREAS	5
2.1	Project Goals	5
2.2	Brief Background	5
2.3	OPTIONS	7
2.4	Exclusions to Project	10
2.5	Subregional Strategy	10
3	PROJECT 2- EMPLOYMENT LANDS (NORTH BLAYNEY)	15
3.1	Project Triggers	15
3.2	Brief Background	15
3.3	OPTIONS	17
3.4	Exclusions to Project	21
4	PROJECT 3 – BLAYNEY WEST URBAN RELEASE	22
4.1	Project Goals	22
4.2	Brief Background	22
4.3	Way Forward	23
4.4	OPTIONS	23
4.5	Exclusions to Project	24
5	PROJECT 4 – DEVELOPMENT CONTROL PLAN	25
5.1	Project Goals	25
5.2	Brief Background	25
5.3	OPTIONS – Development Control Plan Timing/Scope	26
5.4	Way Forward	26
6	CONSULTATION OUTLINE	27

1 INTRODUCTION

1.1 Purpose of this Report

The purpose of this brief report is to outline the strategic planning projects that are proposed for 2016, highlight the potential process and way forward for each project, approve the indicative resourcing and draft consultation strategy, and approve the preparation of any relevant Planning Proposal to enable the projects to move forward – in light on key deadlines (see below). This Report is prepared to go to a Council meeting to seek Council resolutions as set out below.

It is critical that Council appreciate that the strategic planning process should not be reactive and only responsive to land owner complaints. It needs to be part of a considered, transparent and equitable process where all stakeholders have had a chance to make submissions and medium to long term strategic goals have a higher priority than short term political issues.

1.2 Projects

There are four (4) key strategic projects identified for resolution in 2016:

- a) Project 1 – Rural & Large Lot Residential Areas
- b) Project 2 – Employment Lands (North Blayney)
- c) Project 3 – Blayney West Urban Release
- d) Project 4 – Development Control Plan (DCP)

1.3 DRAFT Council Resolutions

It is recommended the following DRAFT resolutions (subject to wording changes) are considered by Council for each Project (This may be amended by Council Staff):

- a) Project 1 – Rural & Large Lot Residential Areas: That Council consider the Options for the four (4) key issues in the rural and large lot residential zones and provides guidance on their preferred option for the way forward with each issue taking into account the Recommended Option.
- b) Project 1 – Rural & Large Lot Residential Areas: That Council resolves to prepare of a Planning Proposal for the Rural Areas in accordance with the preferred option for each issue.
- c) Project 2 – Employment Lands (North Blayney): That Council approves the proposed engagement with key stakeholders on the Draft Employment Lands (North Blayney) Study. Subject to the recommendations of this Study Council may prepare a Planning Proposal to enact recommendations into BLEP2012.
- d) Project 3 – Blayney West Urban Release: That Council resolves to finalise a Planning Proposal for the release of all of the Blayney West Urban Release Area for residential uses in consultation with DPE to determine the appropriate planning controls.
- e) Project 4 – Development Control Plan: That Council resolve to prepare a Comprehensive Shire-wide Development Control Plan (DCP) for completion by the end of 2016 (calendar year) after input from Projects 1 to 3 (as required).
- f) Council approves the Consultation Outline for all of the projects and will provide any further amendments/feedback to Council staff by the end of February 2016.
- g) Council approves any minor amendments to BLEP2012 that would address inconsistencies in wording or improved legal terminology now that the Standard Instrument LEP has evolved – where these amendments are consistent with the original intent of the clause.

1.4 Deadlines

The aim is to achieve the necessary LEP amendments for P1/2/3 by end 2016 (or at latest early 2017) and to adopt a new DCP by Oct/Nov 2016 (prior to any LEP amendments commencing). This is subject to the Planning Proposals being supported at Gateway and provided by State Government in a reasonable time. It also assumes that no changes to any Subregional or Local (Land Use) Strategy will be required. Working back from those dates we would need to have submitted any Planning Proposals for Gateway Determinations by the Department by late March / early April.

Project Outline & Consultation Strategy, Strategic Projects, Blayney Council 2016

Whilst the process for Council mergers is not yet prescribed, it is likely that a decision will be reached by mid 2016 and after that time Council may have more restrictions on its abilities to make decisions for the LGA. Therefore, we recommend that the key processes for these projects are in place and they are 'substantially commenced' prior to mid 2016 to avoid or minimise any impacts from the mergers process.

1.5 Key Dates / Milestones

The following are some of the **INDICATIVE** key dates in 2016 to achieve milestones / key consultation requirements (subject to Council Options chosen / DPE and government agency feedback / and resourcing):

- 5 Feb – Council Reports Due – Outline of Project & Draft Consultation Strategy (P1 / P2 / P3)
- Mon 8 Feb – Councillor Workshop on P1 / P2 / P3
- Feb Council Meeting – Resolution on Preferred Options for Rural Lands (P1) and Blayney West (P3) and approval of Consultation Strategy for Employment Lands Study (P2)
- Early March – Consultation with key stakeholders on P2 (Employment Lands)
- 14 March – Council Reports Due – Report putting Draft Study / Planning Proposals to Council (P1 / P2 / P3)
- 21 March – Council Meeting to approve Draft Study / PPs to Gateway (P1 / P2 / P3)
- End April – Aim for Gateway Determination (P1/2/3) – Estimate only (subject to DPE)
- End April – Commence P4 (DCP)
- End April – Finalise preparation of consultation material Pre-Exhibition (P1 / P2 / P3)
- Mid May to Mid June OR Mid June to Mid July – Public Exhibition of PPs/Draft Studies (P1 / P2 / P3) + Notification to all affected land owners + Consultation
- Late July - Review submissions and finalise draft reports / Planning Proposals
- Late July – Finalise P4 Draft DCP (taking into account feedback on P1/P2/P3)
- Aug Council meeting to adopt Studies / PPs and forward to Minister for LEP Amendments
- Late 2016/early 2017 – LEP Amendments aimed to commence
- Late August to Late September – Public Exhibition DCP (P4)
- October – Finalise DCP
- November Council Meeting – Council adopts Final DCP (P4)
- Late 2016/ early 2017 – Minister signs off on LEP amendments and new LEP amendments commence.

1.6 Merger Restrictions

The Office of Local Government (Dec 2015) *Council Decision Making During Merger Proposal Periods* is a set of guidelines relevant to Blayney, Cabonne and Orange City Councils. In particular – for regulatory functions – it states: *Councils should not exercise their regulatory functions (including in relation to development application or strategic land use planning) for the purpose of campaigning for or against a merger proposal.*

These Projects assume that none of these decisions or their intended outcomes are outside the terms of the NSW Government Directions relating to merger of Councils and decisions that could impact on any merger proposals. It is assumed that most of these changes are either administrative or consistent with agreed strategies and would not undermine any merger proposal or sub-regional approach (subject to further discussions with DPE). It is noted that Orange received a Gateway Determination after these Guidelines were issued for the Orange Airport which is a much larger project of regional significance.

1.7 References

- 'Subregional Strategy' – GHD (2008) Councils of Blayney, Cabonne & Orange City – *Sub-regional Rural & Industrial Land Use Strategy* (made up of a Local Profile; Issues Paper; Final Strategy).
- 'Settlement Strategy' – Blayney Council (2012) *Blayney Settlement Strategy* (for each of the eight villages).
- iPLAN PROJECTS (2014) *Draft Planning Proposal – Large Lot Residential Areas*
- iPLAN PROJECTS (2014) *Draft Planning Proposal – Blayney West Urban Release Area*
- iPLAN PROJECTS (2015) *Draft Employment Land Study (North Blayney)*

2 PROJECT 1 – RURAL & LARGE LOT RESIDENTIAL AREAS

2.1 Project Goals

- To extend the time for the sunset of existing holdings by 1 year from commencement (likely end 2017) along with more substantial notification to the community of this extended sunset date.
- To incorporate the 1998 LEP into BLEP2012 for simplicity and consistency of planning controls and to address the recommendations of the Subregional Strategy with regards to (Browns Creek Road (BCR) & Forest Reefs Road (FRR) only).
- To clarify and address the concerns of Councillors/ GM regarding rural lifestyle development opportunities (Browns Creek Road (BCR) & Forest Reefs Road (FRR) only).
- To consider a new standard boundary adjustment clause to permit boundary adjustments in rural areas on lots below the minimum lot size and or greater than 10% variations in lot size.
- To ensure LLR controls promote sustainable, consistent and transparent development in appropriate areas.
- To integrate this Project with potential LLR in Blayney West Urban Release Area.
- To conduct necessary minor administrative amendments to ensure the controls function as originally intended.

2.2 Brief Background

2.2.1 Existing Holdings Issue

The Subregional Strategy (see below) assumed that existing holdings would be removed with the introduction of the Standard Instrument LEP. Subsequently, the Standard Instrument was modified to allow for the 'sunset' of existing holdings over a specified period. The Subregional Strategy also recommended the sunset of dwelling entitlements in rural areas over a 2-5 year period.

The Draft BLEP2012 was placed on exhibition with a 2 year sunset clause. There was extensive consultation with the community and reasonable efforts were made to highlight that existing holdings would be removed after the sunset period. After feedback from the community the Councillors extended this to a 3 year sunset clause. BLEP2012 commenced on 23 November 2012. As a result, existing holdings ceased to exist on 23 November 2015.

During the sunset period (1st 3 years of BLEP2012) there was no further community engagement reminding them of the sunset period and the due date of 23 November 2015 – except that people who enquired about existing holdings were informed of the sunset period.

As a result there have been a limited number of complaints that people were unaware of the sunset deadline and people have been unfairly affected by the change in planning controls. In effect the loss of an ability to apply for a dwelling has potentially impacted on property values. However, it is important to note that there is no such thing as a 'dwelling entitlement' until there is an approved development application and there may be other reasons why former existing holdings may not have been able to support a dwelling.

The recommended approach is to provide an extension to the sunset date in BLEP2012. It would be consistent with the broad recommendations of the Subregional Strategy to remove lifestyle lots within a 3-5 year time period. The proposed extension would take the sunset period from 3 to 5 years. However, in effect (assuming that the LEP amendment commences in late 2016) there would only be up to 1 year (until 23 November 2017) for any existing holdings to be realised through a development application lodged before that date.

2.2.2 Large Lot Residential Zoning Issue

The Subregional Strategy (see below) made several recommendations regarding the down-zoning of Zone 1(c) Rural Small Holdings (now known as 'Large Lot Residential') along parts of Forest Reefs Road (FRR) (west of Cowriga Creek) and Browns Creek Road (BCR) as the controls transitioned from BLEP1998 to BLEP2012.

When Draft BLEP2012 was placed on exhibition it followed the recommendations of the Subregional Strategy. However, subsequent to community feedback the Councillors decided to defer those affected areas from BLEP2012 because they were unhappy with the recommendations of the Subregional Strategy and its impact on development potential. In addition, since the recommendations of the Subregional Strategy there had been above average approval of new subdivision applications and dwellings (particularly along FRR) that invalidated some of the Strategy outcomes regarding supply/demand. As a result, the areas were deferred under BLEP2012 and retained their Zone 1(c) status under BLEP1998 which is still active.

Council staff and the Department of Planning & Environment (DPE) would like to see the issue of large lot residential resolved for these areas so that BLEP1998 can be removed and the relevant areas/controls brought across to BLEP2012 to assist with consistency of zones for e-planning initiatives. This has the advantage of simplifying and ensuring consistency in planning controls for both the community and Council officers seeking to enforce those controls. Originally DPE wanted this issue resolved within 12 months of commencement of BLEP2012 but it has now been 3 years.

The recommended approach is to transition all of the FRR area over to Zone R5 Large Lot Residential in BLEP2012 with a minimum lot size of 2ha (same as in BLEP2012). However, as BCR has not had the same degree of demand and a lower likely yield it would be transferred to Zone R5 but would have a higher minimum lot size of 20ha (subject to discussions with the Department).

2.2.3 Boundary Adjustment Issue

SEPP (Exempt and Complying Development) 2008 addresses some opportunities where minor subdivision for the purpose of widening a public road or realigning boundaries is permissible but is not capable of being used where there is an existing lots are below the minimum lot size (usually 100ha in rural areas) or there is an existing dwelling on the lot or where it would change the area of any lot by more than 10% (this affects a substantial portion of lots seeking adjustment in the Shire).

Clause 4.2 of BLEP2012 permits subdivision of rural lands below the minimum lot size for the purpose of agriculture but cannot be used where there is an existing dwelling on the lot. Also Clause 4.6 states that development for subdivision in rural zones cannot be approved if the subdivision will result in 2 or more lots of less than the minimum area or the subdivision will result in one lot that is less than 90% of the MLS.

DPE has now created a standard instrument boundary adjustment clause and this has been introduced (with minor variations) into a number of rural and regional councils including, but not limited to Wellington, Bathurst, Narrandra, Port Macquarie Hastings, Griffith and Uralla (for example).

The introduction of this clause would enable Council to adjust lots that are already below the minimum lot size and possibly more than 10% where there may be an existing dwelling BUT they would not create a new dwelling entitlement and subject to a range of appropriate assessment tools to prevent environmental or neighbour impacts.

2.2.4 Clause 4.2A Erection of Dwelling House

A minor amendment is proposed to Clause 4.2A Erection of dwelling houses or dual occupancies on land in certain rural protection zones. This clause sets out when a dwelling can be erected in a rural zone (Zones RU1 and RU2) and under subclause (3) sets out when a dwelling is permissible below the minimum lot size.

Firstly, the heading would be amended to remove the word 'protection' as the correct heading is 'rural zones' ('protection' is likely to be associated with 'environmental protection' – and the 'E'nvronmental zones are not included in this clause.

Secondly, the intent is to modify subclause (3)(c) to add the words 'environmental planning instrument' before the words 'before this Plan' in that subclause. The reason for this amendment is to clarify that the intent of this clause was to allow dwellings that had previously being permissible/approved under previous environmental planning instruments (including the original Interim Development Orders that pre-date BLEP1998). However, it was never intended that this permissibility extended to a range of legislative acts that date back to settlement where it would be very difficult to prove a dwelling entitlement. The additional wording clarifies that the subclause is limited to environmental planning instruments, not legislation or other acts.

2.2.5 Method for Planning Control Amendment

The only method to address these zoning issues and potentially existing holding is to prepare a Planning (Rezoning) Proposal ('PP'). We have combined the above issues because they either relate to 'lifestyle dwelling lots' in rural areas and the issues and solutions are intertwined or address general rural development matters (as all of the existing holding, LLR, boundary adjustment and Zone RU2 issues are in rural areas and covered by the Subregional Strategy.

2.3 OPTIONS

2.3.1 Existing Holdings

Option 1 – Do Nothing: Leave Existing Holdings as ‘revoked’. Accept that consultation was sufficient to notify the community and provide written responses to claimants.

Pros	Cons
<ul style="list-style-type: none"> Likely to be supported by most government agencies and surrounding Councils as it is consistent with Subregional Strategy and strategic direction. If Council elects to consider new LLR areas then not reactivating existing holdings does not impact on supply of lifestyle lots. 	<ul style="list-style-type: none"> Doesn't address issues of particular community members who have lost Existing Holdings, particularly concerns that insufficient notification of sunset date.

RECOMMENDED Option 2 – Existing Holding Extension: Extend Existing Holdings to five (5) years from date of commencement of BLEP2012 (Sunset date of 23 November 2017). Assuming that if approved the amendment will commence late 2016 or early 2017 – this will provide up to 1 year from commencement of LEP amendment for people to lodge an application for a dwelling on existing holdings.

Pros	Cons
<ul style="list-style-type: none"> Consistent with 5 year maximum extension in Subregional Strategy (may not require agreement of Orange/Cabonne Councils). 1 Year should be short enough to limit substantial take-up in areas where complex/expensive to activate approval. A number of Central West Councils did NOT remove or sunset Existing Holdings (mostly post 2012) due to a change on politics. There could have been more potential for improved notification to the community of the sunset time period coming (but there is always a question of how much consultation is necessary / required). Resources for PP to modify LLR (LEP1998) subsume some of the costs of extending this PP to resolving the existing holding issue. Existing holdings should be addressed as part of review / ‘clean-up’ of LLR as they both involve ‘lifestyle’ lots. 	<ul style="list-style-type: none"> Subregional Strategy applied to sunset time (not to a further extension after closure). It may still be argued by some that 1 year is too short for some to act on in poor economic climate. Inconsistent with Rural Lands SEPP / s.117 Ministerial Directions / Subregional Strategy principles and recommendations so difficult to write a PP to support the LEP amendment Inconsistent with the advice of State agencies responsible for planning, agriculture, environment, water and potentially economics who are likely to lodge objections to PP Contrary to advice on economic protection of agricultural lands against further fragmentation – potential for wider economic impacts Reopens opportunities across the whole LGA needed to be transparent – significant potential for impact (not just the small number of land owners who are pressing for this change) Significant Council resources to do PP, consultation, amendment, notification, readvertising extension, advertising closing of extension, and confirmation and processing of existing holding applications. Orange and Cabonne unlikely to support amendment as it contradicts adopted stance on existing holdings. Only a limited number of cases where people are claiming they did not know about the sunset period for existing holdings and some of these claims of ignorance could potentially be disputed. No detailed analysis of supply/demand is included in this project or lot by lot update of take-up. It is not possible to know existing holding supply or up-take potential.

