



13 December 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, 19 December 2016 at 5.30 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 21.11.16
- (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

### December

<b>Time</b>	<b>Date</b>	<b>Meeting</b>	<b>Location</b>
6.00 pm	15 December 2016	Towns and Village Committee Meeting	Community Centre
5.30 pm	19 December 2016	Council Meeting	Community Centre

### January

Nil

### February

<b>Time</b>	<b>Date</b>	<b>Meeting</b>	<b>Location</b>
6.00pm	6 February 2017	Cultural Centre Working Group Meeting	Community Centre
5.00pm	9 February 2017	Cemetery Forum	Community Centre
5.45pm	9 February 2017	Access Committee Meeting	Community Centre
9.00am	15 February 2017	Audit Committee Meeting	Community Centre
5.30pm	16 February 2017	Sports Council Meeting	Community Centre
10.00am	17 February 2017	Traffic Committee Meeting	Community Centre
6.00 pm	20 February 2017	Council Meeting	Community Centre
4.00pm	21 February 2017	Local Emergency Management Meeting	Community Centre

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**HELD ON MONDAY 19 DECEMBER 2016**

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**01) MINUTES OF THE PREVIOUS MEETING HELD MONDAY 21 NOVEMBER 2016**

**Department:** Executive Services

**Author:** General Manager

**CSP Link:** 6.3 A well-run Council organisation.

**File No:** GO.ME.3

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**Recommendation:**

That the Minutes of the Ordinary Council Meeting held on 21 November 2016, being minute numbers 1611/001 to 1611/019 be confirmed.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE, ON 21 NOVEMBER 2016, COMMENCING AT 6.00 PM**

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

General Manager (Mrs R Ryan), Director Corporate Services (Mr A Franze), Acting Director Infrastructure Services (Mr N Skelly), Director Planning & Environmental Services (Mr M Dicker), Acting Executive Assistant to the General Manager (Ms S Hibbert)

**ACKNOWLEDGEMENT OF COUNTRY**

**MINUTE SILENCE**

A minute's silence was held for former Blayney Shire Councillor Jean Adams who passed away 29 October 2016, aged 92.

Jean served as a Councillor from 21 Sept 1972 – 26 Sept 1987. She received the Australia Day Blayney Shire Community Service Award in 1991 and received the Premier Award for Active Citizen in 2001.

**RECORDING OF MEETING STATEMENT**

**DISCLOSURES OF INTEREST**

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

<b>Councillor/ Staff</b>	<b>Interest</b>	<b>Item</b>	<b>Pg</b>	<b>Report</b>	<b>Reason</b>
Cr Somerville	Non- pecuniary	11	67	Write Off Debt	The write off debt relates to a condition of consent for the Metzuya P/L development, which required landscaping works in part to protect the amenity of Cr Somerville's adjoining property.

**PUBLIC FORUM**

Brian Newton – Agenda Item No. 4 - Inala Units Millthorpe, and additional item: Public Toilet Signage Millthorpe

Roger Ellis – Agenda Item No. 4 - Inala Units Millthorpe

**MAYORAL MINUTE****2016 CENTRAL WEST VOLUNTEER OF THE YEAR****CEREMONY**

The Mayor attended the 2016 Central West Volunteer of the Year Ceremony, held 13 October 2016 at Bathurst RSL. Michael Truloff from Millthorpe, received both the Adult Volunteer of the Year and Overall Volunteer of the Year Awards for his contribution to the Redmond Oval Project

**MAYORAL MINUTE****GENERAL MANAGER ANNUAL PERFORMANCE REVIEW**

1611/001

**RESOLVED**

That the annual General Manager Performance Review Panel include the Mayor, a Councillor nominated by Council and a Councillor nominated by the General Manager.

(Oates/Radburn)

**CARRIED****CONFIRMATION OF MINUTES****MINUTES OF THE PREVIOUS MEETING HELD MONDAY 24****OCTOBER 2016**

1611/002

**RESOLVED**

That the Minutes of the Ordinary Council Meeting held on 24 October 2016, being minute numbers 1610/001 to 1610/025 be confirmed.

(Kingham/Braddon)

**CARRIED**

**MATTERS ARISING FROM THE MINUTES**

Nil

**EXECUTIVE SERVICES REPORTS****LGNSW LONG SERVICE AWARDS**

1611/003

**RESOLVED**

That Council acknowledge the awarding of Long Service Awards by Local Government NSW to current Councillors including; an Outstanding Service Award to Councillor Geoff Braddon OAM, a Certificate of Service and Emeritus Mayor Certificate to Mayor Scott Ferguson and Certificates of Service presented to; Deputy Mayor Allan Ewin, Councillor Kevin Radburn and Councillor David Kingham.

(Somerville/Oates)

**CARRIED****INALA UNITS MILLTHORPE**

1611/004

**RESOLVED**

1. That Council place on notice inviting public comment for 28 days, the intention in principle; that Council will be proceeding to sell Inala Units being lot 221/DP593369 at 33 Park Street, Millthorpe.
2. That a communications strategy be implemented to ensure the Blayney Shire residents are fully informed and extensive opinion sought.

(Oates/Braddon)

**CARRIED****GARAGE SALE TRAIL 2016**

1611/005

**RESOLVED**

That Council note the results of the 2016 Garage Sale Trail held throughout Blayney and shire villages.

(Kingham/Ewin)

**CARRIED****MINUTES OF THE BLAYNEY SHIRE CULTURAL CENTRE  
WORKING GROUP MEETING HELD MONDAY 7 NOVEMBER  
2016**

1611/006

**RESOLVED**

1. That the minutes of the Cultural Centre Working Group Meeting, held Monday 7 November 2016, be received.
2. That Stage 2 Cultural Centre remain as originally planned to include space for an Art Gallery, Library, Viv Kable Collection and the Family History interests.
3. That the issue of Caravan/Long Vehicle Parking in Adelaide Street be referred to the Traffic Committee to investigate, including an assessment of signage to direct people to correct areas.

(Ewin/Oates)

**CARRIED**

**CORPORATE SERVICES REPORTS****REPORT OF COUNCIL INVESTMENTS AS AT 31 OCTOBER 2016**

1611/007

**RESOLVED**

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

(Radburn/Braddon)

**CARRIED****PRESENTATION**

2016 Financial Statements Review and Auditors Report by  
Leanne Smith of Intentus Chartered Accountants

**2015/2016 AUDITED FINANCIAL STATEMENTS**

1611/008

**RESOLVED**

1. That Council adopt the 2015/2016 Financial Statements and accept the Auditor's Report, as submitted by Intentus Chartered Accountants.
2. That the 2015/2016 transfers to and from Council's restricted cash be adopted.

(Oates/Ewin)

**CARRIED****QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2016**

1611/009

**RESOLVED**

1. That the Quarterly Budget Review Statement for the quarter ending 30 September 2016 be received.
2. That the supplementary votes of \$919k proposed in the Quarterly Budget Review Statement be adopted resulting in an increase to expenditure of \$103k for Net Continuing Operations and an increase to Capital Expenditure of \$816k offset by Capital Income variations of \$816k.
3. That the budgeted expenditure and transfers from the Asset Replacement Reserve of \$757k for works carried over from the 2015/16 financial year be endorsed.

(Somerville/Ewin)

**CARRIED****FINANCIAL REPORTING OBLIGATIONS FOR RELATED PARTY DISCLOSURES**

1611/010

**RESOLVED**

That Council receive the report on financial reporting obligations for Related Party Disclosures.

(Radburn/Ewin)

**CARRIED**

**CR DAVID SOMERVILLE LEFT THE MEETING, THE TIME BEING 06:49 PM****1611/011**      **WRITE OFF DEBT**  
**RESOLVED**

That Council approve the write-off of irrecoverable sundry debtor in the amount of \$22,645.70 for the following debtor:

D71247 – Metziya Pty Ltd T/A Sealink \$22,645.70  
(Braddon/Radburn)  
**CARRIED**

**CR DAVID SOMERVILLE RETURNED TO THE MEETING, THE TIME BEING 06:50 PM****1611/012**      **DISABILITY INCLUSION ACTION PLAN**  
**RESOLVED**

That Council commit to the development of a Disability Inclusion Action Plan pursuant to the Disability Inclusion Act 2014.

(Oates/Ewin)  
**CARRIED**

**INFRASTRUCTURE SERVICES REPORTS****1611/013**      **DIRECTOR INFRASTRUCTURE SERVICES MONTHLY**  
**REPORT**  
**RESOLVED**

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

(Kingham/Ewin)  
**CARRIED**

**1611/014**      **TENDER 4/2016 - REPLACEMENT SIX BRIDGES**  
**RESOLVED**

1. In accordance with the Local Government (General) Regulation 2005, Clause 178 (3) (e):-
  - a. Council not accept any tenders submitted for this project, and
  - b. Council not call new tenders as Council received offers from high quality contractors, and it is considered calling new tenders would not identify additional benefits beyond those already received, and
  - c. Council enter into negotiations with VEC Civil Engineering Pty Ltd as a suitably qualified and experienced contractor, to ensure all aspects of the contract have been negotiated in 'good faith', and are acceptable to both parties.

2. That Council approve to vote expenditure, in the amount of \$1,100,000 to be brought forward from Financial Year 17/18 to fund the early delivery of Newbridge Road, Dowsetts Lane, and part of Errowanbang Road bridges as offered in the tender scope.

(Radburn/Oates)

**CARRIED**

## **PLANNING AND ENVIRONMENTAL SERVICES REPORTS**

### **REQUEST FOR REFUND OF CHARGES, BLAYNEY WASTE FACILITY**

**1611/015**

#### **RESOLVED**

That Council approve an adjustment to the disposal rate charged to JR Richards for delivery of 45m<sup>3</sup> of commercial waste to Blayney Waste Facility on 6 April 2016, from \$190 per m<sup>3</sup> to \$48 per m<sup>3</sup>. This equates to a total adjustment of \$6,390 in JR Richards favour.

(Braddon/Ewin)

**CARRIED**

### **DEVELOPMENT APPLICATION 55/2016 - ANIMAL BREEDING, KEEPING AND TRAINING FACILITY AT LOT 144 DP 750408, 73 SOMERS LANE MANDURAMA**

**1611/016**

That Council refuse Development Application 55/2016 for an animal breeding, keeping and training facility at Lot 144 DP 750408, 73 Somers Lane, Mandurama, for the following reasons:

1. Additional information, being an adequate noise assessment prepared by a suitably qualified person and geotechnical report have not been supplied as requested in accordance with clause 54 of the Environmental Planning and Assessment Regulation 2000,
2. An adequate noise assessment and geotechnical report has not been provided to;
  - a. Support the development.
  - b. Enable proper consideration of the compatibility of the development with the existing rural residential landuse pattern,
  - c. Confirm landuse conflict will not be created from the development,
  - d. Confirm the site is suitable for the development,
  - e. Enable proper consideration of the development and its impact upon the natural and built environment,
  - f. Address issues detailed in submissions made against the development

(Kingham/Oates)

An Amendment was moved by Cr Radburn and seconded by Cr Braddon, to defer this matter to the December 2016 Council Meeting.

**CARRIED**

The Amendment became the substantive motion and was put.

**RESOLVED**

That the matter be deferred to the December 2016 Council Meeting.

(Radburn/Braddon)

**CARRIED**

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

<b>FOR</b>	<b>AGAINST</b>
Councillor Ewin	Councillor Oates
Councillor Braddon	Councillor Kingham
Councillor Somerville	
Councillor Ferguson	
Councillor Radburn	
<b>Total (5)</b>	<b>Total (2)</b>

**CLOSED MEETING**

**1611/017**

**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 matters:

**SALE OF LOT 1/DP 813003 MARIA STREET BLAYNEY**

*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.*

(Oates/Somerville)

**CARRIED**

**CONFIDENTIAL MEETING REPORTS**

- 1611/018**      **SALE OF LOT 1/DP 813003 MARIA STREET BLAYNEY**  
**RESOLVED**
1. That Council accept the offer to purchase 1 Maria Street (Lot 1, DP 813003) for the amount of \$49,500 by J and PJ Newman Pty Ltd T/As Newman’s Fuels; unencumbered and as is, without services and the current zoning Industrial IN2.
  2. That Council’s accepted sale price includes GST and is subject to the purchaser paying all associated legal costs.
  3. That Council authorise the Mayor and General Manager to affixing of the Council Seal and executing the Contract of Sale to enable settlement.
- (Braddon/Ewin)  
**CARRIED**

- 1611/019**      **RESOLVED**
- That as consideration of the matters referred to in the closed meeting has been concluded, the meeting now be opened to the public.
- (Braddon/Ewin)  
**CARRIED**

**AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR ANNOUNCED THE OUTCOME OF RESOLUTION NUMBER 1611/018**

There being no further business, the meeting concluded at 7.10pm

The Minute Numbers 1611/001 to 1611/019 were confirmed on 19 December 2016 and are a full and accurate record of proceedings of the Ordinary Meeting held on 21 November 2016.

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Cr S Ferguson  
**MAYOR**

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Mrs R Ryan  
**GENERAL MANAGER**

**02) LOCAL TOURISM ORGANISATION**

**Department:** Executive Services

**Author:** General Manager

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

**File No:** ED.IN.3

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**Recommendation:**

That Council nominate the Mayor (or Councillor nominee) as the appointed member representing Blayney Shire to the Orange City Council Transition Board which will prepare a proposal for consideration to form an industry led tourism entity.

**Reason for Report:**

At the October meeting Council agreed in principle to the proposal from Orange City Council (OCC) for an industry led Local Tourism Organisation (**Resolution No 1610/005**)

OCC have established the structure and parameters for a Transition Board and invited Blayney Shire Council to nominate a delegate to represent the interests from the Blayney Shire and our local tourism operator's perspective of branding, promotion and marketing for the region.

**Report:**

OCC have established a Transition Board which will prepare a proposal for OCC's consideration to form an industry led tourism entity.

This board will be comprised of the following representatives;

- 4 OCC appointed members
- 4 Brand Orange appointed members, 1 to be the Chair
- 1 member nominated by Cabonne Council
- 1 member nominated by Blayney Shire Council
- 1 member to represent the business sector, to be agreed between OCC and Brand Orange

The 4 OCC appointed members are the General Manager, the Mayor (or nominee), Cr Hamling and Cr Whitton.

Cabonne has nominated Cr Ian Davison as their representative on the Transition Board.

Copies of the relevant OCC Business Paper reports from November and December 2016 meeting are provided for Council information, following this report.

As noted in the OCC November Business Paper report, the Transition Board is to deliver the following:

- *A proposal that includes a strategic business plan, financial assessment and modelling and a risk assessment for Council to consider regarding the creation of an Industry led tourism entity who would be tasked with regional tourism marketing activities*
- *A funding request for Council to consider to support such an entity*
- *An evaluation of the current range of events undertaken both in and out of region to establish the benefits of the various events currently included in Council's funding of Brand Orange and other entities who support the events.*

Blayney Shire is a stakeholder and interested party to this proposal and representation on the Transition Board is critical.

**Issues:**

Council's representative on this Transition Board can be either a Councillor or a Tourism Operator from the shire and Council has discretion as to its preferred representation.

The Transition Board is operating parallel to Brand Orange and is not undertaking any marketing or promotional activities. Within a few months it must deliver for Council consideration, a proposal for the governance structure and way forward of a new Local Tourism Organisation and the first meeting is scheduled for late December 2016.

Should Council determine to seek an expression of interest from a local tourism operator to represent the interests of Blayney Shire, the earliest this process could be completed by is the February 2017 meeting.

Whilst a skills based board with majority operator interests is in the long term the best scenario for any Local Tourism Organisation, a more appropriate representative at this stage will be a Councillor. Given the nature of the collaboration between the 3 councils for this regional issue, the delegate role is recommended to be assigned to the role of Mayor with another Councillor nominee, as an alternate.

**Budget Implications:**

The Blayney Shire Council tourism promotions budget is not impacted by the establishment of this Transition Board.

OCC will continue to fund Brand Orange for marketing services from 1 January to 30 June 2017 and have also allocated a budget of \$50,000 for the Transition Board operations, which will be primarily administrative.

**Enclosures (following report)**

- |   |  |         |
|---|--|---------|
| 1 | Tourism Industry Led Entity - OCC Report, Nov 16 | 4 Pages |
| 2 | Tourism Transition Board - OCC Report, Dec 16    | 6 Pages |

**Attachments (separate document)**

Nil

**COUNCIL MEETING****15 NOVEMBER 2016**

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**5.11 TOURISM INDUSTRY LED ENTITY - TRANSITION BOARD COMPOSITION**

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TRIM REFERENCE: 2016/2670

AUTHOR: Kathy Woolley, Director Corporate and Commercial Services

**EXECUTIVE SUMMARY**

Council sought the engagement of Brand Orange in defining the proposed composition of a Transition Board to prepare the detailed submission to create an industry led tourism entity. This report presents the discussions outcomes.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy "10.1 Our Economy – Capitalise on the character and lifestyle of Orange to enhance tourism".

**FINANCIAL IMPLICATIONS**

Council has been advised that as a council included in the NSW Government's merger proposals under consideration by the Office of Local Government since referral on 6 January 2016, Council must comply with the merger proposal period guidelines issued under S23A of the Local Government Act 1993.

The guidelines instruct Council it should expend money in accordance with the detailed budget adopted for the purposes of implementing the Delivery/Operational Plan for the 2015/16 year.

Any expenditure outside the adopted budget requires the identification of clear and compelling grounds and must be approved by Council at a meeting that is open to the public. The guidelines indicate the resolution of Council for increased expenditure must specify the reasons why the expenditure is required and warranted.

If increased expenditure is greater than \$250,000 or 1% of the Council's revenue from rates in the preceding year, whichever is the greater, Council is required to exhibit the increase to the budget and consider comments received.

Council must also avoid entering into contracts or undertakings where expenditure or revenue is greater than \$250,000 or 1% of the Council's revenue from rates in the preceding year, whichever is the greater, unless the contract or undertaking is as a result of a decision or procurement process commenced prior to the merger proposal period or where entering into a contract or undertaking is reasonably necessary for the purposes of meeting the ongoing service delivery commitments of the Council or was previously approved in the Council's Delivery/Operational Plan.

**Implications in this report**

Council has allocated \$400,000 (ex GST) for the provision of tourism services. The six month funding agreement Council offered to Brand Orange covering the 1 July to 31 December 2016 period consumes \$190,909.09 (ex GST) of this money. Council resolved to allocate up to \$50,000 (ex GST) to the processes to seek the tourism industry's engagement and to develop the processes to create the industry led entity. The budget therefore has \$159,000 remaining in the 2016/17 year.

**COUNCIL MEETING****15 NOVEMBER 2016**

5.11 Tourism industry led entity - Transition board composition

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

- 1 That Council approve the structure of the Transition Board which will prepare a proposal for Council's consideration to form an industry led tourism entity to be comprised:**
  - **4 Orange City Council appointed members**
  - **4 Brand Orange appointed members, one to be the Chair**
  - **1 member nominated by Cabonne Council**
  - **1 member nominated by Blayney Shire Council**
  - **1 member to represent the business sector, to be agreed between Orange City Council and Brand Orange**
  
- 2 That Council seek from Brand Orange a proposal for services for the 1 January 2017 to 30 June 2017 period to be the basis of a performance based funding agreement for the delivery of regional tourism marketing activities.**

**FURTHER CONSIDERATIONS**

The recommendation of this report has been assessed against Council's other key risk categories and the following comments are provided:

Service Delivery	Council has delivered services to promote the tourism industry through the significant contract with Brand Orange of around \$400,000 over a five year period. Council also provides the Visitor information Centre, Orange Regional Gallery, Orange Regional Museum, Orange City Library, Colour City Caravan Park, sports fields and parks and a regional marketing budget of around \$125,000 (\$60,000 regional promotion including the membership of the Central NSW Tourism regional tourism organisation administered by the NSW Government and \$65,000 on promoting the region to possible relocatees). In addition to sponsoring the events managed by Brand Orange, Council has contributed a further \$20,000 (on top of the \$5,000 in the contract with Brand Orange for them to represent Council on the Committee) to the Banjo Paterson Festival in 2016/17 and has been given the status of principal sponsor of the event. While many more donations are made, other specific tourism sector donations include \$22,000 to the New Year's Eve event and \$3,000 each to Wine Week and FOOD Week. Council also runs its own events for Mayoral Receptions, Citizenship Ceremonies, Carols by Candlelight and Australia Day activities.
Image and Reputation	The region's reputation is developed and enhanced by the activities Council undertakes. This area is broader than the role Council has in supporting the tourism industry and extends to the activities Council offers in other economic development activities including through the \$110,000 annual allocation to the Jobs Creation Strategy actions.
Stakeholders	Federal Government, NSW government through its tourism arm,

**COUNCIL MEETING**

**15 NOVEMBER 2016**

**5.11 Tourism industry led entity - Transition board composition**

Destination NSW, tourism sector entities including Brand Orange, Orange Region Vignerons Association, accommodation sector, other tourism operators are all stakeholders.