Project Outline & Consultation Strategy, Strategic Projects, Blayney Council 2016

	<ul style="list-style-type: none"> • By aiming to turn on existing holdings again this must be counted effectively as LLR (unknown quantity) and may affect our ability to achieve LLR outcomes elsewhere. • DPE may require that either/both the Subregional Strategy or Settlement Strategy is updated, exhibited and adopted prior to / or at the same time as any PP for amendments to the LEP affecting LLR.
--	---

Recommendation: Option 2 is preferred because it balances the need for transparency and accountability of local government (by ensuring sufficient notice is provided to existing holding owners prior to extinguishment of these rights) with the need for reduced fragmentation of agricultural lands (by extinguishing existing holdings within a defined timeframe).

Option 3 – Site Specific Rezoning: Review alternative tools to address site specific complaints about loss of existing holdings e.g. LLR zoning of specific sites.

Pros	Cons
<ul style="list-style-type: none"> • Addresses only those lands/owners that have made submissions and does not reopen EH to entire LGA (affecting lifestyle lot supply). • Allows for a site-specific assessment of dwelling capacity on each lot prior to any rezoning (some may not be capable of a dwelling). 	<ul style="list-style-type: none"> • Less transparent and equitable as potentially unfair to others who lost EH but did not lodge complaint (potential for ICAC claim). • Less likely to be supported by DPE and Government Agencies and inconsistent with Subregional Strategy. • Potentially allows for others to claim they should be considered for LLR status. This could open up issue to more applications in rural areas than may be achieved through reactivation of existing holdings.

2.3.2 Large Lot Residential

Option 1 – Transition ALL Deferred Areas in Zone 1(c) areas to Zone R5 (Same MLS):

Pros	Cons
<ul style="list-style-type: none"> • Easy to understand Planning Proposal option. • Constraint 1 – Mineral resource buffer already weakened by approved DAs. • Constraint 2 – Demand weakened by recent take up since 2008. • Subregional Strategy flawed – relatively easy to address for FRR and some BCR. • Land owners likely to agree (limited consultation required / less Council resource intensive). • DPE may agree to this to remove BLEP1998 if not adding NEW supply. 	<ul style="list-style-type: none"> • PP may have trouble addressing requirements. • Constraint 1 – Regardless of weakening protection of mineral resources is still an important economic principle. • Constraint 2 – BCR has less take up in several key areas so pressure to down-zone / reduce yield. BCR has less development potential based on a review of site constraints so allowing a higher yield may give an incorrect perception of supply. • May need to amend Subregional Strategy or address supply/demand in more detail. Gov. agencies and Orange/Cabonne unlikely to agree as inconsistent with Subregional Strategy. • New supply in alternate areas recommended by Subregional Strategy less likely to be approved until Subregional Strategy amended (less flexibility in future). • Complicated by Existing Holding issue.

Option 2 – Transition all Deferred Zone 1(c) to Zone R5 with MLS of 2 hectares (similar controls) but adopt a Council policy to rezone large undeveloped lots in 3 Years (Transition Period) so no additional dwelling potential:

Pros	Cons
<ul style="list-style-type: none"> Provides a transition period of 3 years for land owners to ‘use or lose’ dwelling opportunities. Only affects undeveloped lots with significant constraints (strategic solution) that are not developed in 3 years. Relies on merit assessment of all subdivision and dwelling proposals and economic viability subject to market and constraints. Recognises that Subregional Strategy is out-dated and potentially flawed. No change to current controls means land owners more likely to agree (limited consultation required / less Council resource intensive). DPE may agree to this to remove BLEP1998 if not adding NEW supply. 	<ul style="list-style-type: none"> Doesn’t address Subregional Strategy recommendations and is more difficult to prepare Planning Proposal. Could increase land use conflicts with larger surrounding agricultural holdings and reduce agricultural efficiency. Without a sunset clause it is reliant on Council policy & resources to enact change in 3 years. Boundaries likely to move again in 3 years with speculative subdivision approvals – so may not be significantly different to Option 1. Constraint 1 – Doesn’t really assist Mineral buffer as land within mostly subdivided (BCR) Constraint 2 – Without alternate LLR land near Blayney there is potential for more subdivision in BCR in less desirable location. May need to amend Subregional Strategy or address supply/demand in more detail. Gov. agencies and Orange/Cabonne unlikely to agree as inconsistent with Subregional Strategy. New supply in alternate areas recommended by Subregional Strategy less likely to be approved.

RECOMMENDED Option 3 – Transition ALL existing Zone 1(c) Deferred areas to Zone R5 BUT Increase Minimum Lot Size for Browns Creek Road so that all large (>20ha) Lots have only limited dwelling potential (~1-4 dwellings per lot): This provides an immediate solution to reduce yield and potential land use conflicts whilst potentially providing some dwelling opportunity (significantly limited) to all land owners.

Pros	Cons
<ul style="list-style-type: none"> Similar to Option 2 (without the transition period). Less radical than Option 4 (and potentially Option 2). Provides dwelling potential for all owners but limited for larger lots currently undeveloped (strategic). Sets maximum yield (reduced from current) so potentially allows turning on other LLR areas (arguable). By putting larger MLS across entire Browns Creek Road Deferred Area it does not require a site by site analysis of development potential (more equitable). Potentially avoids need for transition period as all owners have some dwelling potential and they have had 3-6 years to activate. Preferred Zone RU1 for larger undeveloped lots to permit extensive agriculture without consent and intensive agriculture with consent. 	<ul style="list-style-type: none"> Not entirely consistent with Subregional Strategy aim to remove all dwelling potential. Retains some 1(c) deferred areas in R5. May impact on LLR at Blayney West or other Subregional Strategy recommended areas (but arguable). Could still be argued that disproportionately affects some owners and sunset period required. Consistent MLS for BCR it may not recognise that some lots have greater development potential than others. Requires complex arguments about Minimum Lot Size to reduce yield (subject to dispute). Requires discussion about whether R5 or RU1 zone is best for larger lots (changes permissible land uses).

Recommendation: Option 3 is preferred because it provides a strategic solution that is controlled by Blayney Council and as everyone gets some dwelling potential there is less risk of complaints of loss of economic value – particularly for larger lots that are less likely to develop (Browns Creek Road only) – so this Option probably has the highest chance of success after Option 1 & 2 but at least achieves some strategic principles and provides greater flexibility for consideration of future LLR areas elsewhere in the Shire.

To Decide: The Minimum Lot Size (MLS) would need to be determined to reduce potential dwelling yield. Initial recommendation is between 20-40ha (depending on boundary). 20ha MLS would perhaps provide the most equity and would result in only another 10-20 additional dwellings outside existing approved subdivisions.

Need to examine whether Zone R5 or RU1 would be best for large lots as this affects permissible land use. Intent is that larger lots limited to rural uses but concern that lower MLS in rural zone may 'open door' to applications for lower MLS in other rural areas (not consistent with Subregional Strategy). Prefer Zone RU1.

Option 4 – Rezone ALL Forest Reefs Road to Zone R5 / MLS of 2ha (similar controls). Rezone part Browns Creek Road to R5 (Same MLS) and any large undeveloped lots with limited development potential to RU1 (MLS 100ha) – No Transition Period

Pros	Cons
<ul style="list-style-type: none"> • Similar to Option 2 (minus transition period). • Accepts that land owners have had sufficient time to activate dwelling consents (3 years LEP + 3 years Subregional Strategy). • Avoids need for later PP and subsequent adaptation to new approvals or policy/political shifts (may be outside control of Blayney Council). 	<ul style="list-style-type: none"> • Similar to Option 2 (minus transition period). • Difficult explaining to land owners that they have had sufficient time to activate any viable dwelling approvals. Not entirely consistent with 'sunset' recommendation of Subregional Strategy. • Subject to more community and political pressure than Option 3 – so lower probability of achieving outcome.

Option 5 – Rezone all of BCR / FCR Deferred Areas to Zone RU1 – With or Without Transition Period

Pros	Cons
<ul style="list-style-type: none"> • Consistent with Subregional Strategy recommendations. • BLEP2012 allows for a dwelling on any lot that has a subdivision approved under a previous LEP (so it would protect all existing / approved subdivisions). • Restricts all land uses to rural permissibility (that includes a dwelling). 	<ul style="list-style-type: none"> • Subregional Strategy recommendations are out of date. • Doesn't make strategic sense to have lifestyle lots in a rural zone where there are clusters of this use. • Would prevent Complying Development for dwellings on approved subdivisions because lots would be below MLS. This is not a desirable outcome for efficiency/economic development. • Doesn't resolve land use conflicts with agriculture.

2.4 Exclusions to Project

This project does not currently include a review of:

- Estimate Existing Holding supply/demand/potential take up if sunset extended
- LGA Supply/Demand equation updates
- New LLR areas recommended by the Subregional Strategy (Guyong Road and Millthorpe)
- LLR around villages or new LLR areas outside Subregional Strategy
- LLR potential to the south of Blayney (Highland Estate / Prices land – rezoning from R1)
- Only briefly reviews new LLR for Blayney West
- Amendments to the Subregional Strategy (it is assumed that current proposals are within the original recommendations or can address those recommendations)
- Review Minimum Lot Size in any significant detail (2ha unserviced / 0.4ha serviced) except if Option 3 is adopted

2.5 Subregional Strategy

2.5.1 Existing Holdings

The recommendations of the Subregional Strategy relating to Existing Holdings are somewhat muddled by the fact that the Subregional Strategy was based on an old version of the Standard Instrument LEP that did not envision a 'sunset clause' for existing holdings – rather they would just be automatically removed upon the commencement of

the new LEP. However, it did discuss sunset clauses with relation to down-zoning of LLR lands and the same principles apply. It specifically, it says that 'lifestyle' dwelling allotments should sunset within 2-5 years (we ended up with 3 years). It could be argued that we could sunset it within the 5 year period (approximately end 2017) and still be consistent with this recommendation – so an amendment to the Subregional Strategy is NOT required.

Key references in the Final Strategy (2008) include:

p.ii (Key Issues – Agriculture) 'Existing holding'

The State Government has advised that a minimum allotment size for the subdivision of rural land (with an ancillary dwelling) should be reflective of a sustainable and commercial agricultural operation typical to the area. Further, the Department's Standard Instrument for LEPs disposes of concessional lot provisions and does not recognise 'existing holding' status.

p.15 (Section 3.1) 'Existing holding'

Concessional allotment provisions will be removed, consistent with State Government policy and good rural planning practice. Existing holdings are also not recognised under the Standard Instrument. Under the Principal LEPs, subdivision in rural areas will reflect the minimum lot size for a new farm with an ancillary dwelling.

p.18 (Section 3.3) 'Sunset clause' + 'Existing holding'

Transitional arrangements may need to be developed by the Councils in consultation with the Department of Planning for lots created for the purpose of lifestyle development under current planning controls. This issue refers to concessional lots or equivalent, and are often small (around 2ha) lots scattered across the landscape. A method of gradual 'phasing out' of lots created for the purpose of a dwelling is available through an LEP provision known as a 'sunset clause'.

Further, 'existing holdings' will not be defined under the LEPs, and any potential to create lots for rural lifestyle dwellings from existing holdings will be extinguished. The practice of estimating the potential, eligibility or otherwise of 'dwelling entitlements' is not supported by the Department of Planning as this leads to speculation, inflated land values and infers an automatic right to land holders which does not exist.

p.73 (Section 7.5) 'Sunset clause'

Should the minimum allotment size for an ancillary dwelling be increased, the councils will need to consider including a local provision in their LEPs to recognise that allotments that were created for the purpose of a dwelling under a previous planning instrument and that are now below the minimum allotment size. It is recommended that the ability to erect a dwelling on these allotments be subject to a sunset provision, whereby a development application to erect a dwelling would need to be lodged within a specified period (minimum of 2 years, maximum of 5 years), after which time the ability to erect a dwelling would be removed. A similar provision should be included for 'existing holdings' as defined under the current LEPs.

p.99 (Section 11.3 – Strategies & Actions) 'Sunset' + 'Concessional lots'

Strategy	Policy actions
5. Manage current supply of lifestyle allotments	5.1 Rezone existing zoned 1(c) areas to Primary Production in Principal LEPs as defined in Section 6.4.2 and introduce sunset clauses relating to the erection of dwelling houses.
	5.2 Manage existing concessional lots as part of the supply and consider introducing a sunset clause to remove access to these lots in the medium term.

p.123 (Section 15.2) 'Sunset' + 'Existing holdings'

15.2 Transitional arrangements

Transitional arrangements need to be developed by the Councils in consultation with the Department of Planning and Department of Primary Industries where it is recommended that where there is an excess of rural lifestyle lots created for the purpose of a dwelling, where not strategically located or deemed necessary, are gradually 'phased' out. The Standard Instrument does not provide for outdated provisions such as 'concessional lots' or existing holdings, with new subdivision and development for the purpose of an ancillary dwelling determined by minimum lot size provisions.

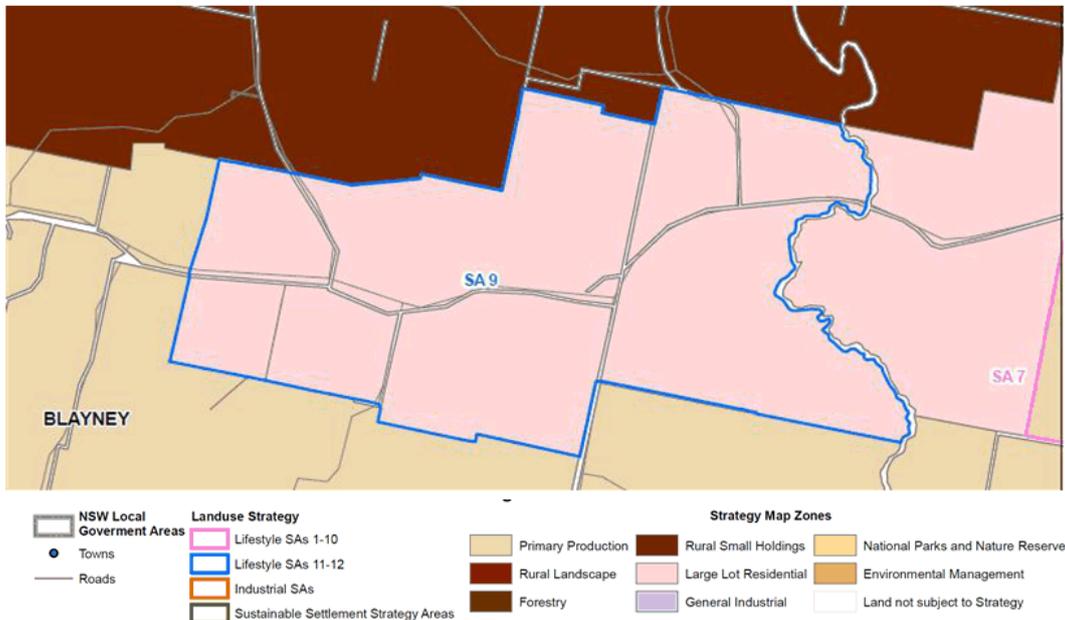
Where a Council intends to 'phase out' lots created for the purpose of a dwelling under a current plan, a specific clause can be instigated in the Principal LEP, known as a 'sunset clause'. This type of clause gives landholders a period of time in which to lodge a development application for a dwelling house on lots created for the purpose of a dwelling by the previous plan. This type of clause enables those with legitimate intentions to develop to lodge a DA. Once the 'sunset clause' expires, dwellings will not be permissible on these lots.

There is also a large amount of land that has been zoned for rural smallholdings or rural small holdings under the current LEPs but have not yet been developed. In some cases, these areas are poorly located and it is recommended that the councils 'back zone' these areas to Primary Production and include 'sunset clauses' in the new LEPs to enable landholders to act lodge a DA for a dwelling where a lot has been created. Councils need to carefully consider which areas will be the subject of back zoning, while recognising the need to provide rural lifestyle opportunities in more strategic locations.

The Central West Rural Land Use Inquiry made recommendations for the management of rural living opportunities and it is expected that a draft Rural SEPP will be prepared to give further guidance.

2.5.2 Large Lot Residential (Zone 1(c) Deferred Areas)

Forest Reefs Road



Excerpt from Figure 6.9 in Subregional Strategy (Final Strategy) 2008.

Project Outline & Consultation Strategy, Strategic Projects, Blayney Council 2016

The Strategy recommended transitioning the existing Zone 1(c) area along Forest Reefs Road east of Cowriga Creek across to Zone R5 Large Lot Residential with the existing minimum lot size of 2 hectares (this was achieved in BLEP2012). However, west of Cowriga Creek it defines the Zone 1(c) area as **Strategy Area No.9 ('SA9')** as shown on the map below. This aligns with the 'deferred area' the subject of this Proposal.

The recommendations for SA9 are copied below but in summary, the Strategy recommended replacing this area with a rural zoning and increasing the minimum lot size to a level that would prevent any further subdivision and development for the purposes of large lot residential dwellings. To allow transition it suggested a 'sunset clause' for 2-5 years that allowed dwelling applications to be made to Council on existing lots.

These recommendations were based on key site constraints (see Site Analysis Section below) and low take-up of development in these areas when the Strategy was drafted (~2006-2007) and low take up of subdivision potential when the Strategy reviewed this in 2006-2007. These recommendations would significantly impact on the development potential of lands west of Cowriga Creek in comparison to dwelling potential under BLEP1998 (subject to development consent).

SA 9 Forest Reefs Road (Figure 6.9)

The Forest Reefs Road SA is one of two existing Rural 1(c) areas within Blayney Shire for which a differing planning and zoning approach is warranted. The SA is located near the northern boundary of the Shire, approximately 5 kilometres west of Millthorpe (7 kilometres to its western-most point).

Despite current development provisions under the Blayney LEP 1998 allowing subdivision down to 2 hectare lifestyle lots, there has been limited take-up of this subdivision opportunity. The western extent of the Rural 1(c) zoned land are constrained through location within one kilometre of both known and potential metallic mineral resource deposits on adjoining lands, and in particular the proximity to current mining operations at Cadia. The absence of lifestyle lot take-up in this SA provides an opportunity, through this Strategy and subsequent local planning instruments, to implement a new zoning that more appropriately recognises this constraint, to Primary Production, and avoids any potential future land use conflicts in this area.

Thus, in consideration of the distribution of lifestyle lots residential areas throughout the Sub-Region, the lifestyle lot provisions under the existing Rural 1(c) zoning in this location should not be allowed to continue.

Council would be required to honour and uphold any development approval obtained for lifestyle lot subdivision, which remain legally valid binding. A 'sunset clause' could be included in any new LEP, whereby a development application for a dwelling could be lodged within a set time frame (minimum of 2 years, maximum of 5 years).. After the expiry of the time frame, the area would not see new lifestyle development in the form of dwellings. Areas the subject of this rezoning and sunset clauses would require close monitoring.

EXCERPT FROM SECTION 6.4.2 IN SUBREGIONAL STRATEGY (FINAL STRATEGY) 2008.

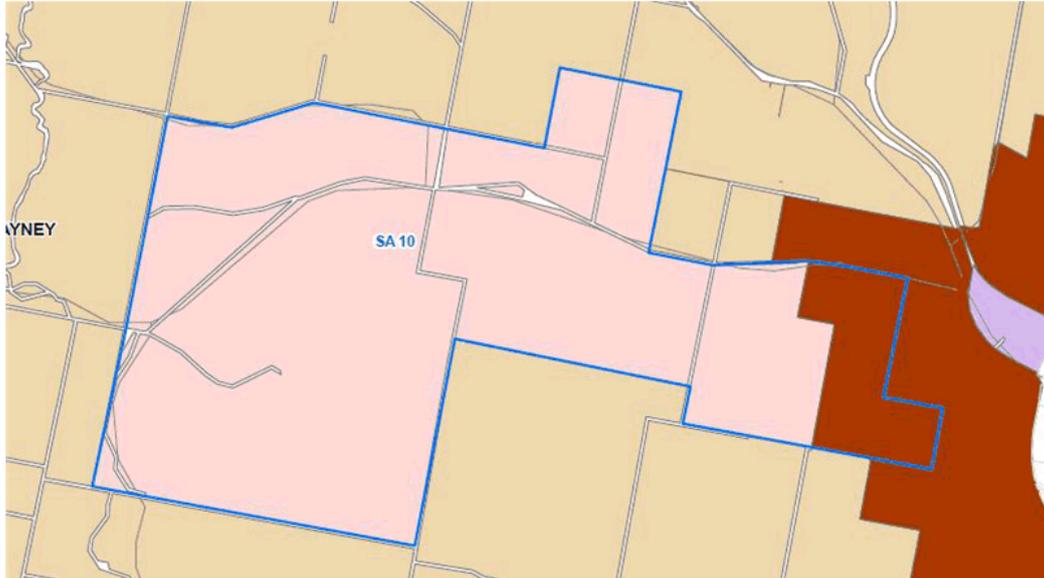
It is important to note that many of the original assumptions and review of development potential have subsequently changed and no longer validate this significant change to the zoning west of Cowriga Creek. As the Development Analysis section below demonstrates, much of this area has already been either approved for subdivision or also developed for large lot residential housing so it is unlikely to be suitable for conversion to a rural zone. On this basis Council recommends transitioning the existing Zone 1(c) lands in SA9 across to Zone R5 Large Lot Residential in BLEP2012.

Browns Creek Road

The Strategy defined the entire Zone 1(c) area along Browns Creek Road as **Strategy Area No.10 ('SA10')** as shown on the map below. The recommendations for SA10 are copied below but in summary, the Strategy recommended replacing the entire area with a rural zoning (primary production or rural landscape) and increasing the minimum lot size to a level that would prevent any further subdivision and development for the purposes of large lot residential dwellings. To allow transition it suggested a 'sunset clause' for 2-5 years that allowed dwelling applications to be made to Council on existing lots.

Project Outline & Consultation Strategy, Strategic Projects, Blayney Council 2016

These recommendations were based on key site constraints (see Site Analysis Section below) and low take-up of development in these areas when the Strategy was drafted (~2006-2007). These recommendations would significantly impact on the development potential of the deferred Zone 1(c) area along Browns Creek Road in comparison to dwelling potential under BLEP1998 (subject to development consent).



Excerpt from Figure 6.9 in Subregional Strategy (Final Strategy) 2008.

SA 10 Browns Creek Road (Figure 6.10)

The Browns Creek Road SA, located 4 to 6 kilometres west of Blayney possesses a similar set of environmental and development circumstances to that at Forest Reefs Road.

Lifestyle lot subdivision opportunities have not been taken up within the existing Rural 1(c) zoned land. In addition, known metallic and industrial mineral deposits are located to the immediate east and west of the site, and accordingly, large portions of the existing Rural 1(c) zone fall within the one-kilometre buffer zones identified in the weighted constraints analysis.

The SA also contains steep slopes which would preclude an efficient lifestyle allotment subdivision pattern.

In addition, while the land is characterised by holdings of less than 100 hectares, the SA is surrounded to the north, west and south by larger holdings that have a soil profile (Class 3) considered suitable for agricultural activity. Over the long term, there may be potential for land in this SA to form part of these larger surrounding holdings.

Given the limited take-up of lifestyle lots subdivision in this zone, the opportunity exists through this Strategy and future planning instruments to minimise the potential for land use conflict and to maximise the efficient use of agricultural land in this location. As such the ongoing application of a land use zone that allows lifestyle lots subdivision in this location should be reviewed.

In addition, as outlined above, Council would be required to honour and uphold any development approval obtained for lifestyle lot subdivision, which remain legally valid binding. A 'sunset clause' could be included in any new LEP, whereby a development application for a dwelling could be lodged within a set time frame (minimum of 2 years, maximum of 5 years). After the expiry of the time frame, the area would not see new lifestyle development. Areas the subject of this rezoning and sunset clauses would require close monitoring.

EXCERPT FROM SECTION 6.4.2 IN SUBREGIONAL STRATEGY (FINAL STRATEGY) 2008.

3 PROJECT 2- EMPLOYMENT LANDS (NORTH BLAYNEY)

3.1 Project Triggers

There are several recent key triggers for this Review that the Draft Employment Lands (North Blayney) Study seeks to address or at least create an opportunity for discussion as follows:

- Orange Airport Proposed Rezoning for Industrial / Business Park;
- Approach by owners of Trade Centre to rezone it (and land to the south) for residential uses;
- Approach by developer considering alternative sites for a new shopping centre;
- Reduced operations of FCL/Linfox intermodal terminal;
- Potential loss of the Goat Abattoir & reduced growth at Nestle;
- Proposed new Cadia Dewatering Plant potentially replacing old plant in 2016;
- 'Fit for the Future' and potential amalgamations;
- Preparation of the Regional (Growth) Plans and ramifications for Blayney;
- The GHD (2008) Subregional Rural & Industrial Land Use Strategy' is becoming outdated;
- The *Blayney Local Environmental Plan 2012* potentially needs updating.

The project seeks to provide a review of existing controls in BLEP2012 relating to the North Blayney industrial and business zones and ensure they facilitate appropriate development.

3.2 Brief Background

3.2.1 Subregional Strategy & BLEP2012

The Subregional Strategy that commenced in 2004-2006 and was finalised in 2008 looked at industrial land uses across the sub-region and provided a set of strategic planning principles as well as preferred areas for future industrial growth.

With regards to Blayney the Subregional Strategy made the following recommendation for future industrial (excluding mining & rural industries & tourism) growth (Section 10.2 Strategic Direction p.84 Final Strategy):

Blayney

Consideration for rezoning in the short term (5-10 years) is to generally occur in the following order:

- ▶ SA D Blayney Abattoir, for industrial activities that require good access to transport;
- ▶ SA E Newbridge Road, for larger scale industrial activities complementary to the current industrial cold storage use.

Once the existing industrial area and those Strategy Areas identified above are at 85% capacity, consideration can be given to SA F Marshalls Lane North.

Industrial zones

Existing and proposed industrial areas within Orange City and the town of Blayney will be zoned for industrial purposes, in accordance with the Standard Instrument.

BLEP2012 provided an industrial zoning for part of the former Blayney Abattoir site in order to facilitate its adaptive re-use (to-date this has not yet occurred). Subsequently some of the first amendments to BLEP2012 brought in the Newbridge Road industrial area because it was not ready at the time BLEP2012 was prepared. So in effect all of the Subregional Strategy industrial recommendations have already been implemented.

The Subregional Strategy suggested Zone IN1 should be used – but did not conduct a site specific review of North Blayney and perhaps did not consider in detail the interface with existing residential areas or the original intended role of the Trade Centre.

Therefore, during the preparation of Draft BLEP2012 it was thought necessary to provide additional zones including Zone IN2 Light Industrial; Zone B5 Business Development (Trade Centre); and Zone B6 Enterprise Corridor (Hill St) to reduce land use conflicts with residential areas and facilitate specific desired outcomes for the Trade Centre (B5) and Hill Street Community/Residential area (B6).

3.2.2 2015 Employment Lands Study (North Blayney)

In 2015 Council received several submissions / approaches for alternative development options for the Trade Centre site and other key sites in the North Blayney area. As a result Council commissioned iPLAN PROJECTS to prepare a Draft Employment Lands Study (North Blayney) to conduct a strategic review of the issues and make preliminary recommendations. That Draft Study was presented to Council staff and some Councillors in December 2015. The broad options and a summary of pros/cons are set out below.

As this draft report highlights – there is no simple answer to the challenges that face Council and the community relating to the North Blayney Employment Lands ('Study Area'). Whilst there will always be intermediate and short term solutions to some of these problems – this area raises the question of the Vision for the Study Area and its relationship to the Town of Blayney, its dependent towns and villages in the Shire, and potentially regional growth. At this stage the 'vision' is unclear and potentially being challenged by a number of proposal (noted above) reflecting low industrial growth and demand in the Study Area. Therefore, this is a perfect opportunity to clarify the VISION for the area.

It is important to note that this draft report has been prepared with limited consultation and engagement with the key stakeholders and community and we are not an industrial expert so it was primarily aimed at creating a starting point for discussion and testing the 'vision' for the area and many of the preliminary recommendations require further testing. Some information in the report is confidential or unproven.

The current zoning and permissible land uses were drafted in response to the history of the site and the estimated potential for growth in 2011. Since that time, a number of large regional projects (for a variety of reasons) have either not occurred or their benefits have not flowed through to the Study Area. However, many of these projects could still proceed and potentially flow down to the requirement for significant areas of industrial land.

The danger with modifying the zoning of the Study Area and permitting an increase in residential land uses is that it would not only compromise existing industrial uses but it would compromise future potential for industrial and employment growth. Blayney can ill afford to turn away new industrial investors yet alone potentially lose growth in / competition for existing or future businesses.

An argument can be put that alternative industrial lands can be found when and if required by these major projects. However, unfortunately the rezoning and provision of serviced industrial lands can take 4-5 years and often by this time the key opportunities have passed or found equally suitable land elsewhere. The key to success is having suitably zoned, appropriate land with services available when the demand arises and with sufficient flexibility to adapt to changing market demands.

Blayney Shire has a similar range of threats facing many regional areas including, but not limited to, an ageing population, loss of population in its key villages, lack of local employment opportunities, reliance on existing employment opportunities that are likely to change rapidly or possibly become obsolete in the future; competition from other LGAs/areas for employment creators and infrastructure, and the real possibility that it will only have a few major industries and otherwise is merely a residential 'suburb' of Orange and Bathurst. Provision of residential lands on its own / in priority to employment lands is unlikely to stimulate or create a robust economy though residential demand must also be addressed.

The recommendations of this report are based around the principle of 'sustainable development' which includes economic, environmental and social balance. Diversity or a robust economy is an essential ingredient to sustainability and the ability to manage change. The provision of a sufficient supply of suitable and adequately serviced employment lands with flexibility in zoning and appropriate mitigation of land use conflicts is essential. To compete with other areas the industrial sites need to be able to operate 24 hours a day / 7 days a week unaffected by sensitive land uses and with mitigation measures already in place to manage environmental impacts.

The Study Area suffers from a number of physical constraints including its topography/slope that limit sites suitable for large format buildings, flooding and drainage issues that cut off the primary transport/logistics area from the main industrial estate, presence of historic sensitive land uses that compromise industrial activities, some limitations to utility capacity,

However, the Study Area has a number of significant advantages including, but not limited to:

- a) There is a large supply of industrial land that is suitably zoned, mostly serviced, with access to natural gas/water/sewer/electricity;
- b) It has access to a major state highway servicing the region and access to a key state railway line to Sydney through the existing intermodal facility;

Project Outline & Consultation Strategy, Strategic Projects, Blayney Council 2016

- c) The location is well positioned to take advantage of major regional projects such as mining, agriculture, transport and logistics, and food manufacturing;
- d) The rail line acts as a reasonable transition to or 'buffer' to these industrial lands from urban uses to the south;
- e) The history of the site includes a number of heavier industries so the community is accepting of the industrial nature of the area and some compromises in residential amenity;
- f) There are a number of major existing industries which provide employment and from which new industries can be created.

The problem is that many competing sites also have many of these advantages. Orange City Council has highlighted that it is running out of suitable zoned and serviced land that is not compromised by residential uses so it is looking to solve this with a potential rezoning around Orange Airport. On a very preliminary (desktop) review Orange Airport has most of the same advantages as the Study Area with very few of the constraints.

The core advantage that Blayney has is that the Orange Airport lands will take 5-10 years to be rezoned, serviced and made available whilst Blayney is available now. However, Blayney cannot afford to wait around for McPhillamys or other major projects and needs to attract new investment now to get ahead.

It all comes down to whether Council and the community have a clear vision for the desired outcomes and the will and resources to implement or facilitate those outcomes.

If stakeholders believe they have done everything within their power to activate the Study Area and attract new investment and it is not expected to change then perhaps a change in direction is warranted. But residential rezoning of industrial lands should be a 'last course of action'.

Therefore, the North Blayney Industrial Area is at a key crossroad in terms of decision making about its future. This report seeks to question the original intent behind the planning controls and Council policies for the area that seek to create an industrial and employment precinct considering the pressure to deliver increased residential supply when there is currently weak industrial demand.

3.2.3 Method for Planning Control Amendment

The only method to address zoning and land use permissibility issues is to prepare a Planning (Rezoning) Proposal ('PP'). The changes to planning controls would depend on which option was chosen (Option 1 does not require a PP).

3.3 OPTIONS

The key recommendations can be distilled down into three (3) distinct options. Whilst there will always be moderate or intermediate options – the dichotomy between industrial/business uses and residential/community uses in terms of land use conflict means that one option needs to have priority over the other in any chosen pathway. The way that the Study Area is arranged/located – it is very difficult to talk about isolating parts of the area for residential use and parts for industrial use as the industrial functions are spread across the entire area (as are many residential uses).