**SUPPORTING INFORMATION**

Council considered a report on the possible creation of an industry led tourism board to take forward the services previously contracted out for regional tourism promotion at its meeting of 18 October 2016 where it resolved:

**5.7 INDUSTRY LED TOURISM BOARD**

*TRIM REFERENCE:* 2016/2264

**RESOLVED - 16/001**

**Cr R Kidd/Cr G Taylor**

*That Council endorse the negotiating position as outlined in the General Manager's comments section of the report which identifies a Transition Board made up of:*

- *Council representatives*
- *Brand Orange representatives*
- *An operator or Councillor from both Cabonne and Blayney*
- *A representative from the business sector*
- *A representative from the sport/recreation sector.*

*\*\* Crs Kidd, Munro and Turner requested their names be recorded as having voted against this decision of Council. \*\**

The Transition Board is to deliver the following:

- A proposal that includes a strategic business plan, financial assessment and modelling and a risk assessment for Council to consider regarding the creation of an Industry led tourism entity who would be tasked with regional tourism marketing activities
- A funding request for Council to consider to support such an entity
- An evaluation of the current range of events undertaken both in and out of region to establish the benefits of the various events currently included in Council's funding of Brand Orange and other entities who support the events.

Council has met with Brand Orange and a summary of the discussions was sent to the Chair of Brand Orange on 31 October 2016. The Chair confirmed acceptance of the position as presented in the letter in the attached correspondence.

**COUNCIL MEETING**

**15 NOVEMBER 2016**

5.11 Tourism industry led entity - Transition board composition

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The outcome of the discussions resulted in the recommendation that the Transition Board be formed:

- 4 Orange City Council nominations – these may be Councillors or staff
- 4 Brand Orange appointed members, one of whom will be the Transition Board Chair
- 1 Cabonne representative – nominated by Cabonne Council (subject to the Council's acceptance of this proposal)
- 1 Blayney Shire representative – nominated by Blayney Shire Council (subject to the Council's acceptance of this proposal)
- 1 Business sector representative – jointly nominated by Brand Orange and Orange City Council.

Operationally, the following are proposed for the Transition Board period:

- Brand Orange Board and the operations it manages will continue to operate as is
- The Transition Board will be formed as an entity under the Corporations Act.

The correspondence from Brand Orange identifies a request that Council enter into a further funding arrangement while the Transition Board is completing its tasks. The recommendation in this report is that Council seek from Brand Orange a proposal that identifies what services would be delivered in the six months between January – June 2017 to be brought back to Council for consideration.

**ATTACHMENTS**

- 1 Letter from Brand Orange agreeing to summary of discussions on transition board, D16/54184

COUNCIL MEETING

6 DECEMBER 2016

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**5.2 TOURISM TRANSITION BOARD**

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TRIM REFERENCE: 2016/2842

AUTHOR: Kathy Woolley, Director Corporate and Commercial Services

**EXECUTIVE SUMMARY**

Council recently considered the creation of an industry led tourism board and determined the need for a Transition Board to be formed to prepare comprehensive strategic and operating plans for the industry led entity. This report provides some background information on the question from Council for more information on how the role of chairperson would work across the entities likely to remain in place in the tourism sector. This report also seeks to have the nominations for the Transition Board finalised and seeks to have Council consider the terms of a six month funding agreement for Brand Orange from January – June 2017.

**LINK TO DELIVERY/OPERATIONAL PLAN**

The recommendation in this report relates to the Delivery/Operational Plan strategy “10.1 Our Economy – Capitalise on the character and lifestyle of Orange to enhance tourism”.

**FINANCIAL IMPLICATIONS**

Council has been advised that as a council included in the NSW Government’s merger proposals under consideration by the Office of Local Government since referral on 6 January 2016, Council must comply with the merger proposal period guidelines issued under S23A of the Local Government Act 1993.

The guidelines instruct Council it should expend money in accordance with the detailed budget adopted for the purposes of implementing the Delivery/Operational Plan for the 2015/16 year.

Any expenditure outside the adopted budget requires the identification of clear and compelling grounds and must be approved by Council at a meeting that is open to the public. The guidelines indicate the resolution of Council for increased expenditure must specify the reasons why the expenditure is required and warranted.

If increased expenditure is greater than \$250,000 or 1% of the Council’s revenue from rates in the preceding year, whichever is the greater, Council is required to exhibit the increase to the budget and consider comments received.

Council must also avoid entering into contracts or undertakings where expenditure or revenue is greater than \$250,000 or 1% of the Council’s revenue from rates in the preceding year, whichever is the greater, unless the contract or undertaking is as a result of a decision or procurement process commenced prior to the merger proposal period or where entering into a contract or undertaking is reasonably necessary for the purposes of meeting the ongoing service delivery commitments of the Council or was previously approved in the Council’s Delivery/Operational Plan.

**COUNCIL MEETING****6 DECEMBER 2016**5.2 Tourism Transition Board

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**Implications in this report**

Council allocated \$400,000 for tourism services in 2016/17. Council has already entered into a performance based contract with Brand Orange, primarily for the delivery of events management. Brand Orange has approached Council for a further six month contract.

**POLICY AND GOVERNANCE IMPLICATIONS**

Nil

**RECOMMENDATION**

- 1 That Council identify the 4 names of the Transition Board to be the nominees from Council to enable the industry led tourism entity concept to be developed.**
- 2 That Council note the comments in the report about director independence and the responsibilities of directors of entities formed under the Corporations Act.**
- 3 Due to the unique knowledge of the required services, Council enter into a six month performance based funding agreement with Brand Orange from 1 January 2017 to 30 June 2017 for a value of \$159,000 (ex GST) to be funded from the tourism services contract, payable in two instalments on 9 January and 3 April 2017.**

**FURTHER CONSIDERATIONS**

Consideration has been given to the recommendation's impact on Council's service delivery; image and reputation; political; environmental; health and safety; employees; stakeholders and project management; and no further implications or risks have been identified.

**SUPPORTING INFORMATION**

Council has determined its interest in the creation of an industry led tourism board following a proposal for such an entity having been raised by Brand Orange and strongly supported in the tourism strategy workshops Council ran in August 2016.

## COUNCIL MEETING

6 DECEMBER 2016

## 5.2 Tourism Transition Board

On 15 November 2016, Council resolved as follows:

**5.11 TOURISM INDUSTRY LED ENTITY - TRANSITION BOARD COMPOSITION**

TRIM REFERENCE: 2016/2670

**RESOLVED - 16/001****Cr J Hamling/Cr C Gryllis**

- 1 That Council approve the structure of the Transition Board which will prepare a proposal for Council's consideration to form an industry led tourism entity to be comprised:
  - 4 Orange City Council appointed members
  - 4 Brand Orange appointed members, one to be the Chair
  - 1 member nominated by Cabonne Council
  - 1 member nominated by Blayney Shire Council
  - 1 member to represent the business sector, to be agreed between Orange City Council and Brand Orange
- 2 That Council seek from Brand Orange a proposal for services for the 1 January 2017 to 30 June 2017 period to be the basis of a performance based funding agreement for the delivery of regional tourism marketing activities.

*\*\*Crs Kidd and Turner requested that their names be recorded as having voted against this decision of the Council. \*\**

At the 15 November 2016 meeting, Council asked for further information on the possible conflict of members of Brand Orange being on the Transition Board, in particular relating to the position to the Chair of the Transition Board.

The Transition Board is proposed to be formed as an entity under the Corporations Act 2001 (Cth). As such, the responsibilities of the Directors of that Board are as they would be for any other entity thus formed. That is, a Director must always act in the best interests of the entity that they are appointed to.

The Australian Securities and Investment Commission (ASIC) website provide a general statement of directors' duties as follows:

**"General duties**

*General duties imposed by the Corporations Act on directors and officers of companies include:*

- *the duty to exercise your powers and duties with the care and diligence that a reasonable person would have which includes taking steps to ensure you are properly informed about the financial position of the company and ensuring the company doesn't trade if it is insolvent*
- *the duty to exercise your powers and duties in good faith in the best interests of the company and for a proper purpose*
- *the duty not to improperly use your position to gain an advantage for yourself or someone else, or to cause detriment to the company, and*
- *the duty not to improperly use information obtained through your position to gain an advantage for yourself or someone else, or to cause detriment to the company."*

**COUNCIL MEETING****6 DECEMBER 2016**5.2 Tourism Transition Board

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Council has been advised that the Chair of Brand Orange has recently tendered his resignation as the Chair of that organisation.

As the Transition Board is to be formed as an entity under the Corporations Act, the responsibility to be exercised while acting as a director of the Transition Board is to that Board, not to any entity that may have nominated the director to the position.

The recommendation seeks the names of the four Council appointed members of the Transition Board.

The second part of the resolution from the 15 November meeting sought the negotiation of a six month performance based funding agreement between Council and Brand Orange for the January – June 2017 period. Brand Orange has proposed a suite of services it would offer during the January to June 2017 period.

Negotiations have been held and the following is an agreed basis for a performance based agreement with Brand Orange to operate between 1 January and 30 June 2017. It is recommended to Council that the elements on the following page be in the performance based funding agreements.

The current six month funding agreement with Brand Orange is due to expire on 31 December 2016. The update report was due on 1 December 2016 but Brand Orange has sought an extension on the reporting time frame until 8 December 2016.

The proposed funding level for the January – June 2017 period is significantly less than the \$190,000 provided in the current six month agreement. In the current agreement \$120,000 was allocated to the Martin Place event. Council will recall that the Transition Board is to provide analysis and recommendations to Council on which events are to be continued on a value for money basis if the industry led entity is formed.

## COUNCIL MEETING

6 DECEMBER 2016

## 5.2 Tourism Transition Board

**BRAND ORANGE PERFORMANCE BASED FUNDING AGREEMENT PARAMETERS: January – June 2017**

- Payments to be made in two equal amounts – on 9 January and 3 April 2017.
- Total allocation - \$159,000 (ex GST).
- Any non-delivery of an item will mean a refund is required for that item.
- A report on progress against the Key performance indicators will be provided to Council on 1 June 2017, or within one week if Brand Orange ceases operation

Deliverable	Ex GST	Comment/Key performance indicator
Watson's Bay - sponsorship - subject to being able to have "proudly sponsored by Orange City Council" and visitOrange logo applied as per previous agreement	\$15,000	<ul style="list-style-type: none"> <li>• KPI - Application of "Proudly sponsored by Orange City Council" and use of branding as per supplied artwork. Approval on all promotional materials including marketing, promotions, online and newsletters.</li> <li>• KPI- Survey of attendees and report on outcomes</li> </ul>
Apple Ramble - new event - need to be offered opportunity for principle sponsor rights	\$3,000	<ul style="list-style-type: none"> <li>• KPI - Council to be identified as principle sponsor and branding as supplied used on all materials. Preapproval of all artwork including marketing, promotions, online and newsletters</li> <li>• KPI- Survey of attendees and report on outcomes</li> </ul>
2017 Banjo Paterson Festival - representation and marketing	\$6,000	<ul style="list-style-type: none"> <li>• KPI – attendance as Council's representative to all committee meetings</li> <li>• KPI – details of marketing initiatives</li> </ul>
2017 F.O.O.D Week - Council representation and event support	\$5,000	<ul style="list-style-type: none"> <li>• KPI – attendance as Council's representative to all committee meetings</li> <li>• KPI – details of marketing initiatives</li> </ul>
2017 Apple Festival - Council representation	\$3,000	<ul style="list-style-type: none"> <li>• KPI – attendance as Council's representative to all committee meetings</li> <li>• KPI – details of marketing initiatives</li> </ul>
Public relations agency management and engagement	\$5,000	<ul style="list-style-type: none"> <li>• KPI - Evidence of engagement with agencies, media operators</li> </ul>
Prepare and publish the 2017 Orange Wine Festival Program	\$10,000	<ul style="list-style-type: none"> <li>• KPI - Draft Publication of the program by 1 June 2017</li> </ul>
Report on the achievements from the contract including surveys	\$10,000	<ul style="list-style-type: none"> <li>• KPIs - Provision of report on all KPIs on 1 June 2017 or within one week of windup of Brand Orange if occurs before 1 July 2017</li> </ul>
Key Stakeholder engagement	\$5,000	<ul style="list-style-type: none"> <li>• Number of engagements and list of outcomes of the engagement</li> </ul>

## COUNCIL MEETING

6 DECEMBER 2016

## 5.2 Tourism Transition Board

Deliverable	Ex GST	Comment/Key performance indicator
Australian Tourism Data Warehouse updates and overhaul	\$15,000	<p>KPIs - Increase of 25% on the following listings in each category - must be unique listings, not double counted across categories - figures from ATDW end Nov 2016:</p> <ul style="list-style-type: none"> <li>Accommodation - 70 facilities now - KPI target 87 entries</li> <li>Attractions: 30 entries now - KPI target 37 entries</li> <li>Food and Wine: 45 entries now - KPI target 56 entries</li> <li>Tours: 6 entries now - KPI target 8 entries</li> <li>Events: 32 entries now - KPI target 40 entries</li> </ul>
Cycling tourism opportunities assessment - infrastructure needs, demand market (who else apart from competitors who already come to events would be attracted and how do we reach them)	\$15,000	<ul style="list-style-type: none"> <li>KPI - identification of the demand and a marketing campaign that will reach the identified target audience target</li> </ul>
Health tourism opportunities assessment - identify demand and how to reach the target audience	\$15,000	<ul style="list-style-type: none"> <li>KPI - identification of the demand and a marketing campaign that will reach the identified target audience target</li> </ul>
Accommodation sector - facilitation to merge the various groups into one group	\$10,000	<ul style="list-style-type: none"> <li>KPI -30% of total accommodation operators signed up to create a single accommodation group</li> </ul>
Packages - develop and market 2 packages identified in the Tourism Strategy - to illustrate industry integration opportunities - suggested 1 Harvest based (pick your own, farm experience etc) and Indigenous culture based	\$20,000	<ul style="list-style-type: none"> <li>This would be \$10K per package - with a minimum of \$8.5K per package on actual advertising spend as long as get matching \$ for \$ value from those operators offering products. No in kind. \$3K per package retained by Brand Orange</li> <li>KPI - specific bookings through Bookeasy for overnight stays or event tickets</li> </ul>
Joint marketing initiative - use to get matching \$ for \$ from industry for a short specific marketing campaign designed and executed by Brand Orange by February 2017	\$20,000	<ul style="list-style-type: none"> <li>This would be \$17K applied to an advertising campaign as long as Brand Orange gets matching \$ for \$ against every dollar applied. No in kind. \$3K retained by Brand Orange for operating costs</li> <li>KPI - specific bookings through Bookeasy for overnight stays or event tickets showing</li> </ul>
Newcrest cycling event - managing local media placement	\$2,000	<ul style="list-style-type: none"> <li>KP - placement of local advertising/promotional activities to be advised</li> </ul>
<b>TOTAL</b>	<b>\$159,000</b>	

**03) MINUTES OF THE BLAYNEY SHIRE CULTURAL CENTRE WORKING GROUP MEETING HELD MONDAY 5 DECEMBER 2016**

**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

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**Recommendation:**

1. That the minutes of the Cultural Centre Working Group Meeting, held Monday 5 December 2016, be received.
2. That feedback be provided to the Disability Inclusion Action Plan to include a review of the Disabled Parking Options in Adelaide Street.
3. That the Canobolas RFS Zone Committee consider the locations and type of bush fire danger rating signs and their effectiveness in the Blayney Shire and to provide a solution as to a potential location and cost of an electronic sign in Blayney.

**MINUTES OF THE CULTURAL CENTRE WORKING GROUP MEETING HELD ON MONDAY 5 DECEMBER 2016 AT THE BLAYNEY SHIRE COMMUNITY CENTRE**

Meeting commenced at 6.00pm.

**PRESENT**

Cr Scott Ferguson (Chair), Cr Allan Ewin, Cr David Kingham, Rebecca Ryan, Elizabeth Russ, Gwenda Stanbridge, Ian Tooke, Loretta Kervin, Penny May, Tom Williams

**GUESTS**

Betty Williams

**APOLOGIES**

Jan Richards, Margaret Paton, Ros Dorsman

Recommended that the apologies submitted on behalf of Jan Richards, Margaret Paton and Ros Dorsman be accepted.

(Tom Williams / Penny May)

**DISCLOSURES OF INTEREST**

Nil

**MINUTES FROM PREVIOUS MEETING – 7 NOVEMBER 2016**

Recommended that the minutes from the previous Cultural Centre Working Group Meeting held on 7 November 2016 be adopted.

(Loretta Kervin / Ian Tooke)

**BUSINESS ARISING**

- Long Vehicle and Caravan Parking Adelaide Street – has been referred to Traffic committee. Matter will be investigated by Council for options.

**REVIEW OF DRAFT & CONCEPT PLANS**

- Plans reviewed with Architect post last meeting given Art Gallery inclusion and areas not available
- Car parking requirements remain an issue to be addressed
- Design Brief draft completed and copied to be provided to members

**Action:** GM to email final Design Brief from Penny May to Committee All to check and confirm input from each group into draft Design Brief and provide this feedback to Penny May for February meeting

**DISABLED PARKING ON ADELAIDE STREET**

The disabled parking in Adelaide Street in front of Hill and Crofts Rural Supplies is not adequate to those people requiring disabled car parking.

The ramp has a lip and parking is offset from ramp which is not helping a passenger who is disabled access easily.

Recommended that feedback be provided to the Disability Inclusion Action Plan to include a review of the Disabled Parking Options in Adelaide Street.

Tom Williams / Ian Tooke

**RFS FIRE DANGER RATING SIGN**

A question was raised about the reinstatement of the RFS Fire Danger Rating sign what was in front of the Cottage when the refurbishment is completed. The General Manager advised that it is preferable that this sign is not put back into the main street, and rather is replaced by an electronic sign either at Marshalls Lane in the Industrial Area or at Carcoar Dam. The advantage of this sign been at the Cottage was that the volunteers updated and changed each day. There is a trend however for this information to be updated on mobile Phone Apps.

Recommended that the Canobolas RFS Zone Committee consider the locations and type of bush fire danger rating signs and their effectiveness in the Blayney Shire and to provide a solution as to a potential location and cost of an electronic sign in Blayney.

Tom Williams / Elizabeth Russ

**GENERAL BUSINESS**

- Nil

**NEXT MEETING**

Next meeting will be held Monday 6 February 2017 at 6.00pm.