Note: The following is a list of 'extreme' ends of the spectrum in terms of a VISION for the Study Area. Not all assumptions would necessarily need to occur in order to achieve the VISION. However, it provides the opportunity to TEST those assumptions. Some are based on current Council policy but may not be supported by the market or the capabilities of the land.

Whilst adopting a 'black and white' position is open to challenge as being inflexible and non-responsive to changing market demand – in this case it could be argued that by adopting too flexible an approach that the vision is being 'watered-down' to the point where neither option will ever succeed and Blayney's sustainability is in question.

This report accepts that some of these assumptions are longer term aspirations for which there is yet to be developed a business case or viable economic model. It also assumes that if Blayney acts quickly it will be able to compete evenly with other similar industrial sites in the region subject to similar macro-economic factors.

Option 1 - DO NOTHING/ NO LEP CHANGES: Retain the existing zoning and land use permissibility. Accept that the principles behind BLEP2012 are sound and that existing and potential future industry must take precedence over market demand for additional housing. Notify people who made submissions of this position and continue to seek to facilitate industrial growth.

Project Outline & Consultation Strategy, Strategic Projects, Blayney Council 2016

Pros	Cons
<ul style="list-style-type: none"> • Avoids the need for any Planning Proposal and provides consistency in decision making. • Accepts that employment (industrial & business uses) should take precedence over residential supply pressures for long term sustainability of the Shire. • Provides a variety of zoned land for future employment growth and doesn't cross off any ability to substantially grow the Intermodal Terminal or attract major regional industries. 	<ul style="list-style-type: none"> • Does not address development pressures on key sites and likely to be subject to complaint by some key developers. • May result in ongoing vacancy that has a perceived effect of reducing growth. • Doesn't recognise that some lands may not be suitable for industrial uses. • Doesn't resolve residential land supply pressures.

Option 2 – MINOR LEP AMENDMENTS (INDUSTRIAL / BUSINESS): Accept that the principles behind BLEP2012 are sound and that existing and potential future industry must take precedence over market demand for additional housing. However, further investigate ways through modifications in zoning and land use permissibility (without undermining industrial priority) to facilitate industrial and business growth. Some of the key assumptions are set out in the following table.

Maintain Employment Priority with a Clear Vision & Implementation Strategy & Minor Zoning Modifications to Attract New Businesses / Industries

- 1) **Economy:** This Option is based on a vision of Blayney being a key REGIONAL industrial and employment centre that supports its LGA/villages as well as Regional Centres (particularly Orange/Bathurst).
- 2) **Economy:** Blayney would facilitate major regional mining, renewable energy, and agricultural/food manufacturing industries and be competitive in these fields.
- 3) **Infrastructure:** Blayney would become a key regional intermodal facility servicing the eastern area of the region and maximising efficient logistics and export functions.
- 4) **Infrastructure:** It seeks to build upon the key industrial strengths of the Study Area including key infrastructure and utilities.
- 5) Key Assumptions:
 - i) The Blayney-Demondrille Rail Line will be reopened within the short to medium term (5-10 years);
 - ii) Regis – McPhillamys Mine will be viable and commence construction within short term (5 years);
 - iii) A freight road-rail intermodal facility will be viable in this location and could build on the existing FCL/Linfox facility with longer sidings, and that transport logistics and associated manufacturing;
 - iv) The site location and capability is sufficient to attract new businesses and compete with other sites such as Orange Airport;
 - v) Growth will support some additional site costs such as additional earthworks and retaining/drainage to manage steeper sloping sites
- 6) **Land Uses & Growth (Industrial):** It would seek to maintain an over-supply of appropriately zoned and serviced industrial and business land to meet potential and projected growth from a number of regionally significant 'pipeline' projects including mining, transport and logistics, and food and agricultural value-adding.
- 7) **Land Uses & Growth (Existing):** It seeks to protect the investment of the existing industries and businesses and facilitate their future growth and expansion by reducing constraints and land use conflicts. It acknowledges that the existing industrial uses in the Study Area would significantly reduce the attraction and viability of any new residential offer in the area.
- 8) **Land Uses & Growth (Heavier):** It would facilitate some heavier industrial uses with appropriate mitigation measures for the environment whilst accepting some compromises in residential amenity to enable adaptive re-use and opportunities, particularly at the Linfox/FCL and former abattoir sites close to the urban interface.
- 9) **Land Uses & Growth (Conflict):** It would seek to avoid, or minimise/mitigate any land use conflicts by minimising any further growth in residential or other sensitive commercial uses in the area, except where appropriate setback and buffers from industries and key transport routes can be maintained.
- 10) **Land Uses & Growth (Transition):** It would seek to facilitate the transition of existing sensitive residential and community land uses out of the industrial area to further reduce existing conflicts.
- 11) **Land Uses & Growth (Residential):** There may be small pockets or areas where residential uses could be

increased without impacting on industrial and employment growth. This is predominantly on the higher slope lands. However, the purchasers of these dwellings would need to accept that 24 hour industrial activity was likely in surrounding streets. Alternatively, only dwellings associated with industries (such as caretaker dwellings) may be permissible. Both of these options significantly reduce the demand for and return on any residential investment.

12) **Leadership:** Blayney could become a centre for renewable energy (wind, solar, biomass, possibly hydro etc.) with greater collaboration between education, research, Council, key industry leaders, and agriculture to identify and build on new opportunities.

13) **Leadership:** It would require considerable resources and tools available to Council (predominantly planning & engagement) to facilitate industrial and employment growth in the area.

14) **Controls:** Minor modifications in zoning, permissible land uses, and development controls are used to create more flexibility in industrial and commercial controls – though there is potential to conflict with Zone B2 – Local Centre (Blayney’s Town Centre). It would prioritise industrial flexibility over residential amenity.

Additional uses that may be considered for inclusion in Zone B5 and/or B6 may include:

- Shops – (expand on permissible ‘neighbourhood shops’ to provide an alternate location (to Zone B2) for a secondary shopping centre;
- Bulky goods premises (B6 only)
- Food and drink premises (expand from take away to include pubs / restaurants or cafes)
- Markets, amusement centres, entertainment facilities, registered clubs and function centres
- Highway service centres & service stations (to be added to B5 if access is suitable)
- Heavy and general industries and heavy industrial storage establishments (B5 only)
- Vehicle body repair (B6 only) and boat building and repair facilities (both)
- Waste or resource management facilities (B5 only)
- Freight transport facilities (B5 & B6), transport and truck depots (B5 only)
- Public administration buildings
- Mortuaries
- Sex services premises and restricted premises (B5 only)

Pros	Cons
<ul style="list-style-type: none"> • Attempts to introduce increased flexibility for the Trade Centre and some key sites to attract / facilitate industrial/business growth without substantially increasing conflicts with industrial uses. • Unlikely to require amendment to the Subregional Strategy as it is broadly consistent with principles for industrial zoned lands. 	<ul style="list-style-type: none"> • May result in some conflicts with the main street (Zone B2 Local Centre) if additional business uses are permissible in North Blayney. • May result in a blurring between Zone B5 and B6 that requires review to see if both zones are necessary or they can be merged.

This is the PREFERRED Approach. It enables Council to respond to the increasing pressure for greater flexibility without compromising the business/industrial lands. It enables further testing of the market and potential for new employment opportunities to generate additional demand for industrial/business lands. It does not prevent future consideration of rezoning for residential uses at any stage in the future. A more detailed proposal of potential land uses that could be added to the area and its effect on zones and planning controls will be prepared for the March Council meeting.

Option 3 – MAJOR LEP AMENDMENTS (RESIDENTIAL): Accept that Blayney either has sufficient existing industrial lands to meet local growth OR could extend into new lands for future industrial growth – so there is potential to rezone limited lands for RESIDENTIAL use. This may require amendment to the Subregional Strategy or Settlement Strategy. Some key assumptions for this approach are:

Convert a Significant Area to Residential Use & Identify New Industrial Growth Areas

1) **Economy:** This option would accept that the existing North Blayney Industrial Area is unlikely to ever achieve its full potential as a freight and logistics / intermodal hub so it is better suited to maintaining existing facilities and promoting a moderate amount of local industry growth.

2) **Competition:** It accepts that there are other industrial sites in the region that have less physical constraints, similar or improved utilities and infrastructure, and greater likelihood of achieving critical mass and growth

(such as the Orange Airport site) for regionally significant industry and logistics.

- 3) **Competition:** It accepts that there is limited opportunity for growth in more traditional industries such as heavy industry / manufacturing and Blayney may not be able to compete with other regional centres to attract high-technology industries and value-adding food manufacturing etc.
- 4) **Land Uses & Growth (Northern Area):** It supports local industry and business and some limited business/industrial growth but it is unlikely to attract regionally significant or heavier industries.
- 5) **Land Uses & Growth (Linfox):** It assumes that the isolated nature of the intermodal terminal and site constraints and competition will mean road transport dominates logistics and this area is better suited to businesses and light industries with some residential growth.
- 6) **Land Uses & Growth (Hill St):** It would recognise the low probability of existing residential and commercial uses from transitioning from the Hill Street area and add value to these uses to reinforce the local centre and extension of Adelaide St (main business area).
- 7) **Land Uses & Growth (Residential):** It would seek to address the current lack of residential lots in Blayney by focussing on more residential and mixed-use developments in the area and converting a significant percentage of North Blayney to this use. It would zone existing or former industrial uses for light industry to limit the impact of future businesses in these areas to low impact industries and place the onus on these businesses to manage their impacts.
- 8) **Land Uses & Growth (Transport):** It accepts a degree of land use conflict and finds ways to manage those conflicts – particularly heavy vehicle traffic along Marshalls Lane and existing heavier industrial uses. However, it is likely to limit existing and proposed industrial operations from achieving 24hr operations or heavy industrial / higher impact uses.
- 9) **Controls:** It would rezone Zone B5 / Zone B6 / and part of Zone IN2 for residential uses – thereby supporting the proposed rezoning by the Trade Centre owners and maintaining the existing residential/community area along Hill Street.
- 10) **Future Investigation:** It MAY need to identify new industrial land opportunities that can be rezoned once demand increases. It recognises there is potential to lose new business opportunities to Orange/Bathurst/elsewhere if suitable land is not rezoned with access and utilities at the time demand arises.

The difficulty arises from the fact that many of Option 2's assumptions have a higher likelihood of occurring than those of Option 1 because Option 2 fits with the historical analysis of the Study Area and current short-term trends. It also accepts that the Study Area is already compromised by physical constraints and provides a short-term solution to the development pressures and current submissions. It is an easy answer that avoids the need for any substantial effort by Council and the community to address factors, many of which may be outside local control. But it is also a resignation that Blayney will never achieve its full potential.

Pros	Cons
<ul style="list-style-type: none"> • Potentially addresses Trade Centre and adjoining land owner submission and realises some development in the area in the short to medium term (assuming the market supports dwellings with industrial surrounding zoning). • Accepts that Blayney is likely to only attract local industrial operators and this could potentially be accommodated within existing vacant lands in the northern section (Zone IN1) with a 200m buffer. • Potential for future expansion (as required) to the west of Marshalls Lane if large projects come online needing additional lands. Future Investigation Areas to be detailed in Employment Lands Study. • Recognises that Hill Street Community and Residential area is unlikely to change for foreseeable future – so may as well provide some additional residential development on sloping lands. 	<ul style="list-style-type: none"> • Inconsistent with Subregional Strategy and may require an amendment / agreement from Cabonne & Orange City Councils. • May compromise the surrounding industrial lands and take-up the flattest lands (cheapest to develop) for residential uses. • May increase the perimeter of land use conflict potential and affect 24 hour development as well as existing and proposed industries/businesses. • May impact on key heavy vehicle routes (until a Bypass is created) that affects all of the industrial areas and 24 hour operations. • Blayney's main competitive advantage over other industrial lands (or Orange Airport) is that the land is mostly accessible and serviced and ready to be developed as soon as a market demand arises. Any rezoning and servicing of future growth areas may take 3-5 years and substantial investment by which time the market demand may have passed.

3.4 Exclusions to Project

The Town of Blayney, and particularly the North Blayney Industrial Area, is at a key crossroads. There are a range of opportunities and challenges that are questioning the status-quo and existing planning controls and their viability. These challenges are an opportunity to reinvestigate the vision for this area (and its relationship to the rest of Blayney and the Shire) and consider the impacts of potential changes to planning controls and Council policies to facilitate improved outcomes. This project is a 'visioning' exercise and challenges key assumptions/policies. However, it may not have sufficient information to provide definitive recommendations on all aspects.

This is a Scoping Study and Issue Analysis (Stage One) with draft Strategy Recommendations (Stage Two) that is a precursor to preparation of a detailed land use and/or economic strategy. It is prepared for use as an internal Council document for engagement with key Council staff. This will then form the basis for determining what further consultation and works are necessary to deliver a clear way forward for the North Blayney Industrial Area.

The aim of Stage One is to briefly summarise the known issues and opportunities that could affect economic growth and development of the North Blayney Industrial Area. The deliverable is a short report / workshop with key staff / and hand marked up mapping to identify further areas for research. The aim of Stage Two is to prepare some preliminary mapping of constraints and opportunities and recommendations for key sites in the North Blayney Industrial Area. Stage Three (future work) will be the preparation of an Indicative Structure (Concept) Plan Options for the North Blayney Industrial Area and key sites.

It is important to recognise that the success of North Blayney Industrial Area is dependent not just on good planning controls or a strong vision – it also needs strategic advice and testing by a number of other specialisations including economics (macro and micro), transport engineering, industrial sector expertise, and marketing. This Scoping Study will highlight where these inputs may be beneficial but we are not experts in these areas and have not been asked to include these specialists in this study.

4 PROJECT 3 – BLAYNEY WEST URBAN RELEASE

4.1 Project Goals

In summary, in recognising that there is a shortage of desirable and available land for both urban residential and larger residential lots around the Town of Blayney combined with a pipeline of projected new employment projects that will place additional pressure – it is worth considering new urban release areas and rezoning them accordingly.

Blayney has only limited direction for growth and considering that development to the south of Blayney has stalled it is worth considering alternate sites for residential growth.

4.2 Brief Background

4.2.1 Subregional Strategy & BLEP2012

The Subregional Strategy that commenced in 2004-2006 and was finalised in 2008 is only relevant in that it recommended that the subject lands for the Blayney West Urban Release Area were to be included in Zone RU2 Rural Landscape (relating to scenic protection) purposes. On the basis of these recommendations the area was included in Zone RU2 in BLEP2012.

Therefore, it is important that scenic protection issues are addressed either through Project 2 above or in the Strategy – but it is suggested it does not warrant an amendment to the Subregional Strategy as growth of Blayney is better addressed in the Settlement Strategy.

4.2.2 Settlement Strategy

The urban growth of Blayney is addressed in the Blayney Settlement Strategy (2012) – particularly the chapter relating to the Town of Blayney. The future growth of Blayney for the next 10-20 years was based on the assumption the majority of growth would occur to the south of Blayney (Highland Estate / Price's land) or infill development. As the extension of Highland Estate has not eventuated/ stalled it is worth amending the Settlement Strategy to provide alternative growth areas – including Blayney West.

4.2.3 2014 Draft Concept Plan & 2015 Draft Planning Proposal

In 2014 the then General Manager (Glenn Wilcox) engaged iPLAN PROJECTS to prepare a Draft Concept Subdivision Plan for the Blayney West Area. This was based on the premise that the Settlement Strategy assumptions needed review, ongoing residential supply problems, and there were a number of employment projects commencing and in the pipeline that could place substantial additional pressure on residential supply in the next few years. Some of these projects were completed but some have also been delayed.

The Draft Concept Plan was finalised in May 2014 and provided an indicative yield, servicing plan and costs and (to the best of our awareness) has been used by the General Manager and Mayor to conduct preliminary consultation with the key land owners to discuss the way forward.

As a result of generally positive indications from the land owners, Council engaged iPLAN PROJECTS to prepare a Draft Planning Proposal for the area in mid 2015. The Draft Planning Proposal was prepared and provided to Council for preliminary comment. There still needs to be some further work on desired planning outcomes and appropriate planning controls and mechanisms for staging and access.

Therefore, the opportunity now stands for Council to commit to and finalise the rezoning process for Blayney West.

4.2.4 Method for Planning Control Amendment

The only method to address zoning and land use permissibility issues is to prepare a Planning (Rezoning) Proposal ('PP'). Further discussions are to be had with DPE to determine if a temporary step of nominating the area as an 'Urban Release Area' is required. This step does not provide a zoning to allow development applications for subdivision/dwellings until all servicing / DCP has been completed. Alternatively it could be zoned for residential uses and a DCP prepared to support development during 2016 (see Project P4 – DCP below).

4.3 Way Forward

The next steps are to resolve the following:

- The area to be subject to any Planning Proposal;
- Whether an Urban Release Area stage would be requested prior to any rezoning;
- Whether a staged rezoning proposal or the entire nominated area is to be rezoned;
- What specific planning controls (zoning / minimum lot size / other) is necessary to amend the LEP;
- Any additional study, consultation or investigation required to support the Planning Proposal (either before or after a Gateway Determination);
- The appropriate consultation mechanisms for the Planning Proposal and the timing for rezoning;
- Finalise Planning Proposal and seek resolution to seek Gateway Determination;
- Implement the Gateway Determination;
- Any site specific controls or master plan to be included in a Development Control Plan (see Project 4).

4.4 OPTIONS

There are several potential ways forward based on the Draft Study:

Option 1 - DO NOTHING/ NO LEP CHANGES: Determines that employment growth has slowed from the 2014 projections and there are other more suitable locations for residential growth (infill and greenfield sites).

Pros	Cons
<ul style="list-style-type: none"> • There are substantial costs and Council/CTW resources associated with rezoning and servicing the Blayney West Area. • There are some issues that could have further study or resolution prior to rezoning but are unlikely to be determinative. 	<ul style="list-style-type: none"> • There are ongoing pressures on residential development. If a major employer is attracted to the Shire then there may be insufficient supply to meet demand and it will flow to Orange, Bathurst or Cowra losing the opportunity to growth the Shire in a sustainable way.

Option 2 – AMEND BLEP2012 SO BLAYNEY WEST IS AN URBAN RELEASE AREA (URA) using Standard Instrument Clause: Accepts that Blayney West is an identified potential urban release area and adds the necessary Urban Release Area overlay mapping and controls to BLEP2012 so that certain pre-conditions / additional studies must be completed before it can proceed to rezoning to accept development applications for subdivision or new dwellings.

Pros	Cons
<ul style="list-style-type: none"> • Urban Release Areas SILEP clause ensures that a servicing strategy and detailed master planning is in place prior to any rezoning or release of land for development. This is a good strategic approach. • It provides an additional opportunity for engagement and collaboration between land owners and the community to produce the desired development outcome. 	<ul style="list-style-type: none"> • Introduction of the URA SILEP Clause is a significant change that may not be warranted by an urban release of this size and potentially overly complicates BLEP2012. • It requires a further Planning Proposal to rezone land which is costly and take substantial additional time which may not be responsive enough to market demands/timing. • There is sufficient preliminary servicing and concept planning already prepared to support an immediate rezoning and skip this step. • A site specific DCP could incorporate many of the requirements prior to the rezoning commencing.

Option 3 – AMEND BLEP2012 SO BLAYNEY WEST HAS SUITABLE RESIDENTIAL ZONES TO COMMENCE DEVELOPMENT (STAGED DEVELOPMENT): Accepts that Blayney West is a suitable urban release area and rezones PART of the area to accept development applications for subdivision or new dwellings in the first few stages. Most likely this will be the Zone R1 General Residential area closer to Orange-Millthorpe Road and the railway line on the flatter / lower lands. This may require later Planning Proposals to rezone additional lands in the future (including larger lots to the south and west on higher slopes).

Project Outline & Consultation Strategy, Strategic Projects, Blayney Council 2016

Pros	Cons
<ul style="list-style-type: none"> • Staged approach allows the development to commence and provide some short to medium term residential supply. • There are slightly less constraints or they are better understood on the lower lying / flatter lands so less need to delay their rezoning. • The more complex lands on higher slopes or with greater visibility can be tested in more detail to determine appropriate development controls. • Development of higher land may require additional water infrastructure. • The more complex lands may be able to sustain higher densities than originally thought and delay would avoid take-up of these lands for low density solutions – wasting a valuable resource. 	<ul style="list-style-type: none"> • It requires a further Planning Proposal at a later time if additional land supply is required (cost & resourcing by Council or the land owners). • By rezoning land belonging to more land owners it provides greater potential for the development to proceed as it depends which land owners proceed first (subject to access arrangements) and it could provide a greater critical mass for infrastructure. If limited land owners then a risk that development may not proceed.

RECOMMENDED Option 4 – AMEND BLEP2012 SO BLAYNEY WEST HAS SUITABLE RESIDENTIAL ZONES FOR THE ENTIRE AREA: Accepts that Blayney West is a suitable urban release area and rezones ALL of the area to accept development applications for subdivision or new dwellings in the first few stages. This is likely to include peripheral areas that may be considered for larger lot residential uses (and possible planning controls).

Pros	Cons
<ul style="list-style-type: none"> • Same Pros as Option 3 above and addresses Cons. • Avoids need for future Planning Proposals to provide a 10-20 year supply of residential lands for growth. • Rezones additional land so more land owners have the potential to catalyse development and achieve a critical mass for service infrastructure. 	<ul style="list-style-type: none"> • There is more importance with ensuring the DCP provides appropriate control for the development but this may be the best tool to allow flexibility. • Water and servicing to higher contours will need to be negotiated with utility stakeholders.

This is the PREFERRED Approach. This avoids the need for an additional Planning Proposal at a later time just to extend the development area to the full extent of the concept plan boundary. It is more likely to result in a consistent development plan across the whole site and a mix of residential densities / lot sizes / zoning. Whilst there may be some further negotiation on servicing and access arrangements (particularly for higher contour lots) these can be addressed in the DCP and negotiated with key stakeholders through the development application process. As access is limited at first to the Orange-Millthorpe Road – development is expected to develop from the lowest contours and progress towards the south and west.

4.5 Exclusions to Project

Data Accuracy: The site data/contours utilised for this report were provided by Council based on information in their GIS systems from NSW State Government and other sources. However, no detailed survey of the site or site-specific environmental study has been prepared to verify this information or consider additional constraints other than a review of aerial photographs and brief site visits. The Concept Subdivision Plan has been prepared based on the assumption that the existing data is sufficiently accurate for the purpose of a preliminary concept but further work may be required for a due diligence.

Consultation: As there has been limited consultation in the preparation of this preliminary study there may be a number of site constraints or concerns by key stakeholders / land owners / government agencies that have not been addressed in this report or the Concept Subdivision Plan.

Development Approvals: We have not reviewed all historical development applications in the Study Area so the plan is only based on registered titles for existing lots. However, we note that for example, there is a historical approval on 101 Plumb Street for two concessional lots that was not considered in the Concept Subdivision Plan. There was a recent proposal for modification that may better align with the Concept Subdivision Plan but may slightly change the location of the proposed roundabout on Plumb Street.

This project does not currently include a review of:

- Economic or environmental studies to determine detailed feasibility of indicative concept plans;
- Specific demand for different types or lot sizes for residential land uses;
- Preparation of site specific master plans sufficient for inclusion in any development control plan.

5 PROJECT 4 – DEVELOPMENT CONTROL PLAN

5.1 Project Goals

The aim is to ensure that Blayney Council and the Community have a clear set of agreed guidelines for development so that it both reduces the chance of applications that are incompatible with the intended use/amenity of each area and clarifies what needs to be addressed so standard applications are processed more easily – facilitating development in the Shire with an appropriate level of development control.

5.2 Brief Background

It was always intended (and required by DPE) that there would be a new Shire-wide Development Control Plan (DCP) created to supplement BLEP2012 when it commenced. Most of the existing DCPs are either land use or site specific and date back to the early to late-1990s including:

- DCP No.1 - North Blayney (1996) – No meaningful controls, does not reflect zoning;
- DCP No.2 - Millthorpe (2000 – Updated in 2008) – Overly complex and detailed;
- DCP No.3 - Rural Residential (Zone 1(c)) (Amended 2001) – Needs to be resolved with Project 1 above;
- DCP No.4 – Carcoar (2004) – Overly complex and detailed;
- DCP No.5 – Medium Density Development (2005);
- DCP No.6 – North Millthorpe (2009).

These DCP are outdated because:

- They may not relate to changing desired future development outcomes for areas (e.g. North Blayney);
- The planning terminology and zones have changed since the introduction of BLEP2012 and they fail to integrate with existing BLEP2012 controls and State Environmental Planning Policies;
- They also fail to cover a number of new development scenarios and types that may require further control development and they do not provide any meaningful controls for several key zones;
- They do not necessarily integrate with the WBC Application Forms, Standard Conditions of Consent and Engineering Guidelines;
- They are not best practice and do not clearly balance environmental and social impact with economic feasibility and development facilitation.

There are also a range of other defacto controls located in Council Policies and Plans but many have been removed by Council, not updated, or are not clearly in the public domain.

In 2014 iPLAN PROJECTS and Claire Johnstone Planning & Development were engaged to prepare a Draft Development Control Plan for major development types (excluding specific sites) ('Generic DCP'). A first draft of this DCP was provided to Council in June 2014.

A number of projects have delayed the finalisation of the Draft Generic DCP including waiting to see if a Western Region Exempt and Complying Development Code would be developed that may affect key DCP controls and prioritisation of other projects.

There is a substantial amount of new and relevant information coming out of Projects 1 to 3 above that could provide inputs into the DCP. These may require some site specific testing, master planning and development controls and it would be timely to include these to facilitate/control the development outcomes from these projects.

Whilst the potential merger of Council may commence in late 2016 – it may be several years before there is the capacity and resources to implement combined LEP and DCP controls across any merged Council areas. In this delayed time there may be missed opportunities for Blayney Shire and its communities or inappropriate development approved due to lack of any formal Council policy.

Also, by having a Blayney DCP there is a greater chance that any merged Council would be able to use the new DCP to create a LGA specific or combined DCP that better reflected the development outcomes that Blayney LGA wants rather than just replacing them with generic or regional city centric controls that did not appropriately serve the local community. Therefore, a DCP is as much as 'strategic planning' document that can be used by the community to inform the merger outcomes.

Therefore it is recommended that the DCP project is completed in the 2016 calendar year including placing it on public exhibition for review, feedback and finalisation.

5.3 OPTIONS – Development Control Plan Timing/Scope

The original brief was to prepare a generic DCP covering the major land uses. The new brief is to prepare a Comprehensive DCP that may also include some site specific control planning potentially to support other Projects (Planning Proposals) above.

As a result, whilst the consultant team will continue to develop the generic controls in the first half of this year – there will need to be a delay in finalising the Draft DCP for public exhibition until after the public exhibition periods for Projects 1 to 3 to align any preferred outcomes from these projects for site specific planning and testing of the controls.

For this reason, the Draft DCP will be finalised no later than end July so it can be approved for public exhibition in the August Council meeting, potentially exhibited from Mid August to Mid September, and then finalised in October to go to the November Council meeting for adoption.

Council staff will work with the consultant team to determine the scope of this project. A preliminary budget to get the Draft DCP prepared prior to public exhibition has been discussed but will need review as the scope of works develops.

5.4 Way Forward

The way forward for this project is to:

- Determine the project scope and timing;
- Get feedback from Projects 1 to 3 to see what impact on project scope and timing;
- Discuss how to integrate North Millthorpe and heritage DCPs to ensure no loss of control / inappropriate development outcomes;
- Seek formal Council staff feedback on the preliminary Draft DCP;
- Workshop some of the issues and key solutions;
- Revise the Draft to include Council feedback;
- Review the potential for additional detail / site specific controls;
- Ensure integration with DA Guides/Forms; Conditions of Consent; Engineering Guidelines;
- Engage with Councillors and key stakeholders and the community;
- Prepare public exhibition materials and notifications;
- Test and refine development controls and support with appropriate graphics;
- Finalise and adopt the DCP.

6 CONSULTATION OUTLINE

The following consultation outline is proposed to be adopted for the Strategic Projects. Councillors are requested to provide any feedback or additions/alterations to this draft outline by **end of February 2016**.

6.1.1 Key Stakeholders for Consultation

Project 1 – Rural Lands & Large Lot Residential

- Directly affected land owners. As it is not possible to determine where existing holdings are located it means that everyone in the rural zones needs to be notified. All affected land owners in the Deferred Zone 1(c) areas also need to be notified.
- Surrounding owners that may be affected. As it is difficult to determine who will be affected by lifestyle lots or existing holdings it is suggested the entire community will need to be notified.
- Government Agencies: e.g. DPE; OEH; NSW Agriculture; Dept. Industry – Resources & Energy (noting that most of these agencies have already made submissions to the Subregional Strategy and BLEP2012 and their position is unlikely to have changed).
- Transport & Infrastructure Providers: e.g. RMS (General); Council Engineers; Essential Energy; CTW. Gas providers are unlikely to be affected as rural areas are rarely supplied.
- Surrounding Councils (particularly Orange and Cabonne but also Cowra and Bathurst).
- Councillors and Council Staff.

Project 2 – Employment Lands (North Blayney)

- All affected land owners in North Blayney (regardless of existing land use)
- Other local industrial leaders e.g. Nestle Purina / Sealink – Blayney Frozen Foods
- Surrounding land owners (particularly Future Investigation Areas or adjacent)
- Entire Blayney LGA / Community as Blayney provides significant LGA employment and services – if this Planning Proposal aligns with Project 1 – Rural Areas then this may not be as difficult
- Government Agencies: e.g. DPE; OEH; NSW Dept. Industry; NSW Agriculture (Future Investigation Areas)
- Transport & Infrastructure Providers: John Holland on behalf of Transport for NSW; RMS (Marshall's Lane and Highway); Council Engineers; Essential Energy; CTW; Jemena Gas
- Surrounding Councils (particularly Orange and Cabonne but also Cowra and Bathurst)
- Councillors and Council Staff.

Project 3 - Blayney West Urban Release Area

- All affected land owners in West Blayney
- Industry: Nestle Purina
- Owners of land adjacent to Highland Heritage Estate (alternative residential growth area)?
- Entire Town of Blayney / areas west of rail line that will have views over development
- Broad Blayney LGA / Community
- Gov. Agencies: DPE; OEH; Office of Water; NSW Dept. Industry including NSW Agriculture
- Transport & Infrastructure: John Holland on behalf of Transport for NSW; RMS (Millthorpe Rd); Council Engineers; Essential Energy; CTW
- Surrounding Councils (particularly Orange and Cabonne but also Cowra and Bathurst) as it affects LLR supply
- Councillors and Council Staff.

Project 4 - DCP

- Entire Community as anyone could be subject to the DCP controls if they lodge a development application
- Government Agencies: e.g. DPE; OEH; Office of Water; NSW Dept. Industry; LLS (water and ESAs) etc.
- Transport & Infrastructure: John Holland on behalf of Transport for NSW; RMS (Millthorpe Rd); Council Engineers; Essential Energy; CTW
- Surrounding Councils (particularly Orange and Cabonne but also Cowra and Bathurst)
- Councillors and Council Staff.

6.1.2 Draft Methods of Consultation P1/P2/P3

Preliminary DRAFT consultation methods may include (these are not necessarily included in the preliminary fee estimates provided by iPLAN PROJECTS):

Note: Whilst slightly different targets / methods of consultation could be applied between each Planning Proposal – it would offer greater transparency if they were notified to a broader section of the community including coverage across the entire rural area.

Prior to Public Exhibition

- All - Meeting with DPE to discuss issues
- All - Councillor Workshop(s) (early February)
- P3 Only - Meeting with Prices re alternative residential growth near Highland Estate
- P2 & P3 - Meeting with Nestle Purina (outside Study Area) (see also Employment Study)
- All - Reports to Council Meetings & potential additional Council workshops prior to public exhibition
- P2 - Options Summary and Questionnaire to Land Owners (North Blayney)
- P2 – North Blayney Employment Lands - Stakeholder Workshop (early March)
- All - Brief Summary article attached to Rates Notice (as dates may not align with public exhibition)
- All - Fact Sheet
- All - Potential telephone calls to key government agencies.

During Public Exhibition

- All - Council Website – Notification / Fact sheet
- All - Advertising in Blayney Chronicle + Editorial Blayney Chronicle
- All - Australia Post – Letter to all Ratepayers with Fact Sheet (June Only) – Only if all PPs align
- P1 - Letters to all people who enquired re existing holdings in last 3-5 years?
- P1 to P3 - Letters to affected land owners (if less than 500 people)
- All - Notices on halls / post offices / schools of all eight (8) villages
- All - Brief summary article in 1-2 school newsletters for each school
- All - Letters to agencies and surrounding Councils seeking written comment
- All - Allow for one-on-one meeting block with affected owners / interested parties

Note that if options are chosen that require a later Planning Proposal to sunset certain outcomes then additional consultation will be required during the sunset period and prior to the sunset deadline.

27) DEVELOPMENT APPLICATION 165/2015 – ERECTION OF DWELLING – LOT 40 DP 263360, 37 GRAHAM LANE, MILLTHORPE

Department: Planning and Environmental Services

Author: Senior Town Planner

CSP Link: 5.4 Capable, self sufficient communities engaged in decision making about issues that affect them.

File No: DB.AB.934

Recommendation:

That Council refuse Development Application 165/2015 for a proposed dwelling on Lot 40 DP 263360, 37 Graham Lane, Millthorpe, because:

- Council is not satisfied that the applicant has adequately addressed the matters set down under Clause 4.6 (3) of the Blayney LEP 2012; and
- The proposal is not in the public interest because it is inconsistent with the objectives within the RU1 zone, and inconsistent with the objectives of the 100ha standard.