**MEETING CLOSE**

There being no further business the meeting closed at 6.50pm.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**04) REPORT OF COUNCIL INVESTMENTS AS AT 30 NOVEMBER 2016**

**Department:** Corporate Services

**Author:** Chief Financial Officer

**CSP Link:** 6.3 A well-run Council organisation.

**File No:** FM.IN.1

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**Recommendation:**

1. That the report indicating Council's investment position as at 30 November 2016 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

**Reason for Report:**

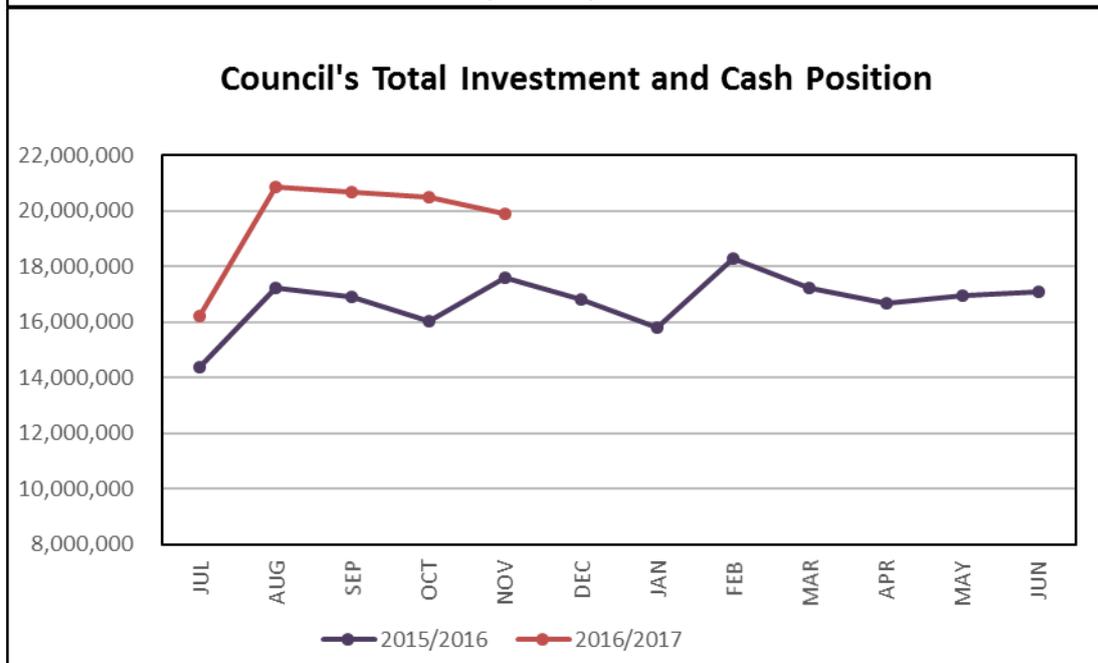
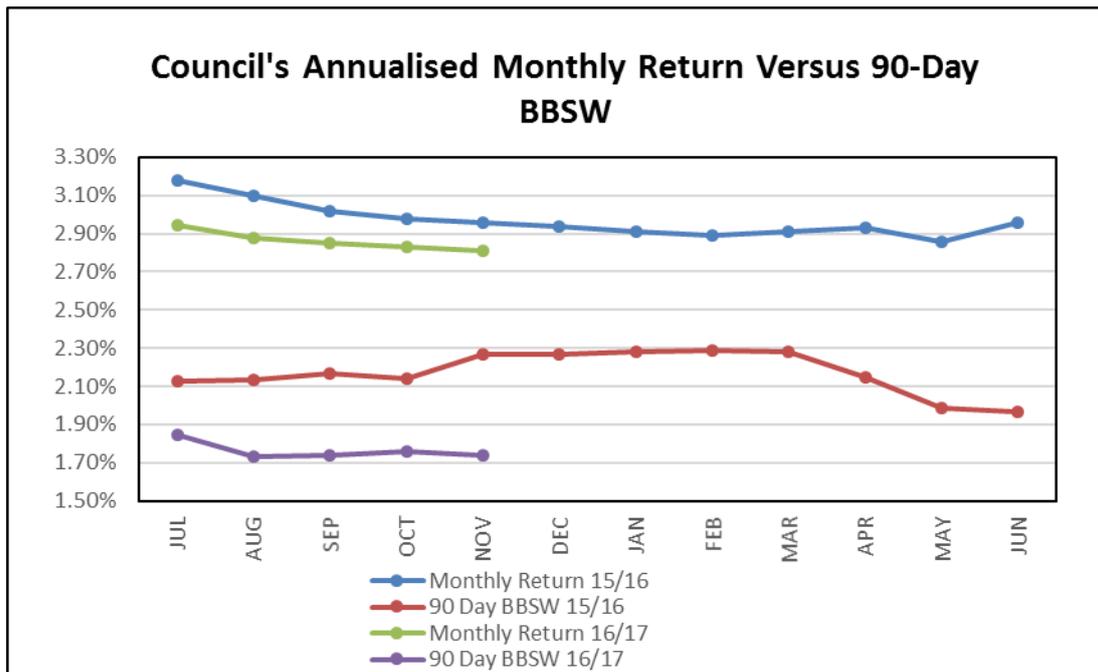
For Council to endorse the Report of Council Investments as at 30 November 2016.

**Report:**

This report provides details of Council's Investment Portfolio as at 30 November 2016.

Council's total investment and cash position as at 30 November 2016 is \$19,910,924. Investments earned interest of \$44,647 for the month of November 2016.

Council's monthly net return on Term Deposits annualised for November of 2.813% outperformed the 90 day Bank Bill Swap Rate of 1.74%.



<b>REGISTER OF INVESTMENTS AND CASH AS AT 30 NOVEMBER 2016</b>				
<b>Institution</b>	<b>Rating</b>	<b>Maturity</b>	<b>Amount \$</b>	<b>Interest Rate</b>
AMP Bank	A1/A+	6/01/2017	500,000	2.850%
AMP Bank	A1/A+	16/08/2017	500,000	2.800%
AMP Bank	A1/A+	9/05/2017	500,000	3.000%
AMP Bank	A1/A+	31/05/2017	500,000	3.000%
AMP Bank	A1/A+	15/06/2017	500,000	2.900%
AMP Bank	A1/A+	17/01/2017	500,000	2.850%
Auswide Bank Ltd	A2/BBB	7/03/2017	500,000	3.000%
Bank of Queensland	A2/A-	3/01/2017	500,000	2.950%
Bank of Queensland	A2/A-	31/01/2017	500,000	2.750%
Bank of Queensland	A2/A-	16/05/2017	500,000	2.700%
Bankwest	A1+/AA-	4/04/2017	506,244	2.550%
Bankwest	A1+/AA-	14/02/2017	500,000	2.850%
Bankwest	A1+/AA-	12/12/2016	500,000	2.550%
Bankwest	A1+/AA-	30/11/2017	500,000	2.550%
Bankwest	A1+/AA-	14/02/2017	500,000	2.500%
Bendigo & Adelaide Bank	A2/A-	23/11/2017	500,000	2.700%
Bendigo & Adelaide Bank	A2/A-	13/06/2017	500,000	2.900%
Bendigo & Adelaide Bank	A2/A-	22/08/2017	1,000,000	2.700%
Bendigo & Adelaide Bank	A2/A-	29/08/2017	1,000,000	2.700%
IMB	A2/BBB	10/01/2017	500,000	2.600%
ING Bank	A2/A-	28/02/2017	500,000	3.100%
Macquarie Bank	A1/A	8/05/2017	500,000	2.800%
ME Bank	A2/BBB+	6/03/2017	500,000	3.070%
ME Bank	A2/BBB+	20/12/2016	500,000	3.000%
ME Bank	A2/BBB+	28/11/2017	500,000	2.700%
ME Bank	A2/BBB+	7/03/2017	500,000	3.070%
MyState Bank Limited	A2/A-	21/02/2017	500,000	2.670%
MyState Bank Limited	A2/A-	23/05/2017	500,000	2.670%
MyState Bank Limited	A2/A-	30/05/2017	500,000	2.670%
NAB	A1+/AA-	6/09/2017	500,000	2.680%
NAB	A1+/AA-	29/11/2017	500,000	2.790%
NAB	A1+/AA-	23/05/2017	500,000	2.890%
NAB	A1+/AA-	21/02/2017	500,000	3.130%
NAB	A1+/AA-	13/12/2016	500,000	2.940%
Westpac	A1+/AA-	6/12/2016	500,000	2.860%
<b>Total Investments **</b>			<b>18,506,244</b>	<b>2.813%</b>

Benchmarks:	BBSW 90 Day Index	1.740%
	RBA Cash Rate	1.500%
Commonwealth Bank - At Call Account	151,381	1.380%
Commonwealth Bank Balance - General **	1,253,298	0.950%
<b>TOTAL INVESTMENTS &amp; CASH</b>	<b>19,910,924</b>	

\* % Interest rates as at 30/11/2016

\*\* Councils current cash position significantly increased during the September quarter as a result of Councils largest rate payer paying their 2016/17 rates in full at the first instalment date. These funds have been invested with a maturity date that coincides with the remaining instalments due dates in order to manage ongoing cash flow requirements and represents \$2,157,970 of the unrestricted cash balance as at 30 November 2016.

<b>Summary of Investment Movements - November 2016</b>		
<b>Financial Institution</b>	<b>Invst/(Recall) Amount \$</b>	<b>Commentary</b>
Bendigo & Adelaide Bank	(514,230.14)	Term Deposit Matured 22/11/2016
Bendigo & Adelaide Bank	500,000.00	Term Deposit Reinvested 22/11/2016
Bankwest	(50,568.49)	Term Deposit Matured 29/11/2016
Bankwest	500,000.00	Term Deposit Reinvested 29/11/2016
National Australia bank	(514,561.43)	Term Deposit Matured 29/11/2016
National Australia bank	500,000.00	Term Deposit Reinvested 29/11/2016
ME Bank	(506,038.36)	Term Deposit Matured 29/11/2016
ME Bank	500,000.00	Term Deposit Reinvested 29/11/2016

<b>Short Term Credit Rating*</b>	<b>Policy Maximum</b>	<b>Current Holding %</b>	<b>Current Holding \$</b>
A-1+	100%	30%	5,506,244
A-1	80%	19%	3,500,000
A-2	60%	51%	9,500,000
A-3	40%	0%	-
			18,506,244

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

<b>Overall Portfolio Return to Maturity</b>			<b>Actual %</b>
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%

<b>Individual Institution Limit</b>	<b>Rating</b>	<b>Policy Maximum</b>	<b>Actual Maximum</b>
AMP Bank	A1/A+	3,000,000	3,000,000
Auswide Bank Ltd	A2/BBB	3,000,000	500,000
Bank of Queensland	A2/A-	3,000,000	1,500,000
Bankwest	A1+/AA-	3,000,000	2,506,244
Bendigo & Adelaide Bank	A2/A-	3,000,000	3,000,000
IMB	A2/BBB	3,000,000	500,000
ING Bank	A2/BBB+	3,000,000	500,000
Macquarie Bank	A1/A	3,000,000	500,000
ME Bank	A2/BBB+	3,000,000	2,000,000
MyState Bank Limited	A2/A-	3,000,000	1,500,000
NAB	A1+/AA-	3,000,000	2,500,000
Westpac	A1+/AA-	3,000,000	500,000

<b><u>RESTRICTED CASH, CASH EQUIVALENTS &amp; INVESTMENTS</u></b>	
	<b>\$ 000's</b>
External Restrictions - Sewer*	5,157
External Restrictions - Unexpended Grants*	1,282
External Restrictions - Other*	2,267
	<b>8,706</b>
Internal Cash Restrictions*	8,232
Unrestricted	2,973
	<b>11,205</b>
<b>TOTAL CASH &amp; INVESTMENTS</b>	<b>19,911</b>

\* Restrictions represent balance as at 1 July 2016.

\*\* Unrestricted cash balance is inclusive of \$2,157 rates paid in advance

#### CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

I, Tiffaney Irlam, 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

**05) ANNUAL REPORT 2015/16**

**Department:** Corporate Services

**Author:** Director Corporate Services

**CSP Link:** 6.3 A well-run Council organisation.

**File No:** GO.PR.1

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**Recommendation:**

That the Council receive the report on the 2015/16 Annual Report lodgement.

**Reason for Report:**

To report to Council the lodgement of the 2015/16 Annual Report within the statutory timeframe.

**Report:**

Council is required to prepare an Annual Report on its activities annually, lodge it to the Office of Local Government (OLG) and place it on Council's website by prescribed deadline of 30 November.

The 2015/16 Annual Report was lodged with the OLG and placed on Council's website by the prescribed due date.

A copy of the 2015/16 Annual Report is available for viewing from Council's website under the *Your Council / Council Publications / Annual Report* tab or by using website link: <http://www.blayney.nsw.gov.au/your-council/council-publications/annual-reports/annual-reports> .

**Issues:**

Nil.

**Budget Implications:**

Nil.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**06) COMPLIANCE AND REPORTING ACTIVITIES****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 the 6 month period to December 2016 be received.

**Reason for Report:**

For Council to be updated on compliance and reporting activities for the 6 month period to December 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 compliance and reporting activities undertaken for the 6 month period to December 2016:

<b>Activity</b>	<b>Legislation</b>	<b>Due Date</b>	<b>Completion Date</b>
Review of Agency Information guide at intervals of not more than 12 months	Government Information (Public Access) Act s.21	Annually	18/07/2016
Proposed loan borrowings return lodgement to Office of Local Government (OLG)	OLG Guideline	08/07/2016	07/07/2016
GST Certificate lodgement to OLG	OLG Guideline	31/07/2016	14/07/2016
Last day for resolution for making rates	Local Government (L.G.) Act s.533	31/07/2016	20/06/2016
Public Interest Disclosure (PID) (six monthly) report to NSW Ombudsman	Public Interest Disclosures (PID) Act s.6CA	30/07/2016	06/07/2016
Rates levied by service of rates & charges notice	L.G. Act s.562	1/08/2016	29/07/2016
Submission of Quarterly Budget Review Statement to Council (1 <sup>st</sup> Quarter)	L.G. Regulation cl.203(1)	31/08/2016	15/08/2016
Delivery Program progress report to Council	L.G. Act s.404(5)	Six monthly	15/08/2016

Activity	Legislation	Due Date	Completion Date
Roads and Bridges Data Return lodgement	OLG Guideline	30/09/2016	29/09/2016
Table completed Pecuniary Interest Returns for Councillors and Designated Persons at Council meeting after due date	L.G. Act s.450(A)	Council meeting after 30/09/2016	24/10/2016
Financial Statements to be audited within 4 months of year end	L.G. Act s.416(1)	30/10/2016	27/09/2016
Public Interest Disclosures Annual Report	PID Act s.31	30/10/2016	17/10/2016
Government Information (Public Access) Act Annual Report	Government Information (Public Access) Act s.125 and Regulation cl. 7	30/10/2016	19/10/2016
Issue 2 <sup>nd</sup> Rates Instalment notices	L.G. Act s.562	31/10/2016	17/10/2016
Audited Financial Statement to be lodged with OLG	L.G. Act s.417(5)	31/10/2016	31/10/2016
Financial Data Return to be lodged with OLG	L.G. Act s.417(5)	31/10/2016	31/10/2016
Notice for presentation of Audited Financial Reports	L.G. Act s.418(2)	28/11/2016	02/11/2016
Complaint statistics report to Council	Model Code procedures 12.1	31/12/2016	24/10/2016
Complaint statistics report to OLG	Model Code procedures 12.2	31/12/2016	25/10/2016
Submission of Quarterly Budget Review Statement to Council (1 <sup>st</sup> Quarter)	L.G. Regulation cl.203(1)	30/11/2016	21/11/2016
Notify Minister (via OLG) that Annual Report posted on website.	L.G. Act s.428	30/11/2016	30/11/2016
Audited Financial Statements to be presented to the public.	L.G. Act s.417(5)	05/12/2016	21/11/2016

**Issues:**

Nil

**Budget Implications:**

Nil

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**07) LOCAL GOVERNMENT REMUNERATION TRIBUNAL 2017 REVIEW**

**Department:** Corporate Services

**Author:** Director Corporate Services

**CSP Link:** 6.3 A well-run Council organisation.

**File No:** CM.CI.1

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**Recommendation:**

That, subject to input, a Council submission be made to the Local Government Remuneration Tribunal review of 2017 annual determination of fees payable to Councillors and Mayors.

**Reason for Report:**

For Council to consider the making of a submission to the Local Government Remuneration Tribunal review of its 2017 annual determination of fees payable to Councillors and Mayors.

**Report:**

Council has received correspondence from the Local Government Remuneration Tribunal that it has commenced a review of its 2017 annual determination of fees payable to Councillors and Mayors.

Pursuant to s.241 of the Local Government Act 1993 (LG Act), the Tribunal is required to make an annual determination, by no later than 1 May 2017, on the fees payable to Councillors and Mayors to take effect from 1 July 2017.

Blayney Shire Council is currently one of the 77 councils within the Rural Council category determined under Section 239 of the Act for the purposes of the annual fees.

With a number of proposed Council mergers on hold the Tribunal has advised that it may have to consider categorisation of new councils following conclusion of legal action. The consideration of new councils proclaimed in this review will depend on timing of and outcome of the legal process.

The Tribunal has examined the list of existing and new councils and intends to revise the existing categorisation model for the purposes of determining fees. The proposed groups are Metropolitan, with 5 proposed categories for determination, and Non-Metropolitan, with 4 proposed categories for determination. The Non-metropolitan group, under which Blayney would sit, is proposed to be structured as follows:

<b>Category</b>	<b>Council</b>	<b>Criteria for inclusion</b>
Regional City	Newcastle, Wollongong	To be defined
Regional Strategic Centre	Central Coast, Lake Macquarie	To be defined
Regional Rural	To be determined	To be defined
Rural	To be determined	To be defined

Section 242A of the LG Act was amended on 30 August 2016 to insert sub-sections (3) and (4), to clarify the intent of the impact of the wages policy on a determination which may change the category of a council. Those amendments make clear that the minimum and maximum fees applicable to the existing categories cannot be increased by more than 2.5 per cent. The Tribunal is however able to determine that a council can be placed in another category with a higher range of remuneration without breaching the government's wage policy.

Submissions have been invited in respect to the proposed categorisation structure and fees and any general matters as part of this annual review. The due date for submissions is no later than 30 January 2016.

A copy of correspondence from the Local Government Remuneration Tribunal is provided as an attachment.

**Issues:**

Councillors input into this matter is sought and staff will coordinate and lodge a submission based upon feedback received.

**Budget Implications:**

Nil.

**Enclosures (following report)**

1 Local Government Remuneration Tribunal Letter 4 Pages

**Attachments (separate document)**

Nil



## Local Government Remuneration Tribunal

Ref: A3484434

To Mayors/General Managers

28 November 2016

Dear Mayors/General Managers

I write to advise that the Local Government Remuneration Tribunal has commenced its review for the 2017 annual determination.

Pursuant to s. 241 of the *Local Government Act 1993* (LG Act), the Tribunal is required to make an annual determination, by no later than 1 May 2017, on the fees payable to Councillors and Mayors to take effect from 1 July 2017.

The Tribunal notes that the NSW Government has published proclamations under the LG Act to amalgamate a number of council areas and constitute a total of 20 new councils commencing from the date of publication on the NSW legislation website. The Tribunal's 2017 determination will place each of these 20 new councils into a new or existing category. The Tribunal notes that the 20 new councils are currently being run by an Administrator and an interim General Manager until council elections are held in September 2017.

A number of other merger proposals are on hold as a consequence of legal action taken by councils covered by these proposals. The Tribunal may also need to consider the categorisation of further new councils following the conclusion of legal action. Whether any further councils can be considered during the 2017 annual review will depend on the timing and outcomes of the legal process.

The Tribunal notes that the NSW Electoral Commissioner has advised that for any councils created after the end of November 2016, the earliest an election may be held is March 2018. If there is insufficient time for the Tribunal to consider the categorisation of further new councils for 2017, the Minister for Local Government may direct the Tribunal to make a special determination to address these matters prior to the making of the 2018 determination.

Level 14 Bligh House, 4-6 Bligh Street, Sydney NSW 2000 ■ GPO Box 3988, Sydney NSW 2001

**Categorisation**

The Tribunal has examined the list of existing and new councils and intends to revise the existing categorisation model for the purposes of determining fees.

The proposed model provides for metropolitan and non-metropolitan councils to be categorised into different groups as follows:

- **Metropolitan**

Five metropolitan categories are proposed. The existing *Principal City* category is proposed to be retained for Sydney City Council and renamed Principal CBD. *Major City* is proposed to be abolished and a new category created for Parramatta City Council. The Tribunal's preliminary thinking is that this category will be titled Major CBD. The existing *Metropolitan Major*, *Metropolitan Centre* and *Metropolitan* categories will be retained for the new and remaining existing councils.

Category	Council	Criteria for inclusion
<b>Principal CBD</b>	Sydney	<i>To be defined</i>
<b>Major CBD</b>	Parramatta	<i>To be defined</i>
<b>Metropolitan Major</b>	<i>To be determined</i>	<i>To be defined</i>
<b>Metropolitan Centre</b>	<i>To be determined</i>	<i>To be defined</i>
<b>Metropolitan</b>	<i>To be determined</i>	<i>To be defined</i>

- **Non Metropolitan**

Four non metropolitan categories are proposed. A new *Regional City* category will be created for Newcastle and Wollongong City Councils. A new *Regional Strategic Centre* category will be created for Central Coast and Lake Macquarie Councils. The existing *Regional Rural* and *Rural* categories will be retained for other new and remaining councils.

Category	Council	Criteria for inclusion
<b>Regional City</b>	Newcastle Wollongong	<i>To be defined</i>
<b>Regional Strategic Centre</b>	Central Coast Lake Macquarie	<i>To be defined</i>
<b>Regional Rural</b>	<i>To be determined</i>	<i>To be defined</i>
<b>Rural</b>	<i>To be determined</i>	<i>To be defined</i>

- **County Councils**

The Tribunal does not intend to make any change to the categorisation of county councils and will retain the existing categories of Water and Other.