The reasons for refusal are set down as follows:

- a) The proposal does not align with Council's structured and planned strategic approach to the location of lifestyle allotments under the Rural and Industrial Land Use Strategy 2008.
- b) The development has the potential to create a precedent for the establishment of lifestyle blocks in this locality with no strategic rationale undertaken.
- c) The development has the potential to create a precedent for the establishment of lifestyle blocks within the entire RU1 Primary Production zone of the Blayney Shire Local Government Area with; no strategic rationale, is inconsistent with the State Environmental Planning Policy (Rural Lands) 2008, is inconsistent with the objectives of the Blayney LEP 2012, is inconsistent with the RU1 zone objectives and inconsistent with the 100ha development standard objectives.
- d) The development is proposed in isolation, with no strategic analysis of supply and demand for rural residential allotments, and no analysis of the environmental impacts of soil capability and service provision in the context of future development of the surrounding lots.
- e) The development has the potential to create landuse conflict with adjoining agricultural landuses, having regard for current and future agricultural activities, and the efficient and effective operation of agricultural land.
- f) The proposal has the potential to have an adverse visual impact on the locality, with no indication of possible mitigation measures.

REPORT

Applicant:	Vincent & Lorna Harris
Owner:	Vincent & Lorna Harris
Application No:	165/2015

Zone:	RU1 Primary Production
Date Received:	17 December 2015
Assessment No:	A346765
Property:	Lot 40 DP 263360, 37 Graham Lane, Millthorpe
Proposed Development:	Development Application 165/2015 – Erection of Dwelling – Lot 40 DP 263360, 37 Graham Lane, Millthorpe

BACKGROUND

The proposed development seeks to erect a dwelling on the land, that being Lot 40 DP 263360, 37 Graham Lane, Millthorpe. The land is currently vacant, located on the northern side of the Lane, and is cleared grassland of some 1.84ha in area, utilized for the grazing of horses. It is on average 80m wide and 220m long. See **Enclosure A – Location plan, site plan and elevations.**

The proposed dwelling would be located some 200m back from Graham Lane and 22m in from the eastern boundary. It would comprise four bedrooms, living areas, kitchen amenities and verandahs, constructed of brick cladding with a colorbond roof on a concrete slab.

The land is located to the south east of Millthorpe where Graham Lane feeds into Nyes Gate Road and from there onto the Millthorpe Road adjacent to the railway bridge. It is some 700m from the centre of Millthorpe and is zoned RU1 Primary Production. The main vehicular access is off Graham Lane, and the land slopes down to the road.

The Millthorpe Heritage Conservation Area comes right up to the northern boundary of the property, although there are no heritage items in the vicinity this side of the Millthorpe Road or the rail line.

There are dwellings on each adjoining lot on the north side of Graham Lane, and one dwelling on the southern side of the lane which faces Nyes Gate Road.

Note: *In the event that Council determines to support the proposal, Development Consent cannot be granted until the Department of Planning grant concurrence in accordance with Planning Circular PS 08-003.*

Section 79C (1) Assessment:

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

1. State Environmental Planning Policies

State Environmental Planning Policy (Rural Lands) is reviewed with regard to this proposal.

The aims of the Policy are:

- (a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- (b) to identify the Rural Planning Principles and the Rural Subdivision

- Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,
- (c) to implement measures designed to reduce land use conflicts,
 - (d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
 - (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.

Planning Principles

The Policy provides a set of Principles which are designed to achieve these aims. Those Principles are applied to the development proposal as follows:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,
Comment: The location of the proposed dwelling does not lend itself to the protection of possible landuse activities on the rural land to the east. The setback of the building is only 22m. Activities such as machinery use, weed spraying or animal grazing within 22m of a residence is not a desirable outcome.
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,
Comment: The use of the agricultural land to the east has the potential to be utilised for more intensive or horticultural based land use activities, and Council must recognize this fact.
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,
Comment: The erection of an additional dwelling in this vicinity does not align with Council's strategy for the development of Millthorpe, and the current lack of take up of zoned rural small holding lands. In addition, a significant precedent (98% variation) would be set by the development of lifestyle development in a rural area, not zoned for this purpose.
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,
Comment: In consideration of the matters outlined in this report, this balance must be addressed by Council. The community interests of concern would relate to servicing, landuse conflict with existing and potential agricultural landuses, and creation of a precedent in the approval of a residence in an area not zoned for this purpose.
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,

Comment: There are no particular natural resources threatened by this development. The land is largely cleared grazing land, with a mix of native and exotic grasses within a highly disturbed rural landscape. A geotechnical report demonstrates the protection of groundwater through appropriate installation and operation of an onsite effluent disposal system. Sediment and erosion control during construction would limit stormwater damage.

- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,

Comment: As has been shown in this report, the provision of rural lifestyle development in this highly visible location would present land use conflict in an area not provided for within Council's rural landuse strategy. Opportunities for lifestyle, settlement and housing of this nature are provided further to the west of the village under the strategy, and sufficient take up has not been achieved to justify further development of the same to the east of the village.

- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,

Comment: The dwelling is proposed to be located to the far eastern end of the block. The development can be served by power and telephone. Although the sewer line runs along Millthorpe Road, some 330m to the west, the site is proposed to be served by an onsite effluent disposal system. Water supply is unconfirmed, and the dwelling could be served by rainwater tanks.

However, the development of a residence in this location would create a precedent for requests for the development of other blocks within the subdivision, where a full investigation has not been carried out into the capability of local soils to accommodate numerous onsite systems, or the alternate capability for the nearby water supply and sewer systems to be connected to the site.

The development could create a significant precedent within the RU1 zone and therefore a calmativ impact upon services and infrastructure could be created if allotments under 100ha were able contain a dwelling.

- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

Comment: The proposed development is inconsistent with the provisions of the Rural and Industrial Land Use Strategy 2008 and Blayney Local Environmental Plan 2012, in that areas for lifestyle blocks have already been identified to the west of the village, and take up to date does not warrant the consideration of the development of land to the east of the village for similar development.

Clause 10 Matters to be considered in determining development applications for rural subdivisions or rural dwellings

The following matters are to be taken into account:

- (a) the existing uses and approved uses of land in the vicinity of the development,
Comment: The landuses which surround the development site are rural, and comprise mostly grazing. There are dwellings erected on the adjoining lots to the north and south, although these are not new developments. Dwelling entitlements are not available to other vacant lots in the subdivision.
- (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,
Comment: The predominant landuse in the vicinity is agriculture. The impact on adjoining lands to the south, and north are likely to be negligible. However, the properties to the east and south east are larger and although used currently for grazing, have the capability for other more intensive agricultural uses, apart from their current operations which may include the use of machinery, weed spraying and animal grazing. The location of the dwelling only 22m from the eastern boundary does not lend itself to reduction in landuse conflict, and the subject land has encroachments from a water line and power lines which limit possible other dwelling sites on the land.
- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),
Comment: The landuse in its current location is likely to be incompatible with the efficient and effective use of the agricultural land to the east as discussed above. This in turn does not fall in with the objectives of the Rural Lands SEPP, the objectives of the rural RU1 zone, or the Land Use Strategy.
- (d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,
Comment: As discussed in (b) above.
- (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).
Comment: Although the developer has indicated that setbacks can alleviate landuse conflict, they have not suggested what those conflicts may be. Council has made suggestions in this regard. No other mitigation measures have been suggested by the applicant.

There are no other State Environmental Planning Policies relevant to this development.

2. Regional Environmental Planning Policies

There are no Regional Environmental Planning Policies relevant to this development.

3. Local Environmental Plans

The land is zoned RU1 Primary Production under the *Blayney Local Environmental Plan 2012*, and the development is not permissible in the RU1 zone under Clause 4.2A as the land is below the 100ha minimum lot size for the erection of a dwelling.

The developer has lodged an objection to the 100ha standard under Clause 4.6 of the *Blayney Local Environmental Plan 2012*.

The standard to be varied relates to the minimum lot size of 100ha, to enable a dwelling in the RU1 Primary Production zone.

Subdivision and zoning history:

Subdivision:

Lot 40 DP 263360 was created as a result of road widening along the Millthorpe Road in 1982, where a strip of land was excised from all lots in this vicinity along the Millthorpe road frontage under DP 263360. **See Enclosure B – DP plans.**

In 1921, a number of allotments were created from the northern end of George Street right through to the lots which front Park Street, Nyes Gate Road and Graham Lane, along with larger lots to the south and south east, being DP 11125. **See Enclosure B – DP plans.**

Prior to this the allotment was part of a subdivision of Portions 52, 140 and parts of Portions 82, 57 and 90 in the Parish of Graham, being DP 11125. Lot 40 DP 263360 was a part of Portion 57.

From the 1921 subdivision it can be seen that a pattern of subdivision was created which located small lots adjacent to the village of Millthorpe, with lots increasing in size to the south and south east, moving away from the village.

Zoning:

- In 1973, the Lyndhurst Interim Development Order No. 1 zoned the George Street lots as 2 Village or township, and the land within 400m ($\frac{1}{4}$ mile) of the Millthorpe Road Non Urban B 1(b). Beyond the 400m distance the land was zoned Non Urban A 1(a). The subject land falls within the 400m 1(b) zone. Dwellings were permitted on lots smaller than 40ha within the 1(b) zone in certain circumstances, such as concessional allotments.
- The Blayney LEP 1998 zoned the George Street lots as 2(v) Village or Urban and the remaining lots 1(a) General Rural. Dwellings could be erected on land under 100ha only under certain circumstances such as existing holdings.

- The Blayney LEP 2012 carried these zones through to RU5 Village and RU1 Primary Production, respectively. The erection of dwellings in the RU1 zone was similar to LEP 1998.

The provisions of LEP 1998 and LEP 2012 also provided for the erection of dwellings on land where a dwelling could be erected if the land was lawfully created for the purposes of a dwelling before the appointed day.

Existing dwellings in the vicinity are noted at **Enclosure C**.

Enclosure D shows the land zoning of the Blayney LEP 2012 for the Millthorpe area.

Objectives of the RU1 Primary Production zone are examined as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base
Comment: The subject land is only 1.84ha in area. The land at this size does not lend itself to the operation of a sustainable primary industry. It is currently used for the grazing of horses. The land is surrounded by allotments of similar size to the north, west and south. The property to the east is a 42ha rural grazing property. The village of Millthorpe is located about 700m to the north west.
- To encourage diversity in primary industry enterprises and systems appropriate for the area
Comment: It is unlikely that a primary industry enterprise or system would be sustainable on an allotment of this size.
- To minimize the fragmentation and alienation of resource lands
Comment: The proposed development will not result in the fragmentation or alienation of resources. No subdivision is proposed.
- To minimize conflict between land uses within this zone and landuses within adjoining zones
Comment: Land use conflict will result from this development. The main properties to the east will continue to be utilized for agricultural production (grazing). Other surrounding properties are of similar size to the subject land, and existing dwellings are shown at **Enclosure C**. The use of the land for a dwelling in its proposed location may draw impact from conflicting activities, such as when weed spraying is proposed on the farming land. Council should also have regard for current trends to transition from extensive agriculture to intensive agriculture such as horticulture and intensive livestock in some locations.

- To enable function centres, restaurants and appropriate forms of tourist and visitor accommodation to be developed in conjunction with agricultural uses.

Comment: These uses do not form a part of this development, although the development would not prevent them from occurring.

Clause 4.1 Minimum subdivision lot size

It is noted that the applicant examines the objectives of Clause 4.1 of the BLEP 2012, which relates to subdivision, and is not relevant to this proposal.

Clause 4.2A Erection of dwelling houses or dual occupancies on land in certain rural and environmental zones

Clause 4.2A does not apply to the development on any level. The current allotment was not created for the purposes of a dwelling, but was the result of road widening in 1982, and the land is not an existing holding. From its records, Council has no evidence to suggest that the previous 1921 subdivision intended dwellings to be erected on the subject land, at which time the subject lot was known Lot 21 DP 11125.

The objectives of Clause 4.2A are considered as follows:

- To minimize unplanned rural residential development.

Comment: Under the current and previous LEPs this area was not planned for rural residential allotments.

The Sub-Regional Rural and Industrial Land Use Strategy 2008 noted that a structured range and planned location of lifestyle allotments and small holdings was a desirable goal. At that stage population growth was not expected to rise, although the supply and demand analysis showed that there was some demand for additional such lots, but only nearer to Orange. State government policy at the time advocated a planned approach to rural settlement subdivision and settlement, and it was recognized that rural lifestyle allotments provide increased choice in housing options. However, they should only be provided where service provision is economically viable and efficient, where there is a clear demand with no supply available, and where the development of lots previously created for the purpose of rural settlement has been rationalized against consolidation of settlement and prevention of fragmentation.

Although the applicant refers several times to the Blayney Settlement Strategy, that Strategy specifically states that large lot residential land uses were not strictly addressed by the Settlement Strategy as there were approved strategies in the Rural & Industrial Land Use Strategy, where the primary existing large lot residential area in proximity to Millthorpe is along Forest Reefs Road and to the north of Millthorpe.

The Rural & Industrial Land Use Strategy actually recommends decreasing any additional dwelling development in part of the area of large lot residential land uses along Forest Reefs Road. The Strategy also suggested a future investigation area to the south-west of Millthorpe that may be suitable for very limited future large lot residential subject to addressing a range of issues with this site, but this would not be required for a significant period of time until existing large lot residential supplies near Millthorpe are nearly exhausted.

In determining the zonings for BLEP 2012, Council examined a number of sites around the extremities of the Millthorpe village, weighing up the positives and negatives of each area, and made a decision on the R5 and RU5 zones, and where the RU1 would be retained, and also flagged areas for future development based in information available at the time.

Currently, and in consultation with the Department of Planning & Environment, Council is considering a recommendation that where there is an excess of rural lifestyle blocks created for the purposes of a dwelling, those which are not strategically located or deemed necessary are to be gradually phased out. Therefore, it appears that where an allotment is not proven to have a building entitlement, it is even less likely that Council should consider the Graham Lane proposal, when it has already been shown that there is a considerable amount of take up yet to be realised in the existing areas of Browns Creek Road, and Forest Reefs Road.

Although the proposed development of 37 Graham Lane does not involve subdivision, and it is not subject to constraints such as bushfire, extreme slope or conservation value, it is not within an area previously identified by Council for large lot residential development. Until it can be justified that the area to the south east of Millthorpe is required for rural residential development, the merits of the development of Lot 40 can only be considered, but within the context of strategic planning for the village of Millthorpe.

In addition, of the small lots created under DP 11125 which front Park Street, Nyes Gate Road and Graham Lane, there are 13, only four of which have been developed to date, with the dwellings being many years old, predating current planning instruments. One additional dwelling to the end of the formed section of Graham Lane (Lot 39) is to be developed in the near future as an existing holding of some 58.79ha.

In the event of approval for the development of Lot 40, Council could create a precedent for the development of the other blocks, without the benefit of a strategic rationale.

- To enable the replacement of lawfully erected dwelling houses or dual occupancies in rural and environmental protection areas.

Comment: The proposal does not involve the replacement of a lawfully erected dwelling. The land is vacant and there is no evidence that there has been a dwelling on the land in the past.

Clause 4.6 Exceptions to development standards

The objectives of Clause 4.6 are as follows:

- (a) To provide an appropriate degree of flexibility in applying certain development standards to particular development.
- (b) To achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The Council must consider a written request which seeks to justify the contravention of the standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard. Council must be satisfied that the matters have been adequately addressed, and that the development would be in the public interest. It must be consistent with the objectives of the standard and the objectives for development within the zone.

Council has received development application No.165/2015 for the erection of a dwelling on the land. The applicant has provided justification for a variation to the standard as follows:

- Compliance is unreasonable in the circumstances as it prevents consideration of a dwelling on the site based on the merits presented in their report.
- Economically viable agricultural activities are not suited to the land. Rather the land is near the edge of the village, is consistent with the pattern of existing rural settlement on the southern side of the village zone.

Council comment: Firstly, the Council report does examine the merits of the case within this report, within the context of strategic considerations.

Council acknowledges that economically viable agricultural activities are not suited to the land. However, given that the take up of small lots within this part of the subdivision created in 1921 is only 4 out of 13, and that more development has been undertaken on the Forest Reefs Road area as identified by Council for growth, it has not been evident to date that there is a demand for development of the south eastern area.

The applicant has examined the objectives of the RU1 zone and makes a number of observations:

- Future development of the site will not alienate existing rural enterprises in the surrounds.
- No fragmentation of land will result.
- Potential landuse conflicts can be addressed through setbacks.
- Dwelling houses are permissible in the RU1 zone, where there is a dwelling entitlement.
- No physical constraints are identified.