**Criteria for Categorisation**

The Tribunal is yet to finalise the criteria for classifying councils into the proposed metropolitan and non-metropolitan categories.

The Tribunal's 2009 annual determination outlines the characteristics for the existing categories. At this stage the Tribunal intends to adopt a similar approach and will determine descriptors for the proposed categories for the purposes of classifying councils into the categories. Population is likely to remain a determining factor for differentiating categories of councils. The Tribunal will also have regard to the matters prescribed in section 240 of the LG Act.

The Tribunal would welcome submissions from councils on the proposed classification model and the criteria to which the Tribunal should have regard to when determining the categories.

Submissions may also address the proposed titles of each of the categories and suggest alternative titles if appropriate.

The Tribunal would also welcome submissions from councils on the appropriate classification for their individual council.

**Fees**

The Tribunal will also determine the minimum and maximum fee levels for each category in the categorisation structure.

In accordance with s. 242A of the LG Act the Tribunal is required to apply the Government's public sector wages policy to the determination of ranges of fees for Councillors and Mayors. The public sector wages policy currently provides for a cap on increases of 2.5 per cent.

Section 242A of the LG Act was amended on 30 August 2016 to insert sub-sections (3) and (4), to clarify the intent of the impact of the wages policy on a determination which may change the category of a council. Those amendments make clear that the minimum and maximum fees applicable to the existing categories cannot be increased by more than 2.5 per cent. The Tribunal is however able to determine that a council can be placed in another category with a higher range of remuneration without breaching the government's wage policy. These changes provided the Tribunal with greater flexibility in reviewing fees for existing and new councils.

Any submission you wish to make in regard to the range of fees payable to each category should be made having regard to the Tribunal's obligations under section 242A of the LG Act.

**Submissions**

The Tribunal calls for submissions from individual councils in respect to the proposed categorisation structure and fees, as outlined above, and any general matters as part of this annual review.

It is important to note that the Tribunal has a limited period of time to undertake the annual review and the determination is required to be made before 1 May. For that reason any comments the Council may wish to make should be received by no later than 30 January 2017 and should be emailed to [catherine.power@psc.nsw.gov.au](mailto:catherine.power@psc.nsw.gov.au).

Please note that any material provided to the Tribunal may be made available to any member of the public under the *Government Information (Public Access) Act 2009*.

As part of the annual review the Tribunal will seek to meet with Local Government NSW, as it does each year, to receive a sector wide view on the future direction for local government in NSW.

If you require any further information please email [sarah.bradshaw@psc.nsw.gov.au](mailto:sarah.bradshaw@psc.nsw.gov.au) or telephone on 02 9272 6006.

Yours sincerely



Dr Robert Lang  
**Local Government Remuneration Tribunal**

**08) 2017/18 RATE PEG ANNOUNCEMENT**

**Department:** Corporate Services

**Author:** Director Corporate Services

**CSP Link:** 6.3 A well-run Council organisation.

**File No:** FM.PO.3

---

**Recommendation:**

That Council receive the report on the Rate Peg Announcement for 2017/18.

**Reason for Report:**

To inform Council on the announcement by IPART for the maximum allowable increase to general income (rates) for 2017/18.

**Report:**

Council has received advice from IPART that the rate peg for 2017/18 is 1.5%.

In its fact sheet IPART outlines the following:

*The main contributors to increasing the level of the index over the year ending September 2016 were:*

- *an increase of 2.3% in employee benefits and on-costs, measured by the ABS wage price index for the NSW public sector*
- *an increase of 1.5% in other expenses (e.g. miscellaneous expenses such as councillors' and mayoral fees), measured by the ABS consumer price index – all groups Sydney,*
- *an increase of 0.6% in construction works – roads, drains, footpaths, kerbing, bridges costs, measured by the ABS producer price index for roads and bridge construction NSW*
- *an increase of 2.7% in buildings – non-dwelling costs, measured by the ABS producer price index for non-residential building construction, and*
- *an increase of 1.9% in other business services costs (e.g. materials and contracts such as other operating leases, contractor and consultancy costs), measured by the ABS producer price index for other administrative services.*

*Partly offsetting these impacts were decreases in automotive fuels (10.5%), gas (10.4%) and telecommunications and internet services (7.1%). See Section 3 below for a table showing the price changes in cost items for all components of the LGCI.*

Council has used a forecast increase of 2.5% for the 2017/18 year and future years in its Long Term Financial Plan. This equates to a reduction of \$84,794 for 2017/18 with the cumulative effect over the 10 year plan being \$949,976. Council will commence its budget preparation and long term financial plan review in February 2017 and will be required to factor this lower than anticipated increase into calculations.

A copy of the IPART Fact Sheet is provided as an attachment to this report.

**Issues:**

It is foreseen that Council will be required to make adjustments to its financial plan and service levels if required.

**Budget Implications:**

The implications upon Council's Long Term Financial Plan are as outlined above.

**Enclosures (following report)**

1 IPART Fact Sheet

3 Pages

**Attachments (separate document)**

Nil

# Rate peg for NSW councils for 2017-18



29 November 2016

## WHAT

IPART's decision on the rate peg for NSW councils in 2017-18 is to set the rate peg at 1.5% based on the change in the Local Government Cost Index (LGCI) and consideration of a productivity factor.

## WHY

The **LGCI** measures price changes over the past year for goods, materials and labour used by an average council. We consider a deduction for a **productivity factor** to the LGCI, however this year it has no material impact on the LGCI.

## HOW

We calculated the rate peg for 2017-18 by:

- ▼ taking the increase in the LGCI for the year to September 2016 of 1.47%
- ▼ deducting a productivity factor of 0.001%.

This results in a rate peg of 1.47%, which we rounded to 1.5% for 2017-18.

## WHO

The rate peg sets the maximum increase in each council's general income for the 2017-18 financial year. The rate peg applies to general income in total, and not to individual ratepayers' rates.

Councils have discretion to determine how to allocate this increase between different ratepayer categories. Individual rates are also affected by other factors, such as land valuations.

## WHAT NEXT

Councils must not increase general income by more than the rate peg. Councils requiring additional general revenue may apply to IPART for a special variation.

Councils applying for a special variation must satisfy the criteria listed in the Office of Local Government's Guidelines.

The Guidelines require councils to establish a need for a special variation through the Integrated Planning and Reporting (IP&R) Process. This includes undertaking long term financial planning, ensuring community awareness of the need and extent of the proposed increase in rates, and consideration of the impact on ratepayers and the community's capacity and willingness to pay. In addition, councils must meet criteria related to productivity improvements.

IPART's website includes [information on the special variation requirements](#) and recent applications from councils.

## 1 What is the Local Government Cost Index (LGCI) and how do we measure change?

For more detail on the Local Government Cost Index see our Fact Sheet, *Local Government Cost Index Survey 2015* published in October 2015. This is available on our [website](#).

The LGCI is a price index for councils in NSW. It is similar to the Local Government Price Index used in South Australia and similar in principle to the Consumer Price Index (CPI), which is used to measure changes in prices for a typical household.

The LGCI is designed to measure the average change in prices of a fixed 'basket' of goods and services that are purchased by councils, relative to the prices of the same basket in a base period. The index has 26 cost components, such as employee benefits and on-costs, and building materials for roads, bridges and footpaths. The cost components represent the purchases made by an average council to undertake its typical activities. We constructed the index in 2010 based on a survey we undertook of NSW councils' expenditure in 2008-09 and 2009-10. The 2015 cost survey (based on NSW councils' expenditure in 2013-14 and 2014-15) updated the expenditure weightings to ensure the relativities of the cost items within the LGCI remain accurate. The updated LGCI was used to calculate the 2017-18 rate peg.

We use the change in the LGCI in the year to September 2016 to inform the rate peg for 2017-18. This is the latest available information at the time we set the rate peg. The change in the LGCI in the year to September 2016 was 1.47%.

The main contributors to increasing the level of the index over the year ending September 2016 were:

- ▼ an increase of 2.3% in employee benefits and on-costs, measured by the ABS wage price index for the NSW public sector
- ▼ an increase of 1.5% in other expenses (eg, miscellaneous expenses such as councillors' and mayoral fees), measured by the ABS consumer price index – all groups Sydney,
- ▼ an increase of 0.6% in construction works – roads, drains, footpaths, kerbing, bridges costs, measured by the ABS producer price index for roads and bridge construction NSW
- ▼ an increase of 2.7% in buildings – non-dwelling costs, measured by the ABS producer price index for non-residential building construction, and
- ▼ an increase of 1.9% in other business services costs (eg, materials and contracts such as other operating leases, contractor and consultancy costs), measured by the ABS producer price index for other administrative services.

Partly offsetting these impacts were decreases in automotive fuels (10.5%), gas (10.4%) and telecommunications and internet services (7.1%). See Section 3 below for a table showing the price changes in cost items for all components of the LGCI.

## 2 How did we determine the productivity factor for the 2017-18 rate peg?

The rate peg includes a productivity factor to allow ratepayers to share in council productivity gains. We calculated the productivity factor using the ABS market sector

value-added multifactor productivity (MFP) based on quality adjusted hours worked. Based on this methodology, average productivity increased by 0.001%. Since this change in productivity is not material we made a small deduction to the LGCI when calculating the rate peg for 2017-18. This had no effect on the rate peg. For more information on the productivity factor see our Fact Sheet – *Productivity for cost indices* published in October 2014. This is available on our [website](#).

### 3 Local Government Cost Index (LGCI)

#### The rise in the LGCI for the year ended September 2016

Cost items	Effective weight as at end Sep 2015 (%)	Price change to end-Sep 2016 (% annual average)	Contribution to index change (percentage points)
<b>Operating cost items</b>			
Employee benefits and on-costs	41.3	2.3	0.94
Plant & equipment leasing	0.3	-2.7	-0.01
Operating contracts	1.0	1.7	0.02
Legal & accounting services	0.8	1.3	0.01
Office & building cleaning services	0.3	1.0	0.00
Other business services	5.9	1.9	0.11
Insurance	1.6	6.6	0.10
Telecommunications, telephone & internet services	0.6	-7.1	-0.04
Printing publishing & advertising	0.6	-3.3	-0.02
Motor vehicle parts	0.3	1.2	0.00
Motor vehicle repairs & servicing	0.6	3.0	0.02
Automotive fuel	0.8	-10.5	-0.08
Electricity	2.7	-0.9	-0.02
Gas	0.1	-10.4	-0.01
Water & Sewerage	0.4	-0.9	0.00
Road, footpath, kerbing, bridge & drain building materials	2.5	0.6	0.02
Other building & construction materials	0.5	2.7	0.01
Office supplies	0.2	-0.4	0.00
Emergency services levies	1.4	3.3	0.05
Other expenses <sup>a</sup>	8.9	1.5	0.13
<b>Capital cost items</b>			
Buildings – non-dwelling	3.9	2.7	0.11
Construction works – road, drains, footpaths, kerbing, bridges	19.5	0.6	0.13
Construction works – other	2.0	0.6	0.01
Plant & equipment – machinery, etc	3.5	0.2	0.01
Plant & equipment – furniture, etc	0.1	2.1	0.00
Information technology & software	0.5	-3.7	-0.02
<b>Total change in LGCI</b>	<b>100</b>		<b>1.47</b>

<sup>a</sup> Includes miscellaneous expenses with low weights in the Index, eg, councillor and mayoral fees.

**Note:** Figures may not add due to rounding. Percentage changes are calculated from unrounded numbers.

**09) DEVELOPMENT OF NEW MODEL CODE OF MEETING PRACTICE**

**Department:** Corporate Services

**Author:** Director Corporate Services

**CSP Link:** 6.3 A well-run Council organisation.

**File No:** CM.CI.3

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**Recommendation:**

That, subject to input, a Council submission be made to the Development of a Model Code of Meeting Practice for Local Councils in NSW by the Office of Local Government.

**Reason for Report:**

For Council to consider the making of a submission to the Development of a Model Code of Meeting Practice for Local Councils in NSW by the Office of Local Government (OLG).

**Report:**

Council has received correspondence from the OLG on the development of a model code of meeting practice in light of recent amendments to the Local Government Act.

The Model Code of Meeting Practice is prescribed by regulation. The OLG has commenced the process of developing a model meeting code. As part of this process a review of the existing meeting rules prescribed by the Regulation and identification of examples of better practice meeting rules contained in councils' adopted codes of meeting practice is being undertaken.

The Office is seeking the assistance of councils in developing the model meeting code and submissions are sought on the following:

1. How the current meeting rules prescribed by the Regulation can be improved;
2. Any areas of meeting practice that are not currently prescribed that should be prescribed; and
3. Examples of better practice that may be incorporated in the non-mandatory provisions of the model meeting code.

The due date for submissions is no later than 20 January 2016.

A copy of correspondence from the Local Government Remuneration Tribunal is provided as an attachment.

**Issues:**

Councillors input into this matter is sought and staff will coordinate and lodge a submission based upon feedback received.

**Budget Implications:**

Nil

**Enclosures (following report)**

1 Office Of Local Government Circular 16-46 2 Pages

**Attachments (separate document)**

Nil



<b>Circular Details</b>	Circular No 16-46 / 28 November 2016 / A515616
<b>Previous Circular</b>	16/30 Local Government Amendment (Governance and Planning) Act 2016
<b>Who should read this</b>	Mayors / Councillors / General Managers / Council governance staff
<b>Contact</b>	Council Governance Team - 02 4428 4100
<b>Action required</b>	Response to OLG

## Development of a Model Code of Meeting Practice for Local Councils in NSW

### What's new or changing

- The recent amendments to the *Local Government Act 1993* (the Act) provide for a model code of meeting practice (model meeting code) to be prescribed by regulation.
- Work on developing the model meeting code has now commenced. The code will contain both mandatory and non-mandatory provisions. Once the model meeting code is finalised, and prescribed by regulation, councils will be required to adopt a code of meeting practice that incorporates its mandatory provisions. Councils' codes of meeting practice must not contain provisions that are inconsistent with the mandatory provisions of the model meeting code.
- It is anticipated that the mandatory provisions of the model meeting code will incorporate the meeting rules currently prescribed under the *Local Government (General) Regulation 2005* (the Regulation).
- Councils' adopted codes of meeting practice may also incorporate the non-mandatory provisions of the model meeting code and any other provisions. It is anticipated that the non-mandatory provisions of the model meeting code will contain better practice meeting rules.

### What this will mean for your council

- The Office of Local Government has commenced the process of developing a model meeting code. As part of this process, the Office is:
  - undertaking a review of the existing meeting rules prescribed by the Regulation, and
  - seeking to identify examples of better practice meeting rules contained in councils' adopted codes of meeting practice.
- The Office is seeking the assistance of councils in developing the model meeting code. In particular the Office is seeking submissions on the following:
  - how the current meeting rules prescribed by the Regulation can be improved,
  - any areas of meeting practice that are not currently prescribed that should be prescribed, and

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2

- any examples of better practice that may be incorporated in the non-mandatory provisions of the model meeting code.

**Key points**

- Submissions may be made by email to [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).
- Submissions should be labelled "model code of meeting practice development" and marked to the attention of the Office's Council Governance Team.
- Submissions should be made before Friday 20 January 2017.

**Where to go for further information**

- For further information, contact the Office's Council Governance Team on 02 4428 4100.



**Tim Hurst**  
**Acting Chief Executive**

**10) 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

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**Recommendation:**

That the report on the 2017 Music Scholarship program recipients be received.

**Reason for Report:**

To inform Council on the outcome of the 2017 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 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 12 November 2016 at the Blayney Shire Community Centre with adjudicators provided by Orange Regional Conservatorium and Mitchell Conservatorium who independently assess applicants. The successful awardees are notified to Council thereafter.

The recipients of the 2 music scholarships of \$1,500 each for 2017 were:

- Ellena Hicks (Orange Regional Conservatorium)
- Jake Ryan (Mitchell Conservatorium)

The recipient of the encouragement scholarship of \$750 each for 2017 was:

- Jock Pryce-Jones (Orange Regional Conservatorium)
- No other scholarship was awarded

Applications for the 2018 Music Scholarship program will be called for in September 2017.

**Issues:**

Nil

**Budget Implications:**

Council has provision of \$1,500 in the 2016/17 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

**11) MINUTES OF THE BLAYNEY SHIRE AUDIT COMMITTEE MEETING HELD 30 NOVEMBER 2016**

**Department:** Corporate Services

**Author:** Director Corporate Services

**CSP Link:** 6.3 A well-run Council organisation.

**File No:** FM.AU.1

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**Recommendation:**

That the minutes of the Blayney Shire Audit Committee meeting held 30 November 2016 be received.

**Reason for Report:**

For Council to endorse the minutes of the Blayney Shire Audit committee meeting held 30 November 2016.

**Report:****MINUTES OF THE MEETING OF BLAYNEY SHIRE AUDIT COMMITTEE HELD IN THE COMMUNITY CENTRE WEDNESDAY 30 NOVEMBER 2016**

The meeting commenced at 9:05 am.

**1. Present**

Cr. Somervaille	(Councillor)
Steve Kent	(Chair – Independent)
Leanne Smith	(Guest)
Jennie Robson	(Risk Officer)
Anton Franze	(Director Corporate Services – secretariat)
Rebecca Ryan	(General Manager)
Tiffaney Irlam	(Chief Financial Officer)

**2. Apologies**

Cr. Ferguson	(Councillor)
Phil Burgett	(Independent)

**3. Declarations of Interest**

S. Kent declared his appointment to Canterbury Bankstown Audit Committee.

**4. Adoption of Previous Minutes**

Minutes of meeting held 20 July 2016 were adopted.

**5. Risk Management Update**

Report tabled by Risk Officer:

Continuous Improvement Pathway – Risk Management Action Plan progress: 2016/17 RMAP continues on from the previous Action Plans. It includes:

- Culvert Renewal and Maintenance Program
- Bridge Replacement Program
- Kerb and Gutter Renewal and Maintenance Program
- Footpath Renewal and Maintenance Program
- Blayney Floodplain Risk Management Study and Plan
- Disability Inclusion Action Plan

Other Initiatives:

- General Manager Initiative - Merger Planning Workshops – Leadership group sessions 9<sup>th</sup> – 11<sup>th</sup> November. Blayney Shire Council, Cabonne Council, Orange City Council
- Asbestos Management Policy – Adopted August meeting 1608/007
- Asbestos Management Plan finalised, including Naturally Occurring Asbestos.
- Risk Management Workshop 23<sup>rd</sup> August for Directors and Managers
- Business Continuity Plan, Incident Response procedures & checklists and IT Systems Backup & Recovery Plan finalised and available on staff intranet and hard copy.
- Ongoing review of WHS procedures, safe work method statements and inspections
- Summary of Risk Register to be circulated. It is anticipated it will be circularised by Christmas shutdown.

## **6. Audited Financial Statements**

Report by L. Smith (Intentus) on financial statements.

- Report by auditor noted.

## **7. Draft Management Letter (Final Audit 2015/16)**

- Signatories issue considered minor. Notifications were sent to Council's broker and is believed to have been a timing issue. Problem has been rectified.
- Revaluation of fixed assets presented a number of issues that require further work by Council to meet future challenges of annual revaluations of asset classes. Documentation for audit review required attention. With NSW Audit Office conducting future audits substantiation will be needed up front for the audit.

## **8. Audit Committee 2015/16 Annual Review and Report**

- Survey of members to be circulated.
- Committee annual report to be finalised for February 2017 Council Meeting.

## **9. Audit Plan 2016/17**

- Review risk register for preparation of plan for February 2017.

**10. Schedule of Audit Recommendations**

- Report tabled in outstanding recommendations.
- Testing of Disaster Recovery Plan to be scheduled in January 2017.

**11. Any Major Developments**

- Discussion of recent merger planning workshop.
- Phase 1 changes to Local Government Act for Audit Committees was discussed. The explanatory paper discussed proposed changes including the introduction of a discretionary guideline under Local Government Act s.23A as follows:

*All councils will appoint an audit, risk and improvement committee that meets the following requirements:*

- *audit committees must have a majority of independent members and an independent chair;*
- *general managers may not be members of audit committees (but may attend meetings unless excluded by the committee); and*
- *the Chair of the audit committee must report at least biannually to a council meeting on the organisation's performance in financial management, good governance and continuous improvement.*

Future Agenda item will be to review role of committee in light of proposal for committee to be known as Audit, Risk & Business Improvement Committee.

- The Community Centre special rate variation ended 30 June 2016. Council has reduced its permissible general income by \$275k, however Office of Local Government advised that the amount should be \$484k on basis that Annual Rate Pegs; 2012/13 Special Rate Variation (Mining), of 40.7% increase, and subsequent Special Rate Variation increases to Council Permissible General income. During this period Council resolved that increases not be applied to Community Centre SRV.

**11. Other Business**

Nil.

**12. Meeting Dates**

Next meeting is to be held 15 February 2017 at the Blayney Shire Community Centre.

**Future meeting dates are as follows:**

- 19 July 2017
- 18 October 2017

There being no further business the meeting closed at 10:12am.

**Issues:**

Annual Report from Chair noted and expected February 2017.

**Budget Implications:**

Costs associated with holding of Audit Committee meetings and associated service reviews are provided for in Council's 2016/17 budget for this purpose.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

12) **MINUTES OF THE BLAYNEY SHIRE COUNCIL FLOODPLAIN RISK MANAGEMENT COMMITTEE MEETING HELD ON WEDNESDAY 7 DECEMBER 2016 IN THE COUNCIL CHAMBERS**

**Department:** Infrastructure Services

**Author:** Director Infrastructure Services

**CSP Link:** 6.4 A safe community.

**File No:** EM.PL.2

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**Recommendation:**

1. That the Minutes of the Floodplain Risk Management Committee, held on 7 December 2016, be received and noted.
2. That the Floodplain Risk Management Committee recommend to Council the formal adoption of the Floodplain Risk Management Study and Floodplain Risk Management Plan for Blayney- Final dated December 2016.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL FLOODPLAIN RISK MANAGEMENT COMMITTEE MEETING HELD ON WEDNESDAY 7 DECEMBER 2016 IN THE COUNCIL CHAMBERS**

Meeting Commenced at 12.00pm

**PRESENT**

Grant Baker (Blayney Shire Council), Michael Reeves (Jacobs Group [Australia] Pty Ltd), Mark Darling (NSW SES), Cr David Kingham (Councillor), Kris Grbevski (Office of Environment & Heritage), Mark Dicker (BSC), Reg Rendall (SES Blayney)

**APOLOGIES**

Diana Kureen (LLS – Central Tablelands), Cr Kevin Radburn (Councillor), Akhter Hossain (Jacobs Group [Australia] Pty Ltd)

**DISCLOSURE OF INTEREST**

Nil

**CONFIRMATION OF MINUTES**

**RESOLVED:** The minutes of the previous Floodplain Risk Management Committee Meeting held on Friday, 30 September 2016 were confirmed to be a true and accurate record.

(Kris Grbevski / Michael Reeves)

**MATTERS ARISING**

Brought forward from General Business

**Terms of Reference**

The Acting Chair was informed that the Terms of Reference had not been finalised and in consideration of no foreseeable work for the Committee, completion of this matter was not warranted. Should further matters come before the Committee the Terms of Reference should be the most immediate item of business to address.

**Future Floodplain Grants**

Grant Baker noted Council was unsuccessful in its application to undertake a flood study and risk management plan for the village of Carcoar.

**FLOODPLAIN RISK MANAGEMENT STUDY AND FINAL DRAFT PLAN**

Members discussed individual amendments identified within the document

- Kris Grbevski discussed flood planning area map (Fig 5.5). Michael Reeves acknowledged incorrect map in final draft.
- Kris Grbevski to provide OEH words for definition of floodway to Council planning staff for preparation of Development Control Plan.
- Michael Reeves advised, submissions from public have been investigated and responses are being finalised with sign off by Project Manager to be undertaken by end of week.
- Grant Baker noted that Chapter 9 measures needed to same as in Executive Summary
- Jacobs Group to prepare wording in Chapter 5.4 to describe how the Flood Planning Area is constructed and defined, with possibility of a sketch.

**RESOLVED:** That the Floodplain Risk Management Committee recommend to Council the formal adoption of the Floodplain Risk Management Study and Floodplain Risk Management Plan for Blayney- Final dated December 2016, (by separate report).

(Reg Rendall / David Kingham)

**FUTURE MEETING DATE**

It was noted that with completion of the Floodplain Risk Management Plan for Blayney, there was no immediate need to set a future meeting date, subject to matters being referred from Council.

Meeting Closed at 1.55 pm

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**13) TOWN OF BLAYNEY FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN**

**Department:** Infrastructure Services

**Author:** Director Infrastructure Services

**CSP Link:** 6.4 A safe community.

**File No:** EM.PL.2

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**Recommendation:**

That Council adopt the Floodplain Risk Management Study and Floodplain Risk Management Plan for Blayney – Final, dated December 2016.

**Reason for Report:**

The Town of Blayney Flood Study Report 2015 was adopted by Council 18 May 2015.

In accordance with the NSW Government's Floodplain Development Manual, Council has now undertaken a Floodplain Risk Management Study and the development of a Floodplain Risk Management Plan.

The purpose of this report is to seek Council's approval to adopt the Final Floodplain Risk Management Plan for Blayney.

**Report:**

Under the NSW Government Flood Prone Land Policy, Councils are required to identify and manage flood prone areas within their Local Government Area (LGA).

At the Ordinary meeting of Council in October, Council resolved to: -

1. *Accept the Floodplain Risk Management Study and Draft Floodplain Risk Management Plan for Blayney,*
2. *Place the Floodplain Risk Management Study and Draft Floodplain Risk Management Plan for Blayney on public exhibition seeking public comment for a period of no less than 28 days.*

*(Resolution No. 1610/016)*

Following the meeting Council undertook Public Exhibition via various means including: -

- Notice placed in the Blayney Chronicle
- Recurring posts on the Blayney Shire Council Facebook page
- Publication on Council's website
- Direct mail to properties immediately affected and on the fringe of the 1% AEP flood area.

Council officers also undertook 2 public engagement sessions: -

a. Community shopfront stall in the Blayney Farmgate Shopping Centre – 5 November

Approximately 20 people attended the stall, to investigate their individual situation and discuss flooding in general.

b. Community Forum at the Blayney Shire Community Centre – 7 November

Approximately 10 people attended the forum. Council's consultant undertook a presentation to inform people of the process undertaken and the draft recommendations made.

At the closure of the Public Exhibition period, Council had received 2 written submissions from the community.

#### Summary of submissions

Submission 1. – Concerns raised were associated with the flooding of Newbridge Road and the removal of willows from the Belubula River.

Submission 2. – This submission raised concerns about historic flood data, and the importance of observed data in determining flood hazard categories, and the development of maps. The submission also noted concerns about the impact existing development may have had on the flood risk, the need for further investigation on the removal of willows, and offered a flood mitigation measure as a proposed solution to the flooding impact on Henry Street, in the vicinity of the Christ Church Retirement Village.

The Consultant has prepared a response (Refer Appendix C. to the **attached** report) and individually addresses each claim provided in the submissions.

At the 7 December 2016 meeting of the Floodplain Risk Management Committee, members further reviewed the Floodplain Risk Management Study and Final Draft Floodplain Risk Management Plan for Blayney.

Following endorsement by the Floodplain Risk Management Committee, it is recommended that Council, adopt the Floodplain Risk Management Study and Floodplain Risk Management Plan for Blayney - Final.

#### **Issues:**

In accordance with the NSW Government's Floodplain Development Manual the report identifies social, and economic impacts of flooding in Blayney, making recommendations to mitigate impacts where possible. In order to satisfy the project funding agreement, the recommendations within the report must satisfy the objectives of the manual. The report identifies both structural and non-structural measures for floodplain risk management.

A set of floodplain management measures have been developed as recommended actions: -

- Updating the Local Flood Plan for Blayney.
- Implementing planning controls over future development/re-development within the Flood Planning Area in Blayney.

- Providing flood signage and flood depth indicators at major road crossings to enhance flood education and preparedness.
- Protecting existing development from overland flooding.
- Voluntary house purchase/voluntary house raising.

Of particular note are matters associated with Development Control Planning including the adoption of a Flood Planning Level (1% AEP flood level plus the adopted freeboard) which will result in additional requirements being imposed upon development within the Flood Planning Area, and may impact upon property insurance.

Advice from NSW Office of Environment and Heritage (OEH) suggests that the Insurance Council of Australia (ICA) is focussed upon 1% Annual Exceedance Probability (AEP) (1:100 yr) mainstream flooding excluding any freeboard that may be included for planning considerations. The Committee has ensured the Flood Planning Area map clearly identifies the 1% AEP mainstream flooding area as discrete to the Overland Flooding Area. However, it is noted that the map provided to the ICA will only include 1% AEP excluding the freeboard and overland flooding area, which is included in Figure 5-5.

Restrictions will also be imposed upon development within the “Floodway” and “Major Overland Flowpaths” (Figure 5-1, p24), which most notably impacts the former Blayney Abattoir site.

There is one property identified for voluntary purchase, one for voluntary raising and another property that may be considered for either solution.

It is recognised that home owners have strong emotional and sentimental attachment to their homes, and also represent a significant financial investment.

It is on this basis that any progress in regard to this measure would be entirely on a voluntary basis by the home owner, at an equitable price and would not be by any forcible means by Council. As a formal management measure the voluntary purchase/raising of houses is eligible for Government funding, on a statewide relative priority basis, and subject to the level of risk to the property.

These measures may create some concerns within parts of the community, and Council will need to carefully consider the implementation of these through preparation of a Planning proposal for the Blayney Local Environment Plan 2012 (LEP) and the future Development Control Plan (DCP) for Blayney, which has commenced. It is intended that further engagement on the Planning proposal with Council will be undertaken in early 2017.

Whilst Council endeavoured to engage with the community during the preparation of the Flood Study and Floodplain Risk Management Study and the respective public exhibition periods directly in writing, and as per above, Council received limited feedback.

It should be acknowledged that Council may receive some community angst as and when notifications are made as part of the Planning proposal.

**Budget Implications:**

The project is funded by NSW Office of Environment and Heritage (80%) and Council (20%). Provision has been made within the Operational Plan to fund the project.

Funding of floodplain management measures as identified in the report are currently unfunded and will be subject to future budget allocations, and grant funding applications.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

- |   |  |          |
|---|--|----------|
| 1 | Floodplain Risk Management Study and Floodplain Risk Management Plan for Blayney | 88 Pages |
|---|--|----------|

**14) 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

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**Recommendation:**

That the Director of Infrastructure Services Monthly report for December 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**

Blayney Shire Men's Shed

Further to advice from Crown Lands in relation to the establishment of the Blayney Community Men's Shed, the proponent has submitted a Development Application, and Council has identified that the current proposal may need to be refined in order to satisfy requirements for car parking, and building scale within the constraints of the current site. Council has therefore arranged a further meeting with the proponent to progress the matter.

**Wet weather impacts**

Council staff have continued with emergency works across the road network. Preparation (final trim) and sealing of patches has commenced and will be undertaken through to early in the new year.

Maintenance grading and rolling continues across the northern sector of the Shire, and is currently in the Forest Reefs district.

**Major Works**

Council staff have continued works on Browns Creek Road. Works are programmed to be completed, with placement of bitumen seal to be undertaken during the week ending 16 December, depending on weather and any variations. Line marking and other safety works is programmed for early in the new year.

Councils major focus will then be directed to commencement of Stage 2 of NSW Government Fixing Country Roads program on Errowanbang Road.

Works have been completed on drainage along Burnt Yards, and Mandurama Roads, and are now focused on Barry Road, with other demands being met where required and able to be programmed, including removal of damaged sections on Park Street Millthorpe for Roads and Maritime Services.

### **Major Contracts**

#### Redmond Oval Canteen Fitout

Council has commenced installation of equipment for the kitchen fitout, with modifications currently being made to stainless steel benchwork and range hood. Once these are completed, trades will install electrical and plumbed equipment.

#### Redmond Oval Upgrade

Works on the internal roadworks have commenced. Unfortunately, this has identified the subsoil is still too wet to complete the road. The area will be left until mid-January to allow for the subgrade to dry off. An assessment on its suitability will be undertaken when works recommence to determine the method to move forward.

The contractor is nearing completion of the remediation works around the tank area. This has included leveling subsidence and overlaying with turf. The drainage swales are the next item to be addressed and it is anticipated this will be completed in January.

Due to the prolonged period the facilities have been out of bounds Council has devised a method to enable temporary access to be provided to the playground, toilets and tennis courts whilst construction works continue.

#### Blayney Showground Equestrian Centre

Works (stripping topsoil) has commenced on site. Delivery of select material to site, is also underway by backload at the end of the Council working day, and the contractor will undertake construction during the early weeks of January.

### **Building Maintenance Works**

- Works on the Redmond Oval Rotunda have been completed with sympathetic heritage works undertaken to restore roofing tiles, painted surfaces in heritage colours, and new lighting installed.
- Works are currently underway to upgrade tiled floor surfaces at the Hobbys Yards Hall follow.

### **Wastewater**

#### Treatment Plant Inlet By-pass

Repair works to address the Hydrogen Sulphide damage to the concrete within the inlet works at the Treatment Plant has now been completed.

### **Parks and Recreation**

Council has now completed concrete works on the sideline seating project at King George Oval, with fencing underway.

Council anticipates completion of with fabrication and installation of the seat framing by end of the year in accordance with the approved funding agreement.

**Assets**

Asset staff have commenced collation of asset information on mobile tablet devices for drainage blankets installed to repair major road failings during winter and collation of GIS data for Bridge Assets.

**Sewer Revaluation**

The condition assessment of the gravity network to identify the structural and serviceability of the pipe is currently continuing.

Council's consultant (via Centroc contract) has now completed the inspection of the treatment plant and pump stations, with the report to be provided back to Council in February 2017.

**Heavy Plant and Fleet**

- A Request for Tender has been issued for replacement of general trucks and 2 rollers. Assessment of submissions is anticipated to be reported to Council at the February 2017 Council meeting.
- Council has taken delivery of the new grader purchased last financial year with installation of GPS machine guidance undertaken on the same day. Staff have now commenced operations, and acknowledged the additional capability in comparison to existing Council graders.
- Council has recently taken delivery of 2 new ride on mowers, and a third front deck mower.

**Issues:**

Nil.

**Budget Implications:**

Nil.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**15) CENTROC - REGIONAL ROAD SIGNS CONTRACT**

**Department:** Infrastructure Services

**Author:** Director Infrastructure Services

**CSP Link:** 6.1 Good governance across our communities.

**File No:** GO.ME.2

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**Recommendation:**

That Council agrees to participate in the Centroc Regional Road Signs Contract, however recommends that the Centroc Contract Management Fee is replaced by an upfront Contract Management Fee that is determined by a transparent and accountable basis.

**Reason for Report:**

This report seeks Council's approval to participate in the regional purchase of road signs through the Central NSW Councils (Centroc) Compliance and Cost Savings Program.

Council has participated in Centroc's regional contract for the purchase of road signs for the past 12 years and Council's continued support is requested for the next contract which will commence 1 October 2017.

The following report provides more background advice regarding both Centroc's Compliance and Cost Savings Program and the regional purchase of road signs.

**Report:****Background on developing a regional road signs contract**

The Supply Management Team first decided to conduct a procurement process for a regional contract for road signs in 2004 which culminated in a 3 year regional contract in 2005 with the process repeated at the completion of that contract in 2008, and again in 2011 and 2014. The latest contract has also been extended for 12 months. As we near the completion of the current contract, Centroc seeks to repeat the process.

The annual spend by Centroc members procuring under this arrangement from 1 July 2015 to 30 June 2016 is as follows:

<b>Council</b>	<b>Total</b>
Bathurst	\$30,279
Blayney	\$77,011
Cabonne	\$75,443
Cowra	\$20,906
CTW	\$0
Forbes	\$27,313
Hilltops	\$35,031
Lachlan	\$73,188
Lithgow	\$39,775
Mid-Western	\$0
Oberon	\$30,150
Orange	\$46,005
Parkes	\$53,893
Upper Lachlan	\$55,349
Weddin	\$29,107
<b>Total</b>	<b>\$593,450</b>

At its meeting on 27 October 2016, the General Managers Advisory Committee (GMAC) resolved to commence a new procurement process in 2017 with the intent for a new contract to commence on 1 October 2017.

The current regional road signs contract was based on a basket of signs provided by Centroc members as commonly used by all participating councils. Work will take place with the evaluation panel to determine whether this basket of signs is still relevant or needs updating.

Should Council agree to participate in a regional procurement process, Centroc will issue an RFX (Request for Quotation/Tender) and proceed to a contract.

Advice regarding service and pricing under a regional contract will be provided to members. Benefits of a regional approach include:

- cost savings to members through bulk procurement;
- time saved by Council staff through centralised coordination and
- income stream to Centroc from the Contractor with a view to reducing fees

#### **Issues:**

##### Council contribution

Centroc manages the process including all costs of advertising and tender assessment and takes a management fee, which for the road signs contract is typically 4%, from the supplier to cover these costs which council is not responsible for.

**Budget Implications:**

Expenditure on road signs is accounted for within Council's existing budget allocations.

Councils ongoing participation in this Centroc regional contract, benefits larger buying power of multiple councils will be seen in the purchase price of the signs as well as time saving for council staff in not having to retrieve quotes each time a purchase of signs is required.

As Council purchases less than \$150,000 worth of road signs each year it is not bound to purchase off of a contract. Staff can seek quotes each time they look to purchase signs but have no guarantee of what the quotes can come in at. This requires more staff time regarding each purchase.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**16) MINUTES OF THE BLAYNEY SHIRE SPORTS COUNCIL MEETING HELD THURSDAY 17 NOVEMBER 2016**

**Department:** Infrastructure Services

**Author:** Director Infrastructure Services

**CSP Link:** 2.1 Cultural and sporting events are coordinated and resourced.

**File No:** PR.ME.1

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**Recommendation:**

1. That the Minutes of the Blayney Shire Sports Council Meeting, held on 17 November 2016, be received and noted.
2. That Sports Council recommend a demand audit and masterplan of recreational facilities within Blayney be undertaken, with the view to prepare “shovel ready” projects for funding purposes.

**MINUTES OF THE BLAYNEY SHIRE SPORTS COUNCIL MEETING HELD ON THURSDAY 17 NOVEMBER 2016 AT THE BLAYNEY COMMUNITY CENTRE CADIA ROOM**

Meeting commenced at 6.00pm.

**PRESENT:**

Cr David Kingham (Chair - Blayney Shire Council), Grant Baker (Blayney Shire Council), Chris Smith (Heritage Country Schools PSSA), Rodney Corbett (Blayney Junior Soccer), Andrew Russ (Blayney Rugby Union), Adam Hornby (Rugby League), Rebecca Ryan (Blayney Shire Council), Matt Lewis (Blayney Little Athletics), Mick Tyrell (Blayney Golf Club), Kellie Sloane (Central Western Dressage), Cheryl Rutherford (Blayney Junior Tennis), Rosemary Reid (Blayney Tennis Club).

**APOLOGIES:**

Trevor Jones (Blayney Harness Club), Michael Truloff (Millthorpe Public School/Millthorpe Junior Cricket), Pete Wakem (Blayney Swimming Club).

**RECOMMENDED:** That the apologies be accepted.

(Adam Hornby / Andrew Russ)

**MINUTES PREVIOUS MEETING – 18 AUGUST 2016 (as circulated)**

**RECOMMENDED:** That the minutes of the previous meeting held 18 August 2016 be accepted.

(Cheryl Rutherford/Andrew Russ)

**MATTERS ARISING FROM THE MINUTES**

No matters arising.

**DISCLOSURES OF INTEREST**

Nil

**CORRESPONDENCE:**

Correspondence (Distributed via Email to Sports Council) – All correspondence has been emailed to the members of the Sports Council.

**Sports Awards – July, August, September**

Noted.

**Sports Awards 2015/16**

Noted.

**EVENT CALENDAR UPDATE**

- Junior Rugby League – Possible/Probable's – 5 February 2017
- Central Western Dressage – 18/19 February 2017
- Senior Rugby League:
  - U18 Knockout – 18 February 2017 (Banners from NRL)
  - Hosting Aboriginal All Stars Game – 1 April 2017
  - Possibility of Hybrid Game with Orange City
- Blayney Tennis – JDS Tournament – 9 April 2017

**GRANT FUNDING UPDATE**

The Grant Funding Update be noted.

Clubs can utilise Development Coordinator Blayney Town Association to help with grant applications.