- Maintaining the standard is not considered of public benefit in that it otherwise prevents a dwelling on a small rural lot that benefits from town services and location.

Council comment: Council acknowledges points two and four. However, although the applicant suggests that setbacks will address landuse conflict, those conflicts are not identified. Council would suggest that these conflicts may include machinery use, animal grazing and weed spraying. Other potential conflicts may occur in the consideration of the current trend, as suggested within Planning Circular PS 08-002, for a transition from conventional grazing activities to more intensive or horticultural based land uses.

In terms of services, although the site is only 700m from the centre of Milthorpe, the land has power and telephone, and a water line passes through the land from the nearby reservoir. No confirmation has been provided from the water authority that the proposed dwelling can connect into this water line.

The land is not connected to sewer, and a geotechnical report has been provided for onsite effluent disposal, for a conventional bed absorption system and septic tank.

Therefore, it has not been shown that the site benefits from all town services.

Although the site is only 700m from the centre of Millthorpe it is not surrounded by a significant number of existing established allotments, highlighted by Council's unwillingness to consider this area for development into rural residential in the past.

Note: *In the event that Council determines to support the proposal, Development Consent cannot be granted until the Department of Planning grant concurrence in accordance with Planning Circular PS 08-003.*

4. Section 117 Directions

Direction 1.2 - Rural zones: The objective of this direction is to protect the agricultural production value of rural land. However, in the Blayney LGA it applies only where a planning proposal is being prepared for the rezoning of land from a rural zone to a residential, business, industrial, village or tourist zone.

It is not relevant to the proposed development.

Direction 1.5 – Rural lands: The objectives of this direction are to protect the agricultural production of the land, and to facilitate the orderly and economic development of rural lands for rural and related purposes. The direction applies to planning proposals to which *State Environmental Planning Policy (Rural Lands) 2008* applies.

Council has examined *SEPP (Rural Lands) 2008* earlier in this report. However, the application is not a planning proposal, and therefore this direction is not relevant to this development.

Note: It is noted that the applicant has indicated that a planning proposal may be considered that reduces the minimum lot size applying to the site to permit a dwelling.

5. Guidelines and policies

The development was notified to adjoining landowners. No submissions were received.

79C (a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has not been notified to the consent authority that apply to the land to which the development relates

There are no such proposed instruments relevant to this development.

79C (a)(iii) any development control plan that applies to the land to which the development relates

There are no development control plans in place relevant to this development. The land does not fall within the Millthorpe Development Control Plan area. However, in the consideration of the applicant's request to consider the development of a rural lifestyle block, a provision for buffers and setbacks to the adjoining agricultural land, as set down in Council's Development Control Plan No. 3 Rural Residential Development, should have been considered by the applicant.

Biological buffers can be considered, which would depend on the nature of the conflicting landuse, its proximity to the proposed development, natural topography, existing windbreaks, noise and visual barriers, prevailing winds etc. Influences might include odour, noise, dust and chemical spray drift. That DCP recommends a 35m wide separation area, containing random plantings and a variety of species, and includes a 5m wide maintenance corridor.

79C (a)(iia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, that apply to the land to which the development relates

There are no such agreements relevant to this proposal.

79C (a)(iv) any matters prescribed by the regulations that apply to the land to which the development relates

There are no such matters relevant to the development that could not be addressed through any conditions of consent.

79C (a)(v) Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development relates

Not applicable to this development.

79C (b) the likely impacts of that development

Context and setting

The proposed development seeks to establish a dwelling on the land within a rural area, some 700m to the south east of the centre of the village of Millthorpe.

The site is located within a rural setting set back some 200m from the front boundary onto Graham Lane. The site is fenced on all sides, and slopes to the south east and to the road, surrounded by a mix of lot sizes, being mostly grazing land with scattered homesteads.

The dwelling is proposed to be sited on the highest point of the land, set back only 22m from the eastern boundary. This development would be clearly visible from much of the southern and eastern sectors of the village environs. No landscaping plan has been provided which might alleviate any potential adverse visual amenity.

The adjoining property to the east is a grazing property of 42ha, and with the proposed location of the dwelling, a buffer of only 22m is provided to any potential agricultural activities on that land such as weed spraying.

Although the site does not fall under the provisions of any development control plans, the consideration of appropriate buffers is an option.

A water line runs through the property from north to south about 60-70m from the eastern boundary, and power lines are located at the front of the land. These features limit an alternate location of a dwelling site somewhat.

Within the subdivision created in 1921, only four other lots in the vicinity have been developed for dwellings, those being carried out many years ago. Most adjacent and adjoining lots are used for minor grazing to the south, west and north. To the east are larger grazing properties.

Access, transport and traffic

The site would be accessed via an entrance onto the unsealed adjoining Graham Lane, which feeds on to Nyes Gate and in turn onto the Millthorpe Road. There is not expected to be significant increase in traffic nature, volume or frequency, from the proposed development. However, Council's Engineer has required works relating to a new entrance, a driveway, power line clearance, and utility relocation if necessary.

Services/utilities

Power and telephone are available to the site, with power lines being located across the front of the site which limit development in this location. The building would be served by an onsite effluent disposal system, and although a water line runs through the property from the nearby reservoir, rainwater tanks could be considered. No investigation has been carried out by the applicant into alternate options for water and sewer. No additional services or

utilities are required for the development. The cost of any relocation of utilities required for the development would be borne by the developer.

Site design, internal design and construction

The construction work required for this development involves the erection of a new dwelling, in accordance with the details provided including a BASIX Certificate, and the Building Code of Australia.

The proposed dwelling would be located some 200m back from Graham Lane and 22m in from the eastern boundary. It would comprise four bedrooms, living areas, kitchen amenities and verandahs, constructed of brick cladding with a colorbond roof on a concrete slab.

Site design would incorporate sediment and erosion control measures during both dwelling and access construction.

Hazards – technological, natural

There are no particular known such hazards relating to the development.

Noise and vibration

There are no particular matters relating to noise and vibration which might apply to the development itself. Noise levels should not increase as a result of the development. All activities would be internal, and not include mechanical or industrial processes.

However, the occurrence of noise and vibration from machinery operation on the agricultural land to the east has the potential to impact on the development, with the dwelling setback being only 22m back from the boundary and no provision for buffers.

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 rural property. It is largely cleared grazing land with a mix of exotic and native grasses, utilized for grazing of horses. No other land resources are affected. Air pollution is not expected, and mitigation measures such as sediment and erosion control would minimise environmental impact.

Water

Water requirements for the development would be addressed through rainwater tanks, although investigation could have been undertaken to establish whether connection can be made into the reticulation line that currently traverses the property, given that the other lots in the subdivision do not have dwelling entitlements, and the adjoining dwellings are not connected. Stormwater would be directed into the natural drainage system and away from the buildings, with appropriate sediment and erosion controls in place.

Waste

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

Visual amenity

The proposed development would place the dwelling on the highest point of the land in a highly visible location above the heritage village and environs to the south and west. No landscaping plan has been provided which might alleviate this situation. The two adjoining dwellings are protected by long established gardens and mature trees, but are not located on highly exposed sites such as this.

Safety, Security and Crime Prevention

There are no particular safety, security or crime prevention matters relevant to this development. The building would be locked and the property fenced. The land has until recently been owned by the adjoining landowner and therefore under constant surveillance for stock monitoring purposes.

Economic impact

The economic impacts from this development include employment opportunities, and increased use of local support industries during construction.

However, the site is within a rural area not identified for lifestyle blocks, and the approval of such a development may create a precedent for demand for servicing of this and other lots in the vicinity.

In addition, the development has the potential to limit the efficient and effective use of the larger rural property to the east.

Social Impact

The social impacts relates to the development of a local property, which has the potential to work with the local and regional community on a number of different levels. The construction process would provide employment and the environment is protected.

However, there is potential for adverse impact on amenity, with the location on a highly visible site, with no provision for visual screening.

There is also potential for landuse conflict with the existing agricultural operation to the east, and its potential to be redeveloped to other horticultural or intensive agricultural landuses.

There is potential for setting a precedent with the expectation that other lots in the vicinity can be developed for similar lifestyle landuse.

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

The cumulative impact of the development is for the use of a rural property, within effective industry standards, that may lead to minimization of environmental and community impact.

However, the development of this property has the potential to set a precedent for further development which does not fall into Council's current strategy for the Millthorpe locality. The cumulative effect of this and other possible requests to developed lots not zoned for the purpose would undermine Council's long term plan for the village and its surrounds, based on the current strategy and the lack of take up of rural residential land to date.

This subdivision was created in 1921, and only four dwellings erected to date. The natural growth of Millthorpe has been to the west and until that area is exhausted no further areas for rural residential can be considered.

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, heritage, bushfire.

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

Comment: The site is not particularly suitable for the development, being a rural residential use in a rural area adjoining agricultural land, potential resulting in landuse conflict as discussed above. Its servicing would be in isolation, although in close proximity to the village, and not within the context of a rural residential precinct. Although access would be appropriate for the level of use, and soil/water movement across the site could be controlled, the site is highly exposed and does not lend itself to positive visual amenity in its current form.

Existing adjacent dwellings were developed prior to current planning instruments and cannot be considered as a precedent or justification for this proposal.

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

Comment: Adjoining landowners were notified for 14 days from 22 December 2015. No submissions were received.

79C (e) The public interest

Comment: It is not in the public interest to develop land not identified for the purpose, when the strategies that dictate the development of the Millthorpe area were developed through extensive community consultation.

Future studies may review the situation, but until the development of the existing rural residential lands to the west is achieved no other areas should be considered for lifestyle development, especially without appropriate strategic analysis.

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

Conclusions

The above assessment illustrates that the proposed development is not suitable for the site, does not satisfactorily address visual amenity, has the potential for landuse conflict with adjoining current and future agricultural activities, and does not align with Council's current strategy for the structured and planned development of Millthorpe and environs.

It sets a precedent for development without any strategic rationale, which should be considered within the context of a wider examination of supply and demand for rural residential development across the Blayney Shire.

BUDGET IMPLICATIONS

No budget implications.

POLICY IMPLICATIONS

Assessment undertaken as per legislation.

Enclosures (following report)

1	A - Plans	3 Pages
2	B - DP Plans	2 Pages
3	C - Existing dwellings	1 Page
4	D - Blayney LEP2012	1 Page

Attachments (separate document)

Nil

Created on 4/02/2016 1:43 PM



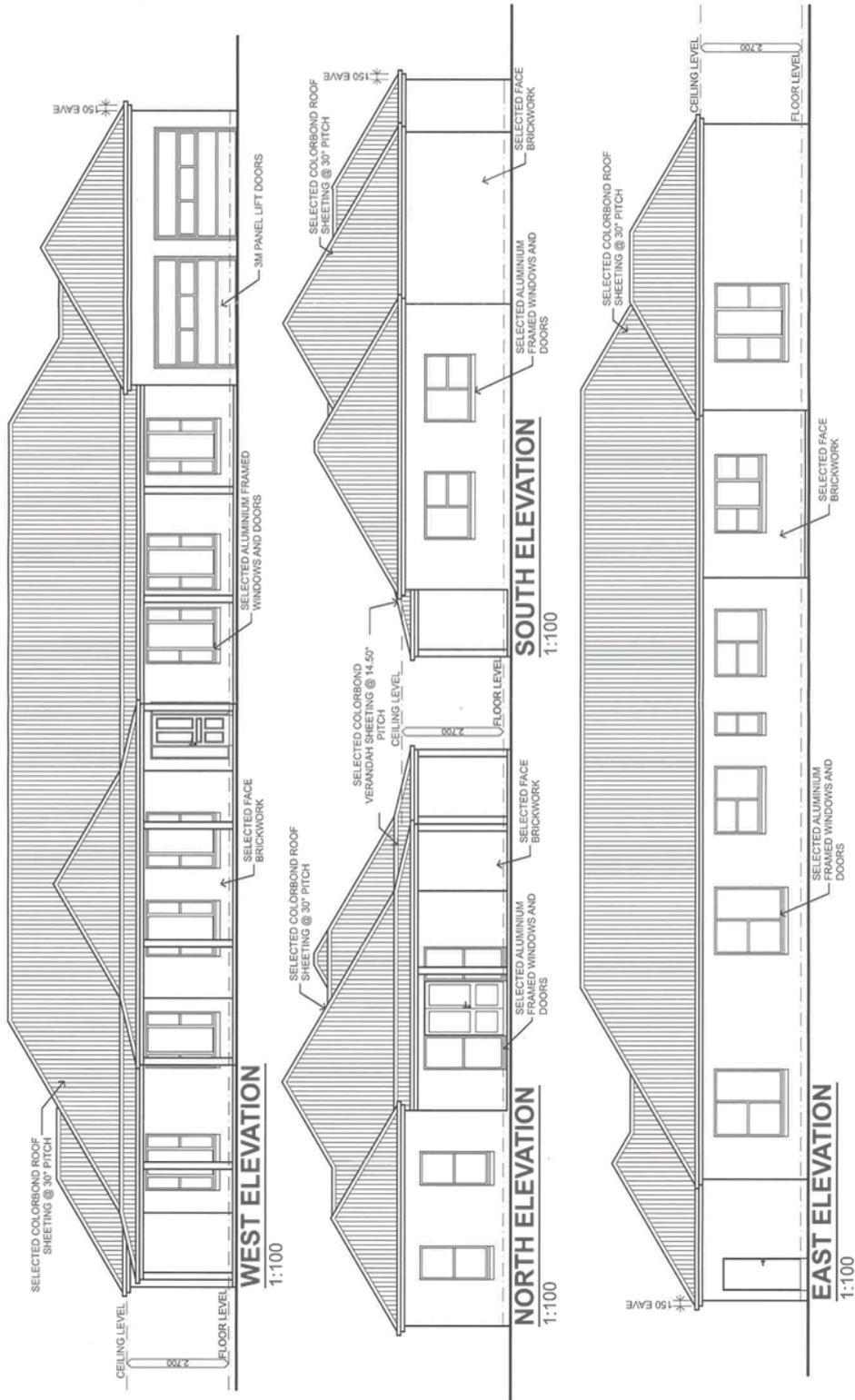


Blayney Shire Council
 PO Box 67
 Blayney NSW 2799
 Ph (02) 639 2344
 Fax (02) 639 2300
 Web www.blayney.nsw.gov.au

© Blayney Shire Council
 © LPI Department of Finance and Services, Panorama Avenue, Bathurst, 2795 www.lpi.nsw.gov.au
 While every care is taken to ensure the accuracy of this product, Blayney Shire Council and the Local / State / Federal Government departments and Non-Government organisations whom supply details, make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability or negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.

Created By: Pricy/etom
 #323232: Office (02) 639 2344
 Date: 4/02/2016 1:43 PM

Location plan



THE DRAWING AND THE CONTENTS THEREOF ARE THE PROPERTY OF DESIGNER AND SHALL REMAIN HIS PROPERTY. NO PART OF THIS DRAWING OR THE CONTENTS THEREOF IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER. ANY UNAUTHORIZED REPRODUCTION OR TRANSMISSION OF THIS DRAWING OR THE CONTENTS THEREOF IS STRICTLY PROHIBITED AND WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.