**REPORTS****Central Western Dressage**

Weather caused the cancellation of a number of events this season. The next event is in ten days and there are 148 entrants over the two days of competition. Everything is going well and the club is looking forward to the construction of the two new arenas.

**Blayney Golf Club**

Golf started again in October with the Blayney Open being held this weekend. Juniors are going well but there are not as many Saturday golfers.

**Junior Soccer**

Wash outs caused the cancellation of games during the season including the finals. The AGM was held at the Presentation night and the club has a full committee. Registrations will be held in February and the comps will start in April and May.

**Rugby Union**

It was a very successful season and the AGM will be on about the 10th December.

**Senior League**

The League Tag team took out the Group 10 competition. A number of games were missed due to wet weather. Training for all sides started again tonight.

**Blayney Senior & Junior Tennis**

The Senior and Junior clubs combined due to lack of committee to run two separate entities. They now have a good committee and a number of comps.

**Little A's**

The Zone Carnival was held in Bathurst with 29 Blayney athletes competing. Many of these have made it through to the Regional Carnival in Dubbo in February.

**GENERAL BUSINESS****King George Oval – Drainage** (Adam Hornby)

Adam asked if anything could be done in regards to the drainage at King George Oval. Council is developing a project scope of works to upgrade the playing surface.

Adam also mentioned that there will be a need in the future for dressing sheds for women at KGO.

**Sportsperson Award – Future of Awards** (Rosemary Reid)

Rosemary expressed her disappointment at the lack of support for the Sports awards and due to the amount of work needed to keep the awards going did everyone think it was worth continuing them. A number of suggestions were made which Rosemary and the other members of the Sports Awards committee noted down and these will be discussed at a meeting and a decision made on the future of the awards.

**Australia Day Award Nominations**

Australia Day Award Nominations are due by 4 December, sporting clubs are encouraged to support the award nominations.

**Project Updates**

The update on current projects was noted.

**Project Priority List**

**ACTION:** It was requested that the Sports Council members review the project priority list, and have any recommendations sent in by the end of January for discussion at the February meeting.

**RECOMMENDED:** That Sports Council recommend a demand audit and masterplan of recreational facilities within Blayney be undertaken, with the view to prepare “shovel ready” projects for funding purposes. (Rosemary Reid/Chris Smith)

**NEXT MEETING**

Thursday, 16 February 2017.

**FUTURE MEETING DATES**

Thursday 18 May 2017

Thursday 17 August 2017

Thursday 16 November 2017.

Meeting closed at 7.30pm.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**17) MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE MEETING HELD  
2 DECEMBER 2016**

**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

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**Recommendation:**

1. That the Minutes of the Blayney Traffic Committee Meeting, held on 2 December 2016, be received and noted.
2. That Council investigate the 3 recommendations from the meeting held 21 October 2016 between Council's Manager Infrastructure Geoff Paton and Jenene Pout from Roads & Maritime Services, with a view to implement any changes mid school term 2017.
3. That Council approve the Newcrest Orange Challenge 2017 to be held Sunday, 5 March 2017, subject to the following conditions:
  - a) Council to 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) 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.

4. That the Millfest 2017 event be approved subject to Traffic Committee sighting current public liability insurance and an updated Traffic Control Plan.
5. That Council investigate alternative temporary signage for Wedding/Funeral signs in Adelaide Street, Blayney to the proposed hinged permanent signage.
6. That in principle support be given to the 2017 NAB Blayney to Bathurst (B2B) Cycling Festival to be held Sunday, 2 April 2017 subject to receipt of updated Traffic Control Plan and the following conditions:
  - 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) Advice is to be provided to RMS through the Traffic Management Plan (TMP) of alternate routes.
  - k) A formally nominated Controller/Liaison person for start of all events, shall be located at a designated place at all times.
7. That the Australia Day Carcoar 2017 event be approved subject to Council sighting a certificate of currency for public liability insurance and that Council prepare authorised Traffic Control Plan.
8. That support be given for Council to investigate options for Caravan/Long Vehicle Parking in Adelaide Street, Blayney and present to Traffic Committee.

**MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE MEETING  
HELD ON FRIDAY 2 DECEMBER 2016 AT BLAYNEY COMMUNITY  
CENTRE**

Meeting commenced at 10.09am

**PRESENT**

Sharon Grierson (Roads & Maritime Services), Reg Rendall (Paul Toole Representative), Geoff Paton (Blayney Shire Council), Josh White (NSW Police), Sharon Taylor (Blayney Shire Council).

**APOLOGIES**

Iris Dorsett (Roads Safety Officer), Cr Kevin Radburn (Chair), Peter Foran (NSW Police), Jackie Barry (Roads & Maritime Services)

**CONFIRMATION OF MINUTES**

**RESOLVED:** That the minutes of the previous Traffic Committee Meetings held on

- Friday, 19 August 2016
- Wednesday, 7 September 2016

be confirmed to be a true and accurate record of that meeting.

(Reg Randall/ Josh White)

The meeting held on Thursday, 29 September 2016 was only an Advisory Meeting of the Traffic Committee for a Development Application.

**TRAFFIC REGISTER**

No Update Required

**CORRESPONDENCE**

**20161202:01 – Blayney Public School – Parking**

**RECOMMENDED:** That Council investigate the three (3) recommendations from the meeting held 21 October 2016 between Council's Manager Infrastructure Geoff Paton and Jenene Pout from Roads & Maritime Services, with a view to implement any changes mid school term 2017.

(Sharon Grierson/Reg Rendall)

**GENERAL BUSINESS**

**20161202:02 – Speed Zone Review – Newbridge Road, Blayney**

Roads & Maritime Services wrote to Council on 23 November 2016 to notify the outcome of a Speed Zone Review conducted on Newbridge Road. The speed will be reduced to 80 km/h for a portion of the road.

It was noted that an additional (repeater) sign will be erected by 9 December 2016.

**20161202:03 – Newcrest Orange Challenge – March 2017**

**RECOMMENDED:** That Council approve the Newcrest Orange Challenge 2017 to be held Sunday, 5 March 2017, subject to the following conditions:

- a) Council to 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) 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.

(Reg Randall /Josh White)

#### **20161202:04 – Millfest – December 2016**

**RECOMMENDED:** That the Millfest 2017 event be approved subject to Traffic Committee sighting current public liability insurance and an updated Traffic Control Plan.

(Sharon Grierson Reg Randall)

#### **20161202:05 – Wedding/Funeral Signs – Adelaide Street**

**RECOMMENDED:** That Council investigate alternative temporary signage for Wedding/Funeral signs in Adelaide Street, Blayney to the proposed hinged permanent signage.

(Josh White/Reg Randall)

#### **20161202:06 – B2B – 2017**

**RECOMMENDED:** That in principle support be given to the 2017 NAB Blayney to Bathurst (B2B) Cycling Festival to be held Sunday, 2 April 2017 subject to receipt of updated Traffic Control Plan and the following conditions:

- 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) Advice is to be provided to RMS through the Traffic Management Plan (TMP) of alternate routes.
- k) A formally nominated Controller/Liaison person for start of all events, shall be located at a designated place at all times.

Also, that the issue of a B Double bypass for the Highway is resolved.

(Josh White/Reg Rendall)

Sharon Grierson to arrange Craig Gibbons to phone Council and liaise regarding B double route change to Carcoar Street.

#### **20161202:07 – Australia Day – Carcoar 2017**

**RECOMMENDED:** That the Australia Day Carcoar 2017 event be approved subject to Council sighting a certificate of currency for public liability insurance and that Council prepare authorised Traffic Control Plan.

(Josh White/ Reg Randall)

#### **20161202:08 – Caravan/ Long Vehicle Parking – Adelaide Street**

Matter referred to the Traffic Committee from the Blayney Shire Cultural Centre Working Group meeting held on 7 November 2016.

**RECOMMENDED:** That support be given for Council to investigate options for Caravan/Long Vehicle Parking in Adelaide Street, Blayney and present to Traffic Committee.

(Josh White/ Reg Randall)

#### **INFORMAL MATTERS**

**20161202:09 – Millthorpe Markets** – Council has approved closure of Boomerang Road on the basis that it is a Class 3 event.

**20161202:10 – Rotary** – Letter received from Rotary stating they were happy with the way the B2B went last year

**20161202:11 – Monthly Road Safety Reports** – August, September, October 2016.  
Reports noted.

**20161202:12 – Chifley Local Area Command – Serious/Fatal Motor Vehicle Accidents Reports – August, September, October 2016.**  
Reports noted.

**FUTURE MEETING DATES - 2017**

- Friday 17 February 2017
- Friday 21 April 2017
- Friday 16 June 2017
- Friday 18 August 2017
- Friday 20 October 2017
- Friday 15 December 2017

**MEETING CLOSED**

The meeting closed at 11.13am.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**18) DEVELOPMENT APPLICATION 55/2016 - ANIMAL BREEDING, KEEPING AND TRAINING FACILITY AT LOT 144 DP 750408, 73 SOMERS LANE MANDURAMA**

**Department:** Planning and Environmental Services

**Author:** Director Planning and Environmental Services

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

**File No:** DB.AB.1002

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**Recommendation:**

That Council refuse Development Application 55/2016 for an animal breeding, keeping and training facility at Lot 144 DP 750408, 73 Somers Lane, Mandurama, for the following reasons:

1. Additional information, being an adequate noise assessment prepared by a suitably qualified person and geotechnical report have not been supplied as requested in accordance with clause 54 of the Environmental Planning and Assessment Regulation 2000,
2. An adequate noise assessment and geotechnical report has not been provided to;
  - a. Support the development.
  - b. Enable proper consideration of the compatibility of the development with the existing rural residential landuse pattern,
  - c. Confirm landuse conflict will not be created from the development,
  - d. Confirm the site is suitable for the development,
  - e. Enable proper consideration of the development and its impact upon the natural and built environment,
  - f. Address issues detailed in submissions made against the development

**Reason for Report:**

For Council to consider and determine Development Application 55/2016 for an animal boarding and training facility at Lot 144 DP 750408, 73 Somers Lane, Mandurama as submissions were received during the notification of the proposed development.

This Development Application was tabled at Councils 21 November 2016 meeting, Council resolved to defer the matter to the December 2016 Council Meeting.

On Wednesday 30 November 2016, Councillors; Ferguson, Somerville and Radburn together with the General Manager and Director of Planning & Environmental Services attended; 417 Mandurama Road Mandurama and 73 Somers Lane Mandurama for onsite inspection from each respective premises.

**Background**

DA55/2016 for an animal breeding, keeping and training facility was lodged with Council on 27 May 2016. The development application was lodged to legalise a use that had been established since March 2016 without prior development consent. The property was purchased by the current owner and applicant in November 2015.

Council had received numerous complaints from neighbours that an unauthorised greyhound facility had been established without the prior development consent.

It must be acknowledged this application has been made significantly more complicated because during the time it has been lodged, the NSW Government;

- On 7 July 2016 announced that the NSW Greyhound Industry was ceasing on 30 June 2017.
- On 11 October 2016 announced that the NSW Greyhound Industry will not cease on 30 June 2017.

Since lodgement of DA55/2016 Council and the owner/s have met on several occasions to discuss an amenable way forward and outcome for all parties involved. Particular consideration was given to the constraints that the announcement that the NSW Greyhound Industry would be banned from 30 June 2017 had created on the entire Greyhound Industry within NSW.

At the meeting on 27 September 2016 attended by: Mayor Scott Ferguson, General Manager, Mrs Rebecca Ryan, Director Planning and Environmental Services Mr Mark Dicker, Mr Keith Selten and Ms Alita Funnell. An alternative approach to the development consent process was discussed; including withdrawal of DA55/2016 and Council issuing an order requiring a staged reduction in the number of Greyhounds at 73 Somers Lane, Mandurama by 30 June 2017. This approach could only be offered on the basis that the NSW Greyhound Industry was ceasing on 30 June 2017 and the owners would have no further association with the Greyhound Industry from 30 June 2017.

On 11 October 2016 the NSW State Government announced that the Greyhound Industry would not cease on 30 June 2017. On 19 October 2016, the applicant confirmed that since the NSW Greyhound Industry was not ceasing on 30 June 2017, they were proceeding with the development application with an intention to continue housing and training greyhounds at 73 Somers Lane Mandurama.

As a result, the development application assessment process recommenced. Council wrote to the applicant on 20 October 2016, seeking supply of a geotechnical report and noise assessment, prepared by a suitably qualified person that is eligible for membership of the Association of Australian Acoustical Consultants (AAAC) by 5pm Wednesday 9 November 2016. The facility had now been operating without development consent for over 7 months with a number of reported complaints particularly regarding noise.

Whilst Council acknowledges obtaining these reports would be expensive, they are essential to provide Council with the necessary required information to properly consider the development. Without either report Council cannot adequately quantify the full impact of the proposed development.

**Report:**

<b>Application Number:</b>	DA55/2016
<b>Development:</b>	Animal Breeding, Keeping and Training Facility
<b>Applicant:</b>	A Funnell
<b>Owner:</b>	AA Funnell and KJ Selton
<b>Lodgment date:</b>	27 May 2016
<b>Land:</b>	Lot 144 DP 750408, 73 Somers Lane Mandurama
<b>Local Environmental Plan:</b>	Blayney LEP 2012
<b>Zoning:</b>	RU1 Primary Production

The proposed development is to formalise approval for an animal breeding and training establishment (greyhound facility), which has already been constructed and established on the land without prior development consent.

The land is located on the eastern side of Somers Lane, 3km south east of Mandurama, and is 5.96ha in area. The property drains toward the south, and there is one dam toward the south western corner of the property and another near the north eastern corner. The existing dwelling and associated outbuildings achieve access off Somers Lane via a formed entrance, and the facility utilizes the same entrance.

Telephone, water and electricity services are available to the property. Waste disposal for the dwelling is via an onsite effluent disposal system.

The house is set back 20m from the western road boundary and 70m from the northern boundary. A private road runs along the northern boundary which was formerly a Crown road. An existing shed is set back about 35m from the northern boundary, and a new shed has been built as exempt development adjacent to the older shed, about 20m back from the northern boundary. All buildings are partly screened from the road to the west by mature trees and shrubs.

The newer shed now houses the main kennels (12), with a meal preparation area and the walking machine. All kennels have a bed and bedding, raised off the floor, and clean water available.

The yards are located to the north eastern corner of the land, and comprise ten runs with a kennel and water in each, some 50m from the northern boundary. The yards are 5m wide and 35m long, and the height of fencing is 1.8m. Each yard kennel is constructed of cool room panels, for temperature control for the dogs, and these will be painted a suitable colour to blend in with

the landscape. The yards themselves will be screened with shade cloth along the sides.

The screening measures are intended to minimise the opportunity for the dogs to bark, shielding the dogs from the exercise yards, shielding the neighbours view of the yard to reduce impact, and reducing the dogs' view so they don't become excited and bark.

An exercise yard is located along the eastern boundary of the land, being some 5m wide and running the full length of the property (230m). This is used only under supervision three times a week, in daylight hours for a maximum of 20 minutes at a time. A line of trees has been planted some years ago right along the eastern boundary of the land.

Some new landscaping is proposed along the eastern side of the yards, with one large shrub at the end of each yard for shade and screening, and another vegetation screen along the northern side of the yards. Screening is also intended to be built of wood or lattice along the eastern end of the yards. No other building work is proposed.

It is noted the applicant acknowledges on page 3 of their own Statement of Environmental Effects "Negative – Noise" may be a perceived issue (see enclosure 3). Dogs that are more inclined to bark are muzzled and receive additional training. Dogs have recently barked at foxes coming in on the neighbours lambs, and the applicant is seeking to install a fox light to deter foxes. Other noise abatement methods are outlined above.

The kennels are on a concrete slab and sloped so that any liquid waste runs towards and into a drain, which would then flow into a new onsite effluent system installed specifically for the facility. The kennels themselves are washed and disinfected daily. Solid waste is raked up and placed into a bin to be disposed of at a licensed waste collection depot. Solid waste from the day/spelling yards are also collected and placed into the waste bin three times a week. Bones are collected the day after provided and disposed of via the waste collection method.

The kennel block has a 3,000L water tank attached to one side, and a water catching bin on the other. The tank water is used to provide fresh water to the dogs, and the other bin is used to wash the kennels out daily. The local water system is not used for the dog facility.

The applicant seeks to house, breed and train their own greyhounds, and it is expected that the dogs would have a litter about every two years. There are also two horses on the land.

The dogs are on the property 24 hours a day, 7 days a week. The facility is not open to the public. They walk the dogs between 5am and 6am every day, and then again in the afternoon. If it is raining, a walking machine is used.

All dogs are registered with the Greyhound Racing Association, and all have their vaccinations prior to beginning racing training. All dogs are fully immunized against all potential diseases.

Notes:

- Greyhound Racing NSW advised Council that as of a site inspection on 15 June 2016, the property at 73 Somers Lane was deemed compliant with the Code of Practice and no rectification work was required. The participants were advised that they were required to comply with any requirements of Blayney Council as per GRNSW current Codes of Practice.
- 7 July 2016 - Council noted the announcement by the NSW Government, that as from 1 July 2017, the NSW Government would no longer permit greyhound racing and close down the industry. The transition to shutdown would be 12 months to allow appropriate management of animal welfare and transitions for industry participants. Government industry assistance was to be available for those who currently make a living from the industry.

The legislation passed through the Upper House on 10 August 2016, and passed through the Legislative Assembly on 24 August 2016.

- 7 July 2016, Council contacted the Department of Planning & Environment. The Department advised that *“legislation is yet to be prepared. So for the time being, greyhound racing remains a legal use of land, and is proposed to be until about mid-2017. There is currently no legal avenue that prevents a consent being issued for any current applications.*

*However, an “animal boarding and training establishment” does lend itself to other breeds of animals, not just greyhounds. So the facility can be on-sold or transferred to another breeding/boarding owner or operator (or remain in the same ownership, or other compatible land use with another breed of animal housed there), should the current owner not continue operation once the greyhound industry has closed down in July 2017”.*

- On 11 October 2016, the NSW Government announced a new plan to reverse the greyhound racing ban. A policy is to be put in place which will contain tough penalties with a greater emphasis on animal welfare and dealing with cruelty through more funding for RSPCA and other groups, and increasing funding for rehoming capabilities in NSW. No new funding will be given for track upgrades, but the industry will fund this from sale of some tracks.

Some of the changes will relate to capping breeding numbers, reducing the number of tracks and race events, whole-of-life dog cycle management, and payment of a bond for each dog.

## **Section 79C Evaluation - matters for consideration**

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

#### **1. State Environmental Planning Policies**

There are no particular SEPPs relevant to the proposal.

#### **2. Regional Environmental Planning Policies**

There are no particular REPPs relevant to the proposal.

#### **3. Local Environmental Plans**

The land is zoned RU1 Primary Production under the *Blayney Local Environmental Plan 2012*, and the development is permissible in the zone with Council consent as an “*animal boarding & training facility*”, defined as follows:

***animal boarding or training establishment*** means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

The applicant is not intending to board dogs, and is applying to house, breed and train greyhounds.

The objectives of the zone are examined as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base

**Comment:** The development will not impact upon primary industry due to the small size of the land and the size of adjoining properties. Some minor grazing of cattle has occurred on the land in the past. It currently also grazes horses, and adjoining properties also have sheep.

- To encourage diversity in primary industry enterprises and systems appropriate for the area.

**Comment:** The property will continue to be utilized for minor grazing of stock.

- To minimize the fragmentation and alienation of resource lands

**Comment:** The proposed development will not subdivide or alienate rural land, but enable the more effective management of an existing property for a use that is permissible in the zone.

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

**Comment:** It is likely that land use conflict may result from this development within the RU1 zone. There are no other zones adjoining the locality.

The property is surrounded by similar sized lifestyle blocks, and the land may continue to be utilized for minor livestock grazing. The blocks constitute the former village of Somers, which was gazette in 1895, but the gazettal was withdrawn in 1920. Since then they have been zoned as general rural through several planning instruments, where the proposed development is permissible with consent.

However, a number of submissions were made on the proposed development, and the issues raised are considered within in this report. It is noted that some of the issues which have arisen are due to the fact that the facility is already established without prior development consent

The development could be undertaken in accordance with industry standards and any conditions that Council might place on a development consent, intended to address the issues raised. Noise in particular, is a specialised field which may be difficult to address in a consent. However, the application needs to be supported by sufficient information, prepared by suitably qualified persons in order for Council to accurately consider and assess the development.

The applicant has been requested to supply additional information on two occasions (16 August 2016 and 20 October 2016) including a Geotechnical Report and adequate Noise Assessment, prepared by a suitably qualified person that is eligible for membership of the Association of Australian Acoustical Consultants (AAAC).

Council on 20 October 2016 specifically requested the information be supplied by 5pm Wednesday November 2016. If no further information is provided Council will proceed to assess the application on the information currently available.

The applicant failed to supply the required information within the timeframe specified, as such the development is being assessed on the information available.

To a certain degree dog behavior (barking) can be predicted and overcome in a variety of ways. However, this can only occur if the owners are on site all the time and in constant contact with the animals. Dogs, by the owners' admission, will respond to stimuli both on and off site.

Recent council decisions in the region and in the Land and Environment Court, as well as the EPA's Noise Guideline 2013, suggest that noise can be controlled through a negotiated noise management plan.

However, no adequate noise assessment has been provided as requested to address existing and future noise from the facility, despite two requests from Council.

- 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 necessarily prevent them from occurring.

### **1. Guidelines and policies**

The proposal was notified to adjoining and adjacent landowners. A number of submissions were received, which are considered later in this report.

#### **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 been notified to the consent authority that would apply to the land to which the development relates**

Blayney Local Environmental Plan 2012 amendment number 7 – Rural and Large Lot Residential Lands applies to all land zoned RU1 Primary Production.

The amendment contains several proposed changes, of which the most relevant to this development application is extension of the period of time specified in Clause 4.2A (4) of the Blayney Local Environmental Plan 2012 from 3 to 5 years. This time extension to Clause 4.2A (4) will allow a development application to be lodged for the construction of a dwelling through the existing holding provision up until 22 November 2017 (originally only allowed until 22 November 2015).

The extension of the time period of Clause 4.2A (4) of the Blayney Local Environmental Plan 2012 will likely result in lodgement of development applications for dwelling houses within this precinct. In particular, 3 allotments being, lots; 139, 140 and 228 of DP 750408 all directly adjoin 73 Somers Lane Mandurama.

Council is currently liaising with the NSW Parliamentary Counsel finalising BLEP 2012 amendment 7, which is anticipated to be implemented within the next 4 weeks.

#### **79C (a)(iii) any development control plan that applies to the land to which the development relates**

There are no such matters relevant to the development.

#### **79C (a)(iiia) 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 would 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 would apply to the land to which the development relates**

There are no such matters relevant to the development.

**79C (a)(v) Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that would 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 is for the establishment of an animal breeding and training establishment, as a greyhound facility. The site is within an area of small lifestyle blocks, most of which are utilized for residential and minor grazing purposes.

The land is located on the eastern side of Somers Lane, and 3km south east of Mandurama, and is 5.96ha in area.

The property slopes down from the north, and there are two dams on the property. Existing infrastructure is located in the far north western sector of the land, with the kennel yards to the north eastern sector.

The closest off site dwelling is located approximately 100m to the west. Other dwelling houses in close proximity to the development include;

- Approximately 230m to the south east of the kennel yards,
- Approximately 220m to the north-north west of the kennel yards,
- Approximately 200m to the east from the kennel/yard area.

The property is cleared grazing land with no additional clearing or building required for the facility.

The submissions suggest that with the landuse being already established, it is in conflict with some nearby residents, in particular with regard to noise and visual amenity. There are other residents in closer proximity to the development who have made no comment and some have supplied letters of support for the development.

Visual amenity issues can usually be overcome through painting, screening, landscaping etc. Noise issues are harder to overcome, and are considered below in this report.

**Access, transport and traffic**

The site is accessed via the existing entrance directly off Somers Lane. Council's Engineer has required no particular upgrading of that existing entrance. Somers Lane is a two laned unsealed public road.

**Services/utilities**

Telephone, water and electricity are available to the land, and the property is already served by an on-site effluent disposal system for the dwelling.

An onsite effluent disposal system is required to be installed for the facility to handle effluent generated from the proposed development. A geotechnical report has not been provided, despite two specific requests by Council on 16 August 2016 and 20 October 2016.

**Site design, internal design and construction**

The main kennel development is located on the northern end of the property, adjacent to the existing dwelling and shed, with no tree clearing required. The developer has constructed a new farm shed as exempt development, and this is where the main kennels are. It has been fitted out as an insulated kennel facility.

The building contains 12 kennels and a food preparation area and a walking machine, with power and water connected. The facility is licensed to house up to 40 greyhounds on the property. However, at the time of the GRNSW inspection there were only 14 racing dogs and 13 pups on the site. The 10 kennel yards are located towards the north eastern section of the land. Each yard would have a kennel for weather protection, water, and eventually protection by shade cloth and landscaping.

GRNSW maintains a Codes of Practice for both the *Keeping of Greyhounds in Training* and for *Breeding, Rearing and Education* of greyhounds. Specifically, the Codes require trainers to consult with their local council prior to constructing kennels.

These Codes cover matters relating to the establishment of facilities, such as:

- Trainer responsibilities – animal accommodation, hygiene and health.
- Kennel Construction
- Kennel size.
- Security standards, including fencing.
- Environment – weather protection for animals.
- Bedding, nutrition, hygiene and exercise.
- Health and veterinary care.
- Pest control, disease prevention and notification.
- Transport and euthanasia.
- Training and educating greyhounds.
- Breeding guidelines and standards.

GRNSW maintains a checklist for site inspections which covers all of these matters.

It is noted that breaches of the Codes may result in the imposition of a penalty under the GRNSW Greyhound Racing Rules. Penalties may be up to \$22,000 or suspension, disqualification, and/or cancellation of registration. The Rules are set up under the *Greyhound Racing Act 2009*.

The site was inspected on 15 June 2016 by GRNSW and found to be compliant in all respects. See Enclosure #5.

**Hazards – technological, natural**

There are no particular known technological or natural hazards affecting the development, such as bushfire or flooding.

**Noise and vibration**

There are no particular significant matters relating to vibration which might apply to this development. However, noise is a significant factor which relates to such a development and the issue has been raised in submissions.

The GRNSW Code of Practice suggests that noise from barking greyhounds should be managed to comply with local government noise regulations and may be managed by:

- Positioning kennels so that they do not face each other.
- Limiting external stimulation by placing partitioning between kennels or using blinds.
- Holding greyhounds singly or in compatible pairs.
- Turning lights off after feeding.
- Exercising greyhounds away from greyhound housing.
- The extended use of barking muzzles is forbidden.

In the site inspection of 15 June 2016 by GRNSW, no mention is made of inspection of methods of noise management, in spite of the Code requirements.

There appear to be a number of reasons why any dogs will bark, not just greyhounds. The applicant suggests the following - bark at foxes; pups/dogs playing will yap and bark; when it is 5am and time for their walk and feed they will bark/howl; intermittent barking during the day for 20-30 seconds; bark when the owner/s come home; bark during the day intermittently for a minute or two; the noise in the sheds echoes and they have yet to address this; visitors calling to check on dogs would make them bark.

From the information provided by the applicant, the following noise management has been or will be undertaken:

- Insulation of kennels for weather protection, as well as to address noise.
- Shade cloth on yard fences to minimise reaction to external stimuli.
- Solid wooden/lattice fencing along the eastern end of the yards to limit the dogs view to external stimuli.
- Limited use of barking muzzles, only when required.
- Monitoring of animals when they are at home.
- The exercise yards are used for 20 minutes at a time, three times a week. When the neighbours are out and about, activities cease in the yards.

It is noted the above mentioned noise management measures are not recommendations that have resulted from the undertaking of a noise assessment prepared by a suitably qualified person.

Council has powers under various pieces of legislation to manage dog noise complaints.

The *Protection of the Environment Operations Act 1997* and associated Regulation provide the main legal framework and basis for managing unacceptable noise. Noise pollution is defined under that Act as the emission of offensive noise:

**offensive noise means noise:**

- (a) *that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:*
  - (i) *is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or*
  - (ii) *interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or*
- (b) *that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.*

The barking of a dog under the *Companion Animals Act 1998* may constitute a “nuisance”.

However, the Environment Protection Authority’s *Noise Guide for Local Government 2013*, suggests that in relation to dog kennels, it is better for Council to negotiate a noise management plan, assuming that the kennel is a legal entity in all other respects of the local planning instrument and policies.

A noise assessment is recommended to ascertain noise levels and their physical characteristics, not necessarily to determine whether it is offensive, but rather to determine what action, if any, is necessary. It will establish the location of the noise, its audibility at certain locations, the time the noise is made and its duration, its characteristics, and the reported effect it has on people.

The applicant submitted a “Report of Sound Level Determination” dated 5 August 2016 (see enclosure 6), however this report is not considered adequate, detailed enough, address the Environment Protection Authority’s *Noise Guide for Local Government 2013* or provide the qualifications of the person who prepared it to ascertain their suitability.

Subsequently on 16 August 2016 and 20 October 2016 Council wrote to the applicant requested submission of a noise assessment prepared by a suitably qualified person that is eligible for membership of the Association of Australian Acoustical Consultants (AAAC).

In the correspondence of 20 October 2016 Council specifically requested the information be supplied by 5pm Wednesday November 2016. The applicant failed to supply the requested noise assessment within the period specified.

Council does have opportunities to manage control of animal boarding and training facilities within the LEP and any development control plan, assuming a consent has been issued. Generally, such an animal facility is considered acceptable within an RU1 Primary Production zone. However, particular settlement patterns and circumstance have produced the current situation, and the application must be assessed on its merits.

There are a number of conditions which Council might place on a consent to mitigate and manage noise from such a facility. Physical measures such as noise barriers, enclosures, sound proof design in kennels at night, removal of visual stimuli, use of sound absorbing materials, as well as more careful choice of timing of noise generating activities, animal behaviour training, and addressing boredom and lack of exercise. Measures such as changing the activity and relocating the noise source, are not always practical.

It must be accepted that there will be noise at times associated with the kennel usage.

However, Council may be able to apply stringent provisions in terms of construction, operation and management, to ensure the impacts, particularly at night are within acceptable limits only if an adequate noise assessment prepared by a suitably qualified person was supplied that qualified the development was suitable for the location.

The EPA's Noise Guideline 2013 indicates that it is possible to apply conditions to consents to address noise under a noise management plan.

Given that the applicant has already indicated a range of mitigation measures, these measures can be incorporated into a development consent and a management plan. However, an acceptable noise report has not been submitted, despite requests from Council, and a management plan has not been formulated.

#### **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. No other land resources such as extractive industries are affected. Air pollution is minimized through attention to waste management, and existing mitigation measures would continue to prevent environmental impact.

The kennels and yards are erected along the northern end of the site. The yards are cleaned daily, and solid waste collected and disposed of offsite. Liquid waste from yard cleaning would be required to be directed into a new onsite effluent disposal system. No geotechnical report has been provided by the developer to satisfy Council that the development would not have a detrimental environmental impact or impact upon water pollution from the effluent created from the development.

**Water**

There are no water matters relevant to this development. Reticulated water and rainwater are provided for water supply.

**Waste**

Domestic waste is already collected, stored and removed off site to an approved waste facility. Animal waste would be treated in a similar manner. Yards would be cleaned daily and solid waste/bones removed off site for disposal. The sheds are hosed daily for cleanliness, and the internal drainage is to be directed into a new onsite effluent disposal system.

The existing dwelling is served by its own onsite effluent disposal system.

**Air**

The development is not expected to generate air pollution such as dust. Odour is minimised through appropriate waste management.

**Safety, Security and Crime Prevention**

There are no particular safety, security or crime prevention matters relevant to this development. The facility would be undertaken in compliance with the requirements of GRNSW Codes of Practice, which includes regular inspections. Fencing in particular is addressed in the Codes, and the site would be secured.

**Economic impact**

The economic impacts from this development relate to use of the existing rural property for the continued operation of a kennel facility for greyhounds, which would provide income for the land owner through racing and in turn, use of local goods and services to support the business.

Consideration of land values is not a matter for a S79C assessment.

**Social Impact**

The social impacts relate to the operation of an animal breeding and training facility on a rural property, with minimal impact on services and utilities. Although the use is permissible in the zone with Council consent, the use was established without prior development consent, and the activity has presented some issues for the community, given that this is a closely settled area in what was originally the village of Somers. The gazettal as a village was withdrawn in 1920, but the allotment pattern remains, with a number of established dwellings in existence and other dwelling entitlements available.

The issues which have been raised relate to noise and odour, pollution, pests and diseases, visual amenity, stock health and security, and setting a precedent. These matters are discussed below.

Without the supply of an appropriate noise assessment or geotechnical report Council cannot adequately assess and consider the potential impact of the proposed development on both the natural and built environment.

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

### **Cumulative Impact**

The cumulative impact of the development is for the operation of an animal training and breeding facility on a rural property, where it is permissible in the zone with consent. In the absence of a particular policy in this regard, Council must consider the development on its merits. Any consideration of similar development in the locality would also be considered on its merits, having regard for existing development in the area, potential and established landuse conflict, and appropriate context and setting, amenity and regulation.

### **Climate Change**

The NSW Sea Level Rise Policy Statement 2009 outlines the Government's objectives and commitments in regards to sea level rise adaptation.

A key Government commitment is that it will promote and support an adaptive risk-based approach to managing the impacts of sea level rise. The proposal would not significantly contribute to climate change and will not change the risk profile of the site in regard to the impacts of sea level rise.

### **Ecologically Sustainable Development**

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

### **Other**

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

### **79C (c) Suitability of the site for the development**

The site is potentially unsuitable for the development, being a small rural property. However, it is located in the vicinity of other small occupied lifestyle blocks in what used to be the village of Somers. The settlement pattern over time has meant that a number of lots are established as rural living lots rather than agricultural holdings. A number of issues have been raised in regard to the development, and its suitability must hinge on the minimization of impact on these neighbouring properties.

Given that no geotechnical report or appropriate noise assessment has been supplied to support the development, Council is unable to fully determine the site suitability.

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

Adjoining and adjacent landowners were notified for 14 days from 1 June 2016, 3 submissions were received during the notification period, additionally a letter of support was also received (a copy of these 4 submissions can be seen in enclosure 7).

Council has received numerous pieces of correspondence detailing concerns and objections on this application outside the official notification period. These submissions have not been included in enclosure 7 as it is considered no additional issues have been raised to those issues that have been raised in submissions received during the official notification period.

The issues raised are considered as follows:

1. A closely settled hobby farm or lifestyle block area – distance from the kennels to nearby houses can be down to below 60m. Noise emanating from the shed at present has to be heard to be believed. No hedging will stop this.

**Developer response:** No comment provided.

**Council comment:** This is an area of character lifestyle blocks in what was originally the village of Somers. The gazettal as a village was withdrawn in 1920, but the allotment pattern remains, with a number of established dwellings and other dwelling entitlements available. The use is permitted in the zone, but must be assessed on its merits.

2. Although the development is permissible in the current zone, the land should be rezoned to so that this type of development cannot be allowed, as it is a rural residential area.

**Developer response:** The advice we were given was that the use was permissible in the zone with consent.

**Council comment:** Generally, the use is workable in the RU1 zone. In this instance a historical lot size pattern exists and the application must be considered on its merits. The application does not warrant a rezoning for a use which may not carry on in the long term.

3. The application is in error saying that the nearest house approximately 400m away. There are 4 houses which are 300-400m away.

**Developer response:** No comment provided.

**Council comment:** There are several houses located within 250m of the site.

4. Breach of Greyhound NSW Codes of Practice – the facility has been set up illegally.

**Developer response:** The facility has been set up in accordance with the Code of Practice for the Keeping of Greyhounds in Training, commencing on 1 December 2015. The Code stipulates that the training establishment is permissible with consent from the Council, for which we have made contact with Council, and are currently arranging.

We are not registering a track. This is not for commercial use. This is for a hobby.

**Council comment:** The facility was set up prior to the consent of Council. This has been addressed through the lodgment of a development application for consideration. GRNSW carried out a site inspection on 15 June 2016 and found that the site complied with the Codes.

5. The dogs are still registered with Greyhounds NSW as living at a Blayney address – another Code breach.

**Developer response:** The greyhounds are registered at 73 Somers Lane, Mandurama. The GRNSW have been notified and a kennel inspection has already been completed and integrity department of GRNSW. A copy of the report is included.

**Council comment:** The address at Somers Lane is the only one relevant to this application.

6. How will Council ensure compliance with any conditions placed on any approval which might be issued by Council?

**Developer response:** We are happy to have open and honest communication with Council regarding this matter. We are happy to have regular scheduled inspections to ensure compliance. Scheduled, so we can ensure measures are taken to reduce the spread of any potential diseases from other properties.

**Council comment:** Council has within its powers under various pieces of legislation, the ability to prosecute for breaches of development consent, and also noise nuisance.

7. Other breaches include:

- No consultation with Council prior to construction of kennels.
- Kennels should be kept away from livestock.
- Kennels and fencing are not appropriately constructed.
- Noise should comply with local government noise regulations.
- Suitable waste management.
- Dogs not exercised in accordance with the Code, as the owners are away all day.
- No power to the new shed, so dogs subject to extreme hot and cold, and cannot use the walking machine.
- No running water to the shed – comfort, hygiene and sanitation within the shed.
- Mistreatment of dogs during “training” sessions – dragging them along the ground.
- Extended use of barking muzzles.
- Dogs should not pursue or attack live animals, ie. no other animals present on the same property where greyhounds are housed.
- Other animals on the site should be notified to GRNSW.
- Code breaches are subject to penalties under the GRNSW Greyhound Racing Rules.
- Some dogs are kept permanently in the day yards.

**Developer response:** Many of these matters are considered elsewhere in their developer's response. In particular, they comment on the following:

Power: How is it assumed that there is no power to the shed? Has someone been to the shed without our knowledge? This absolutely not true. There is power to the shed. We have freezers that freeze large amounts of meat. We have a walking machine, in good working order that we definitely use from time to time. There is a light, that we use when we get the dogs out of a morning, and in the evening for a final empty. This has been the case since we moved in.

The greyhounds are rugged throughout winter days, and double rigged throughout the night. They are on beds with blankets and carpets. The windows are closed. The doors are closed on cold windy and rainy days. During summer, because there is power available to the shed, we can supply industrial fans, ice in the water and cool concrete to lay on.

In fact, these greyhounds are more comfortable in winter and summer than sheep and cattle and horses, which are exposed to the elements.

Water: In terms of water, there are water catchment bins near the shed and a water tank. The water tank is for drinking water and adding to their meals, and the water catchment is used for cleaning of the kennels.

Mistreatment of dogs during "training sessions": when any dog is placed on a lead and taught to walk on a lead for the very first time, they all play up. They throw themselves down, and they vocal and thrash their head about. Greyhounds are no different, only in the sense that they aren't taught to walk on a lead at 12 weeks old. They sometimes are up to 12 months old. There was no mistreatment in any way during training sessions, however, if someone who hasn't witnessed this before with older dogs, we can see how this could be misconstrued.

Muzzles: We personally only use barking muzzles when there is a dog that is unable to walk with the others, ie. if a bitch is on heat. This for a maximum of 15 minutes, and only when one of us cannot stay in the shed with them. Another time that a barking muzzle is used, is when the dogs are exercising in the yard, and the one in particular is left in the shed until his turn. Again this is only when someone cannot be in the shed with them. Besides, if there was extended use of barking muzzles there wouldn't be much barking, would there?

Other animals on the same property: We do not allow the greyhounds to pursue any animal. Whilst we are walking the race dogs, they are on leads. If they are in the exercise yard, they are supervised. If on the rare occasion the pet greyhound sees a bird, she will run after it. They are sight hounds. They will chase on site. Most dogs will chase a bird or two in their lifetime.

Other animals on site: An animal declaration for has already been submitted to GRNSW.

Dogs permanently in day yards: That's because at this stage they are pups, waiting to be educated.

**Council comment:** The GRNSW site inspection report of 15 June 2016 suggests that the kennels comply with relevant aspects of the Codes, as far as they were concerned. No breaches were indicated.

8. More than a hobby due to scale of buildings already erected on the land. They are going to train for other people and so this is a paying concern.

**Developer response:** This is an unfounded concern. We are a family. We don't want more dogs. We like doing family things, like going away for the day, watching sports. We are at capacity for us. We unfortunately cannot control how many pups a bitch will have. We are not breeding any more litters. We have been asked to train for other people since moving here, but we haven't gone ahead with this.

**Council comment:** The applicant has indicated that the kennels are for their own use.

9. No mention of the maximum number of dogs on the land. Currently houses up to 25 greyhounds at any one time. They bark and howl intermittently throughout the day and night.