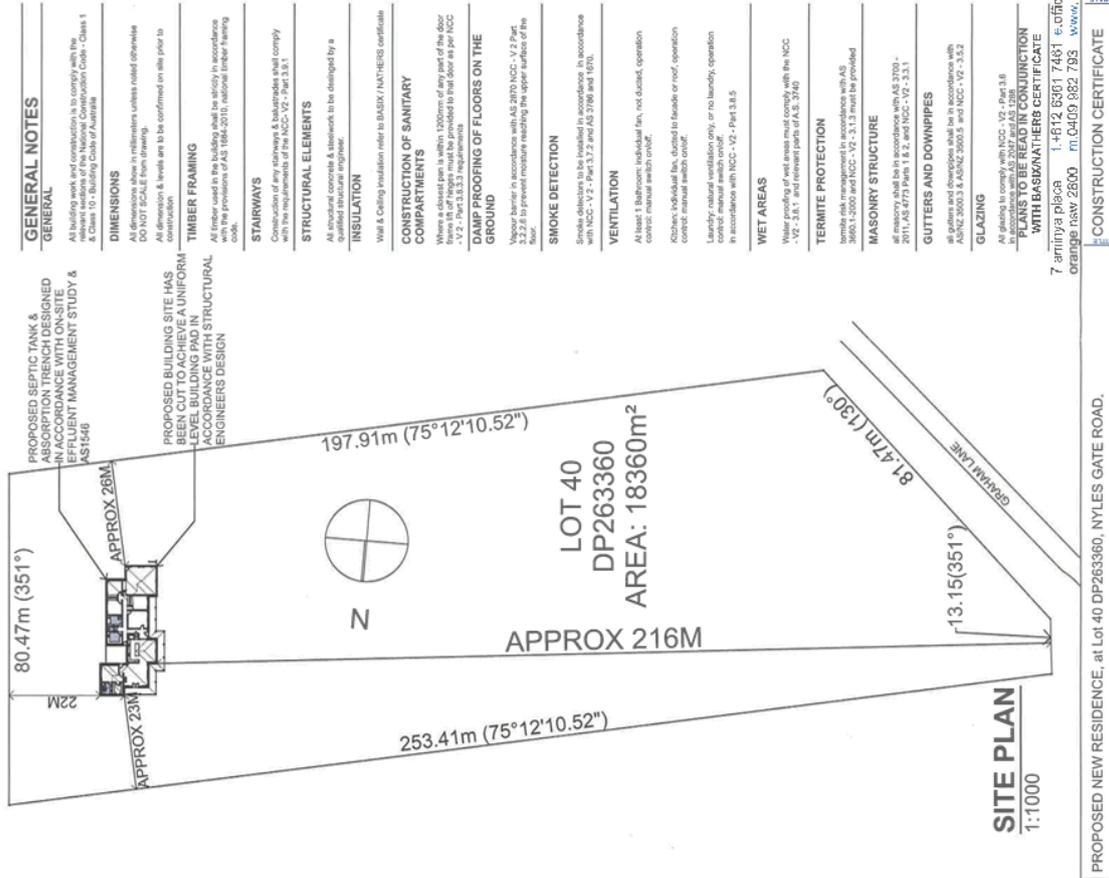


7 aminya place
orange nsw 2800
t: +612 6581 7461 c: office@designsam.com
p: 0495 982 793 www.designsam.com

PROPOSED NEW RESIDENCE, at Lot 40 DP263960, NYLES GATE ROAD.

LORNA & VINCE HARRIS
DESIGNER

CONSTRUCTION CERTIFICATE
NOTED 15/08/2015
AS 15-108
CC03



GENERAL NOTES

GENERAL
All building work and construction is to comply with the relevant Australian Standards, Building Code of Australia & Class 10 Building Code of Australia.

DIMENSIONS
All dimensions shown in millimetres unless noted otherwise. All dimensions are to be confirmed on site prior to construction.

TIMBER FRAMING
All timber used in the building shall be activity 1 in accordance with the provisions of AS 1684:2011, National Timber Framing Code.

STARWAYS
Construction of any starways, to be designed to comply with the provisions of AS 1684:2011, National Timber Framing Code.

STRUCTURAL ELEMENTS
All structural concrete & steelwork to be designed by a qualified structural engineer.

INSULATION
Wall & Ceiling insulation refer to BASIX / NATHERS certificate.

CONSTRUCTION OF SANITARY COMPARTMENTS
Where a closet pan is within 1200mm of any part of the floor, it shall be supported by a concrete slab in accordance with AS 1546:2011, Part 3.3.3.1.

DAMP PROOFING OF FLOORS ON THE GROUND
Where a slab is in contact with the ground, it shall be constructed in accordance with AS 1546:2011, Part 3.2.2.6 to prevent moisture reaching the upper surface of the floor.

SMOKE DETECTION
Smoke detectors to be installed in accordance with AS 1546:2011, Part 3.2.2.6.1 and AS 1546:2011, Part 3.2.2.6.2.

VENTILATION
At least 1 Bathroom: Individual fan, not ducted, operation control: manual switch only.
Other: Individual fan, ducted to outside or roof, operation control: manual switch only.
Laundry: natural ventilation only, or no laundry, operation control: manual switch only.
In accordance with NCC-V2 - Part 3.8.5.

WET AREAS
Where a wet area is provided, it shall be constructed in accordance with AS 1546:2011, Part 3.2.2.6.1 and AS 1546:2011, Part 3.2.2.6.2.

TERMITE PROTECTION
Termite risk management in accordance with AS 3690.1:2000 and NCC-V2 - 3.1.3 must be provided.

MASONRY STRUCTURE
Masonry shall be constructed in accordance with AS 3700:2011, AS 4773 Part 1 & 2, and NCC-V2 - 3.3.1.

GUTTERS AND DOWNPIPES
All gutters and downpipes shall be in accordance with AS/NZS 3503.3 & AS/NZS 3505.5 and NCC-V2 - 3.5.2.

GLAZING
All glazing to comply with NCC-V2 - Part 3.8 in accordance with AS 2207 and AS 1298.

CONSTRUCTION WITH BASIX/NATHERS CERTIFICATE
7 amiriyq pibca 1:4812 63071 7481 e:office@designsam.com orange.nsw 2800 m:0409 882 783 www.designsam.com

CONSTRUCTION CERTIFICATE
AS/NZS 3503.3 & AS/NZS 3505.5 15-108 CC04

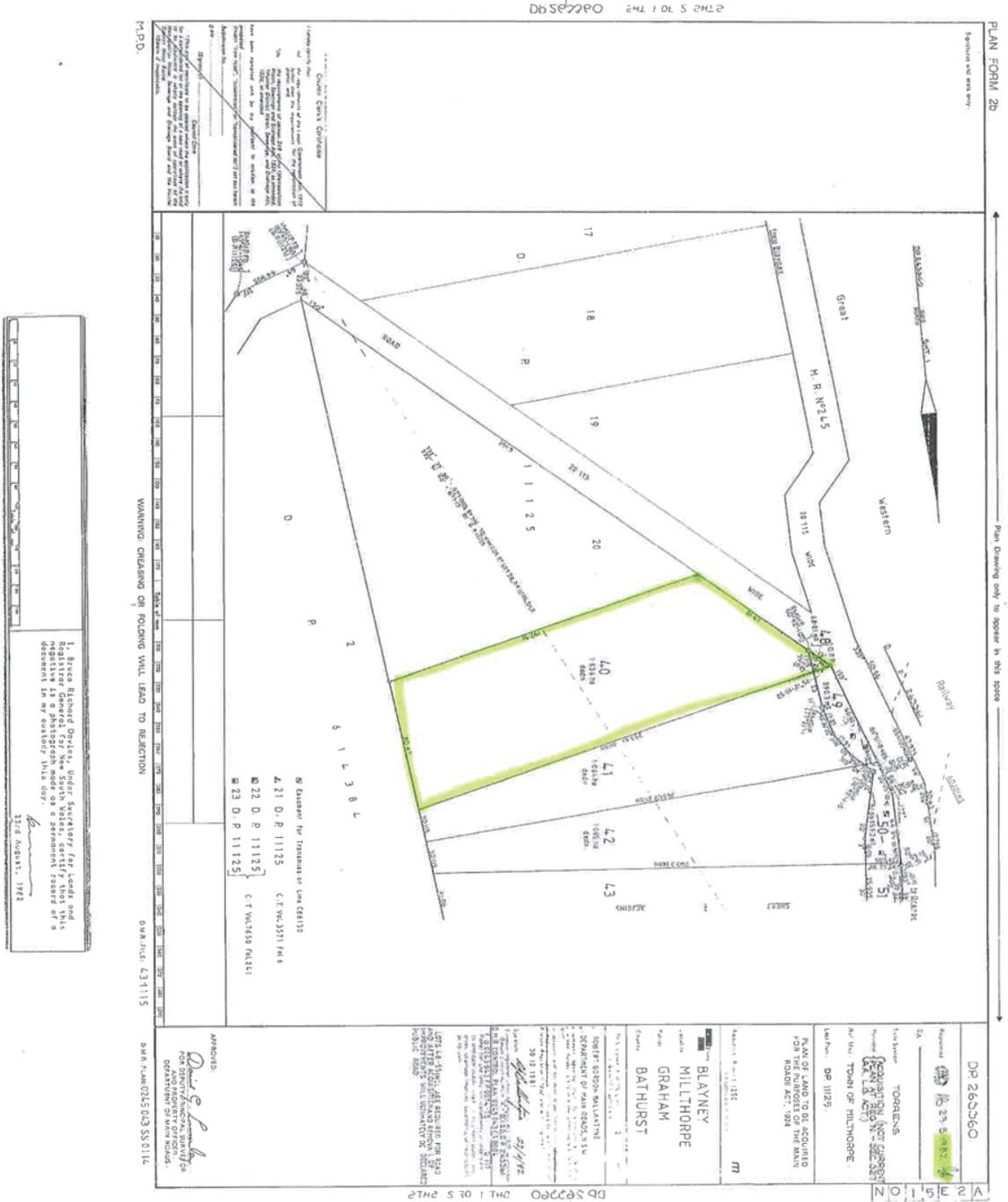


7 amiriyq pibca 1:4812 63071 7481 e:office@designsam.com orange.nsw 2800 m:0409 882 783 www.designsam.com

PROPOSED NEW RESIDENCE, at Lot 40 DP263360, NYLES GATE ROAD.

LORNA & VINCE HARRIS

Req:R701621 /Doc:DP 0263360 P /Rev:20-Jun-1992 /Sts:OK,OK /Prt:04-Jun-2013 16:12 /Pgs:ALL /Seq:1 of 2
 Ref:lg:blay-bbolt /Src:W



I, Bruce Richard Ogilvie, Under Secretary for Lands and Planning, do hereby certify that the above is a true and correct copy of the plan as shown to me by the applicant, and that the same is a true and correct copy of the plan as shown to me by the applicant, and that the same is a true and correct copy of the plan as shown to me by the applicant, and that the same is a true and correct copy of the plan as shown to me by the applicant.

22nd August, 1992

WARNING: CHEATING OR FOLDING WILL LEAD TO REJECTION

DRAWN FILE: 431115

DRAWN FILE: 0263360

DP 263360	17	18	19	20	40	41	42	43	50	51
BLAYNEY	MILLTHORPE									
GRAHAM	BATHURST									
APPROVED: <i>[Signature]</i> FOR THE UNDER SECRETARY FOR LANDS AND PLANNING DEPARTMENT OF LANDS										



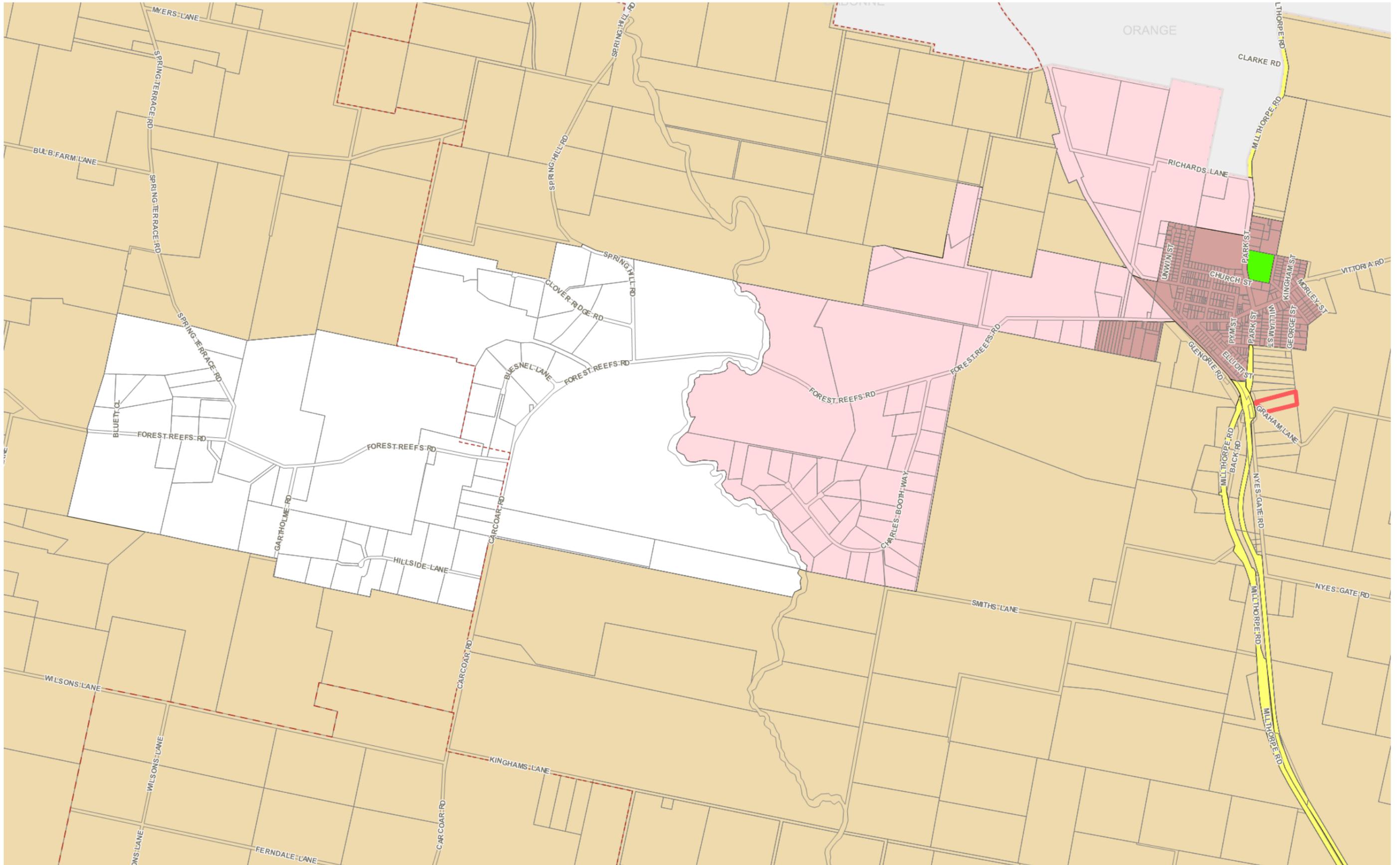


Blayney Shire Council
 11 Blayney Street, Blayney NSW 2895
 Tel: 08 9021 1119
 Fax: 08 9021 1125
 www.blayney.nsw.gov.au

Created By: Easy Project
 Prepared: GEMMA, 15/02/2016
 Date: 4/02/2016 1:33 PM

Existing dwellings

© Blayney Shire Council.
 © LPI Department of Finance and Services, Panorama Avenue, Southport, 2795. www.lpi.nsw.gov.au
 While every care is taken to ensure the accuracy of this product, Blayney Shire Council and the Local / State / Federal Government departments and Non-Governmental organisations whom supply datasets, make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damages) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.



28) WBC ALLIANCE EXECUTIVE OFFICER REPORT

Department: Executive Services

Author: General Manager

CSP Link: 6.2 Meaningful communication between the Shires communities and Council.

File No: CM.ME.3

Recommendation:

That the report from the WBC Alliance Executive Officer for February 2016 be received.

Reason for Report:

Attached is a report from the Wellington, Blayney and Cabonne (WBC) Alliance Executive Officer, that notes the activities and actions of the WBC Alliance for the previous month.

Enclosures (following report)

1 WBC Alliance Executive Officer Report

1 Page

Attachments (separate document)

Nil



WBC EXECUTIVE MANAGER'S REPORT –February 2016 Council meeting

As this is my first report for 2016 I would like to wish Councillors all the best for the New Year, one which will no doubt be full of challenges and potential change. I will continue to support the General managers and Staff of the councils in any way that I can.

Risk Management

Towards the end of December I facilitated a half day workshop for Blayney Council Administrative staff introducing them to the risk management module within Synergysoft. This was part of the overall implementation of Risk management for Blayney Council. I will continue working with the Risk Officer over the coming months to finalise this and to also develop and implement a Business Continuity Plan.

Asset Management:

I am working with Blayney and Cabonne assisting in the implementation and roll out of new Asset Management software. We have arranged training for staff in the week commencing 8th February and both councils have made significant progress since my last report in uploading asset data to the new Assetfinda system. This should enable better projection of assets backlog and better inform the 16/17 budget process.

Alliance Priorities – Feb-June 2016:

The General Managers and I are meeting on 10th February to discuss my work priorities to ensure that I continue to add value to the member Councils.

Reform Process:

I have attended two recent workshops held by LG NSW regarding the potential merger process, and how the manage staff through this transformational change should the amalgamations process. I am also participating in a two day workshop in mid-February being presented in Orange by LG Professionals on Managing and Leading Change. I have had quite a lot of experience in this area as well as holding qualifications in Change Management. If the change does proceed I hope that I am able to support councils in managing through what will be significant change.

WBC Board meeting:

The next Board meeting is scheduled for **Wednesday 2nd March in Cabonne Council** commencing at 10am. All councillors are welcome to attend.

WBC Executive Manager report to Councils February 2016

Matters to be dealt with in closed committee

In accordance with the Local Government Act (1993) and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

29) TENDER 21/2015 BRIDGE GEOTECHNICAL INVESTIGATION

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

30) LAND ACQUISITION FOR ROAD RE-ALIGNMENT BETWEEN 860 AND 1150 ERROWANBANG ROAD - ROWETH

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

31) GENERAL MANAGER YEARLY PERFORMANCE REPORT

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