**Developer response:** We are never going to be able to keep the dogs quiet 100% of the time. This cruel. As per the RSPCA's "five freedoms for Animals No. 4", is "freedom to express normal, by providing sufficient space, proper facilities and company of the animal's own kind". Sometimes the pups enjoy running up and down the fence line playing and barking. Its normal and healthy behavior. If it gets too rambunctious, we quieten them down.

The early morning howling comes from the shed. It's time to be walked and be fed. We are out of bed at 4.50am in order to walk them, to eliminate the noise.

Throughout the daytime, however, the howling does occur intermittently and never more than 20-30 seconds. I have had some time off recuperating after an operation, and I have been monitoring this.

There are other properties with dogs also, the barking is not directly and solely our dogs. I sometimes go to stop our dogs from barking, however just to find myself outside and it's not ours at all.

Conversations with other neighbours indicate that the dogs aren't barking constantly. We have had visits from GRNSW, other neighbours, friends and family, all who have advised that it isn't impacting them at all. Yes, sometimes they hear them, but it's not constant or as impacting as what is said in the responses during the exhibition period.

All pets get excited when their owner gets home. It's natural. As soon as the first person arrives home, it's straight to the toilet and straight up to the shed.

**Council comment:** The site inspection report indicates that the maximum number of dogs permissible on the site is 40. At the date of the GRNSW inspection there were 13 pups and 14 dogs.

Noise control measures have been undertaken by the applicant and other measures are proposed, particularly in regard to reduction of opportunity for disturbance from off-site stimuli. Council has an opportunity to reinforce these measures through conditions of consent under a noise plan of management. However, a noise assessment has not been provided to enable Council to fully assess the noise issues and possibly address a management plan.

- 10.** Barking for extended periods during the night and early morning, especially when feeding (at 4-5am) and evening. Intermittent barking/yelping for the rest of the day. More barking and howling in the afternoon when the owners come home. Night and evening is filled with barking, yowling and yelping.

**Developer response:** As 9 above.

**Council comment:** Council has an opportunity to reinforce the existing noise control measures through conditions of consent and the requirement for a noise management plan. However, a noise assessment has yet to be received from the applicant for Council consideration.

- 11.** Neighbours cannot relax and walk outside without extensive and intrusive barking and howling from the greyhounds, especially along adjoining the paddock and tree line.

**Developer response:** When the neighbours are seen to be out walking, and we are utilizing the exercise yard, we actually stop all activities with the greyhounds. The reason sometimes the greyhounds bark during this time, is because one neighbouring property has a small white dog walking with them. This fine, however, this is also the reason we cease activity during this time, so that there can be no misunderstanding regarding the greyhounds and their dog. None. We take that risk away completely. Whilst we are there, we certainly monitor the dogs' behavior in relation to the neighbours walking along the boundary line, and can honestly say, the above statement from them is the exception, not the rule.

**Council comment:** The applicant has sought to undertake noise containment measures, and other features are intended, including more landscaping and yard screening. However, as an adequate noise assessment has not been undertaken by a suitability qualified person and supplied to Council, Council cannot quantify the developers proposed measures are adequate, nor that the development is suitable for the location to address land use conflict.

12. Have to shut all doors and windows especially at night, in spite of double glazing. This has led to intense anxiety and sleep deprivation affecting health and wellbeing.

**Developer response:** Currently we live in an old cottage, with thin walls and normal windows. We can only just hear the dogs should they bark. I'm a light sleeper, so I wake up easily and quickly. I can't say for sure what the neighbours can hear, but I can tell you the house we live in is a lot older and closer to the dogs than neighbours, and we don't hear the dogs as often as portrayed. Intense anxiety has been suffered throughout this whole process, caused by the people complaining re this development, ringing and visiting other neighbours to encourage complaints. And now, calling the Council Ranger to complain about the noise. I was home all last week, as well as the week before and monitored the greyhounds. They barked periodically, but it was never for more than a minute or two. No different than another breed of pet dog.

**Council comment:** However as an adequate noise assessment has not been undertaken by a suitability qualified person and supplied to Council, Council cannot quantify the developers proposed measures are adequate, nor that the development is suitable for the location to address land use conflict.

13. Solar passive home relies on cross breezes in warmer months for cooling. Northerly aspect provides heating in winter. The deck is on the northern side. The outdoor area cannot be used and the windows must be kept closed to limit noise.

**Developer response:** I can't comment on this right now, as it is winter. I'm assuming that all windows are closed? It certainly hasn't prohibited them from having BBQs or camp fires, as on no less than 2 occasions they have been cooking something outside, or have a fire lit outside.

**Council comment:** It must be accepted that there will be noise at times associated with the kennel usage, as with any dogs. However, Council is able to apply stringent provisions in terms of construction, operation and management, to ensure the impacts, particularly at night are within acceptable limits as agreed by the acoustic consultant. With no noise assessment provided by the developer this cannot be fully determined.

It is noted that other properties in the vicinity have dogs which easily respond to external stimuli, such as passing cars. No firm evidence has been provided as to recording frequency, times of barking, to ascertain that it is solely the greyhounds that are barking.

14. Any tree planting, wooden, lattice or shade cloth screens to improve visual amenity and noise impact are not likely to have any significant effect on the level of noise being experienced, and not improve visual amenity due to the topography of the locality and the location of some adjoining dwellings being above the site.

**Developer response:** No one else has mentioned the way the kennels look. The shade cloth and screens were more to limit the amount of area that they greyhounds could see, therefore reducing the amount of stimulants that are around, and cause potential excitement.

**Council comment:** The site is screened from the east by a row of established eucalypts. The intention of screening is to limit disturbance from external stimuli. Any solid screening erected would be painted to address visual amenity. However, as an adequate noise assessment has not been undertaken by a suitability qualified person and supplied to Council, Council cannot quantify the developers response is adequate to address the submission, nor that the development is suitable for the location to address land use conflict.

15. Constructed for 3 months now and without approval.

**Developer response:** Unfortunately, due to the advice we were given, we weren't aware we had to have approval. We can only do what we are now advised to do, which is now, to seek approval. We have submitted all the appropriate documentation to Council to obtain approval for the development which is currently being processed.

**Council comment:** A development application has now been lodged for consideration and assessment.

16. Dog runs and exercise yard (training track) directly adjoin property boundaries. Noise from dogs housed in the iron shed echoes and is significantly amplified.

**Developer response:** No. The dog runs do NOT directly adjoin property boundaries. We ensured that this was the case. The exercise yard only uses the boundary fence. But as stated previously, we do not use it without supervision and it is only used for a maximum of 20 minutes a day up to three times a week. If there was no exercise yard, the horses would stick their head over and munch on grass. This way, there is a clear boundary at all times for the horses and the greyhounds will only ever go near it under supervision. As for the noise in the shed echoing, we are currently researching cost effective, harmless ways to further sound proof the shed.

**Council comment:** The exercise run is located along the side boundary and is only used 3 times per week for 20 minutes at a time. In the interim it acts as a buffer of 5m from the dog runs to the boundary.

However, as an adequate noise assessment has not been undertaken by a suitability qualified person and supplied to Council, Council cannot quantify the developers response is adequate to address the submission, nor that the development is suitable for the location to address land use conflict.

- 17.** Many local triggers to noise from the greyhounds – foxes, stock, rabbits, cats, kangaroos, birds and other dogs, and people – these cannot be controlled and the owners are not home during the day to control the dogs.

**Developer response:** We currently have a friend who passes by here at least twice a day, between his jobs and his home. He calls in to do a “head count” to ensure that the dogs are safely in their yards and kennels. A letter from him is attached. No dog owners can control the above stimulants. All dogs bark when there are strangers in their territory or when there are other animals. Dogs bark. All dogs throughout this area bark.

**Council comment:** External stimuli cannot be controlled in themselves. However, the dogs’ opportunity to view them is able to be controlled through landscaping and screening, thus minimizing reaction.

- 18.** Smell from the site is a very real one, being at a disagreeable level even 60m away from the site. Waste collection and disposal is not being undertaken effectively. Flies, vermin and diseases may have impact on livestock and people.

**Developer response:** During the kennel inspection, I repeatedly asked if there were any foul smells, any waste odours. The answer was no. Anyone who comes to visit, I ask for the same feedback. The answer is no. During the heavy rain that we had, I didn’t make it out there every third day, but there is no smell. We often walk around the yards to ensure that there aren’t any bones that we missed picking up generating this “disagreeable smell” but there never is.

As outlined in the original development application, we pick up solid waste 3 times a week in the yards. It is picked up daily from around the race kennel area, put in a waste bin and taken to the tip when required. The kennels are washed out daily with disinfectant and water. This is all compliant with the GRNSW Code of Practice.

**Council comment:** The site inspection by GRNSW was satisfied with the waste management arrangements. However, Council have required a geotechnical report to address a separate onsite effluent system to take liquid waste from the kennels and yards, which has not been received.

- 19.** No drainage or septic system. All runoff washes down slope towards neighbouring properties, with high nutrient levels for vegetation.

**Developer response:** No it doesn’t. The runoff from any yards that generate run off, stays on our property. Even after all the heavy rain, no visual runoff went anywhere but the big paddock. Not neighbouring properties.

**Council comment:** A separate onsite effluent system is required to be installed for liquid waste generated from the development. A geotechnical report has not been supplied.

**20. Proximity to other animals (stock).**

**Developer response:** The greyhounds are housed exclusively in their own kennels or yards. All other stock that we have – 2 horses – have their own paddock. The exception to this, is when we are walking the perimeter of the big paddock with the race dogs. The greyhound area is completely separate from the horses and neighbouring properties livestock by fences that were already on the property. The kennel inspection by GRNSW shows that all kennels and yards are GRNSW compliant.

**Council comment:** The greyhounds' proximity to other stock is limited by distances of yards and kennels from the boundaries. The GRNSW Code is specific in this regard, with regard to secure fencing.

**21. This development will totally destroy a previously quiet and peaceful rural residential area if approved. It has already affected neighbours with noise, smell and unsightly sheds.**

**Developer response:** Dogs barked and howled long before we came here. In our previous development application, it was already advised that the white yard kennels be painted a more consistent and appealing colour, better blending in with the landscape. Two of the “unsightly sheds” were already here prior to us purchasing the property, and as stated below, “the main shed construction is not an issue”.

**Council comment:** Given that there are 9 dwellings within 800m of the site and only three submissions were received, one being from a landowner who owns vacant land there, a clearer picture can be seen of the actual impact of the development. The other submissions are from premises 300 and 500m away. The number of neighbours affected as indicated in the submissions may be limited to two. Without supply of the requested adequate noise assessment the noise impact of the development cannot be adequately assessed.

**22. The main shed construction is not an issue but the large dog kennels and other structures made out of coolroom panels are glaring white and reflect the sun. Should blend in with the landscape to minimise visual impacts.**

**Developer response:** The large dog kennels are made out of the cool room panels. The other structures are fencing that has been professionally built with brand new materials. The main shed isn't a concern, however, it's the same colour as the house and the yard kennels. Why is it that the kennels reflect the sun, but not the other structures? However, as stated previously, in the original development application, once the weather is more predictable, the yard kennels will be painted a more appealing colour.

**Council comment:** The applicant proposes painting and landscaping to address these matters.

23. Stacking/storage of additional coolroom panels on the site are not secured and have the potential to cause considerable damage during inclement weather events.

**Developer response:** Not a development concern, however I will state that we have had some ferocious winds and storms this year to date. And all the coolroom panels are stacked securely.

**Council comment:** Cool room panels are by nature heavy and in this case, securely stacked. They will be utilized on the site to provide further insulation to kennels and for yard screening, being painted to minimise impact.

24. Concern for the quality of the fencing, and the safety and security of children on nearby properties. The owners are not home on weekdays and may not be home if the dogs escape.

**Developer response:** As per the kennel inspection report from GRNSW which is attached, all kennels and yards are GRNSW compliant. As per our original development application, I have included the measurements on that document.

The report clearly states that the greyhounds are very secure. The fences which surround the outside yards are at such a height that the greyhounds are secure. The latches on the race kennels and yard gates are ones that the greyhounds cannot open in error.

The greyhound's nature is gentle. They play. They sometimes yap. They lay around most of the day being lazy. The dogs on our property are not a threat to anyone.

As stated above, we have a family friend who regularly drops by between his jobs to check on the animals, to ensure that all are accounted for and are quiet. He is NOT an employee, but a friend who sets our mind at ease by doing a quick head count.

It can also be noted that not all pet owners are home 100% of the time. They work. But they are not required to check their animals through the day. Before we have any time away from home, such as a holiday, we ensure we have someone from our family stay at the house to look after the dogs. To ensure that they don't get noisy, to ensure that they don't escape. To ensure that they are fed correctly and according to their racing schedule.

In the original development application, it was stated that the dogs are walked twice a day, morning and afternoon. When it is raining, we sometimes use the walking machine. This was also explained to the GRNSW compliance officer that came to complete the kennel inspection. We have not been able to fully use the exercise yard, due to the dam overflowing onto the yard.

**Council comment:** The GRNSW inspection on 15 June was satisfied with the fencing of the site.

25. Complete disregard for local rules and regulations and near neighbours.

**Developer response:** We purchased this house in November 2015. It took a fair while looking at the property, getting finance, gathering a deposit etc. During this time, the real estate agent advised the vendors multiple times that we had greyhounds, and this is the sole purpose of us purchasing this property. This can be verified by contacting the real estate agent (details provided in submission).

It took us until March to move in. During the months of December, January, February and the beginning of March, construction of the main shed was completed. Then the day yards. Then the exercise yard. Not once in all of those months or during the purchasing of the property, did anyone say anything about the greyhounds.

Keith and our son met the vendors to be given instruction on how to change the water from town to rain water. Again, the shed was in the process of being built, and a conversation around what our intent was for the land occurred. Nothing was said. Other neighbours knew the purpose of the land. So, yes, we did have regard for near neighbours. I simply ask, if they didn't want neighbours, why sell the land? It seems they wanted our money during the sale, but not once were we approached in almost 4 months from any neighbours to discuss location of the site. Not once.

Had we known that we were going to have this many issues, we would never have purchased the property.

As for local rules, it states on the contract of sale, that it is allowable with permission. This unfortunately wasn't pointed out to us via our solicitor, and hence, we are now trying to follow the local rules. Had we known we would have purchased another property.

**Council comment:** A DA has been lodged for consideration and the applicants are indicating a willingness to cooperate with Council to minimise impact.

26. The wrong location for a development of this kind and size. Concern that this facility will become a commercial boarding, breeding, keeping and training of animals on a much larger scale.

**Developer response:** No comment provided.

**Council comment:** The applicant has indicated that the kennels are a private facility, not for commercial purposes.

27. The current zoning does not reflect the purpose or land uses occurring on these small lifestyle blocks. Rezoning should occur with appropriate development restrictions.

**Developer response:** No comment provided.

**Council comment:** Generally, the landuse is appropriate for the RU1 zone. The landuse pattern in this instance has presented conflict as suggested in the submissions. Rezoning may be a matter for Council to consider in the long term. In the short term Council must assess the application under the current planning instrument, on its merits.

28. The greyhound facility is a conflicting landuse that is already having a negative impact and has destroyed the country atmosphere of this lovely semi-rural area.

**Developer response:** No comment provided.

**Council comment:** The landuse has created conflict, as demonstrated in the submissions received. Some of the suggested conflict is actual, some perceived, and some not proven. This assessment attempts to present the issues, as well as possible solutions for management. The developer also wishes to enjoy this semi-rural area, and has indicated a willingness to cooperate with Council in achieving a positive outcome.

29. Negative impact on resale of adjacent properties, and property devaluation.

**Developer response:** No comment provided.

**Council comment:** Property valuation is not a matter for a S79C assessment.

30. Noise level testing and monitoring should be undertaken to demonstrate the level of noise being experienced.

**Developer response:** Due to the fact that the greyhound industry could potentially be banned from 1 July 2017, we actually put on hold the noise testing discussions with the family and the governing body. I have made another appointment with the gentleman to come out, and a report will be sent in outlining the results. It should be noted, that I have called Blayney Council and Bathurst Council, and neither of them could provide a decibel limit for noise. I have downloaded the Noise Regulations information pack and cannot locate a Db limit.

**Council comment:** Council requested supply of an adequate noise assessment from the applicant, which was not provided, despite two requests from Council to do so.

In addition, the EPAs Noise Guideline 2013 suggests that it is possible to negotiate a noise management plan to manage conflict, which would be set down in conditions of consent. However, as an adequate noise assessment has not been undertaken by a suitability qualified person and supplied to Council, Council cannot quantify the developer's response is adequate to address the submission, nor that the development is suitable for the location to address land use conflict

31. Failure to obtain Council consent is an offence under the Environmental Planning & Assessment Act. Council can order demolition and impose serious penalties for illegal work.

**Developer response:** No comment provided.

**Council comment:** Council could take these steps if it chose to do so. However, the Land and Environment Court would rather see an attempt to remediate the situation through available EPA Guidelines, and negotiation of appropriate solutions.

**32.** Council cannot issue retrospective approvals.

**Developer response:** No comment provided.

**Council comment:** Council cannot refuse to accept lodgment of a development application, and must proceed to assess and determine such application if requested by the proponent, particularly when the use is permissible with consent.

**33.** The submission from the closest neighbour in support of the application made the following points:

- One of the complainants have their own dogs which are left alone and bark all day, being only checked once a day.
- The same complainants sold the property to Seltons, knowing they were to have greyhounds on the property.
- Seltons are 100m from our back door, and we have had no trouble with noise, smell or loose uncontrollable dogs.
- We have visited the establishment and were impressed by the cleanliness, healthiness and efficiency of the place.
- It is a credit to them, to manage the number of dogs, and in such a small amount of time.

**Council comment** Even though a letter of support has been provided by the current closest neighbour, Council must still ensure land use conflict is not created from a development now or to potential future occupants. An adequate noise assessment has not been undertaken by a suitability qualified person which is the only way for Council to ensure that the development is suitable for the location and that no land use conflict is created to current or future occupants of a neighbouring residence.

### **79C (e) The public interest**

The public interest was roused through the notification of the application to adjacent and adjoining landowners. Submissions were lodged and issues raised. These issues have been considered and addressed within this report.

**Comment:** It may be for Council to consider rezoning of this particular subdivision in the long term, as there are other landuses which may not be appropriate for this subdivision. However, in the short term Council must apply the existing planning instruments.

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

### **Conclusion:**

The above assessment illustrates that the development may not be suitable for the locality.

The development has already been established without prior development consent, and its current operation has shown that the landuse is not compatible with the existing rural residential landuse pattern, where there are established rural lifestyle blocks that date back to the original subdivision, prior to recent planning instruments.

An adequate noise assessment prepared by a suitably qualified person and geotechnical report have not been provided to support the development, and therefore Council is unable to undertake a compliant assessment of the development, in particular consideration of land use conflict and environmental impact of the development.

Without supply of adequate noise assessment and geotechnical report Council cannot adequately consider and determine that the development has satisfied section 79C(1) of the Environmental Planning and Assessment Act 1979, in particular; 79C(1)(b), (c), (d) and (e)

**Issues:**

Should Council proceed to refuse DA55/2016 as recommended, Council will have to commence the orders process in accordance with division 2A of the Environmental Planning and Assessment Act 1979 to cease using the premises as an animal breeding, keeping and training facility for which development consent is required but not obtained.

Council must give notice of the proposed order and if it proceeds to issue an order a reasonable time period to comply with the terms of the order.

Due to closure of Council for the Christmas break, it is proposed Council issue the Notice of Order in early 2017.

The period of compliance on the order (if issued) is proposed to be 21 June 2017 (6 months and 1 day after 20 December 2016).

This timeframe is proposed to coincide with review and appeal rights legally available to the applicant under; section 82A (review of determination) and section 97 (appeal rights) of the Environmental Planning and Assessment Act 1979 should Council proceed to refuse development application DA55/2016 as recommended. This time period ensures Council does not pre-emptively circumvent due legal process afforded to the applicant under the Environmental Planning and Assessment Act 1979.

**Budget Implications:**

The requirement to obtain legal advice and commence proceedings in the Land and Environment Court may result if any future order is not complied with.

**Enclosures (following report)**

1	Location Plan	1 Page
2	Plans	3 Pages
3	Statement of Environmental Effects	8 Pages
4	GRNSW Code of Practice	13 Pages
5	GRNSW Inspection 150616	1 Page
6	Report of Sound Level Determination	4 Pages
7	Submissions	24 Pages

**Attachments (separate document)**

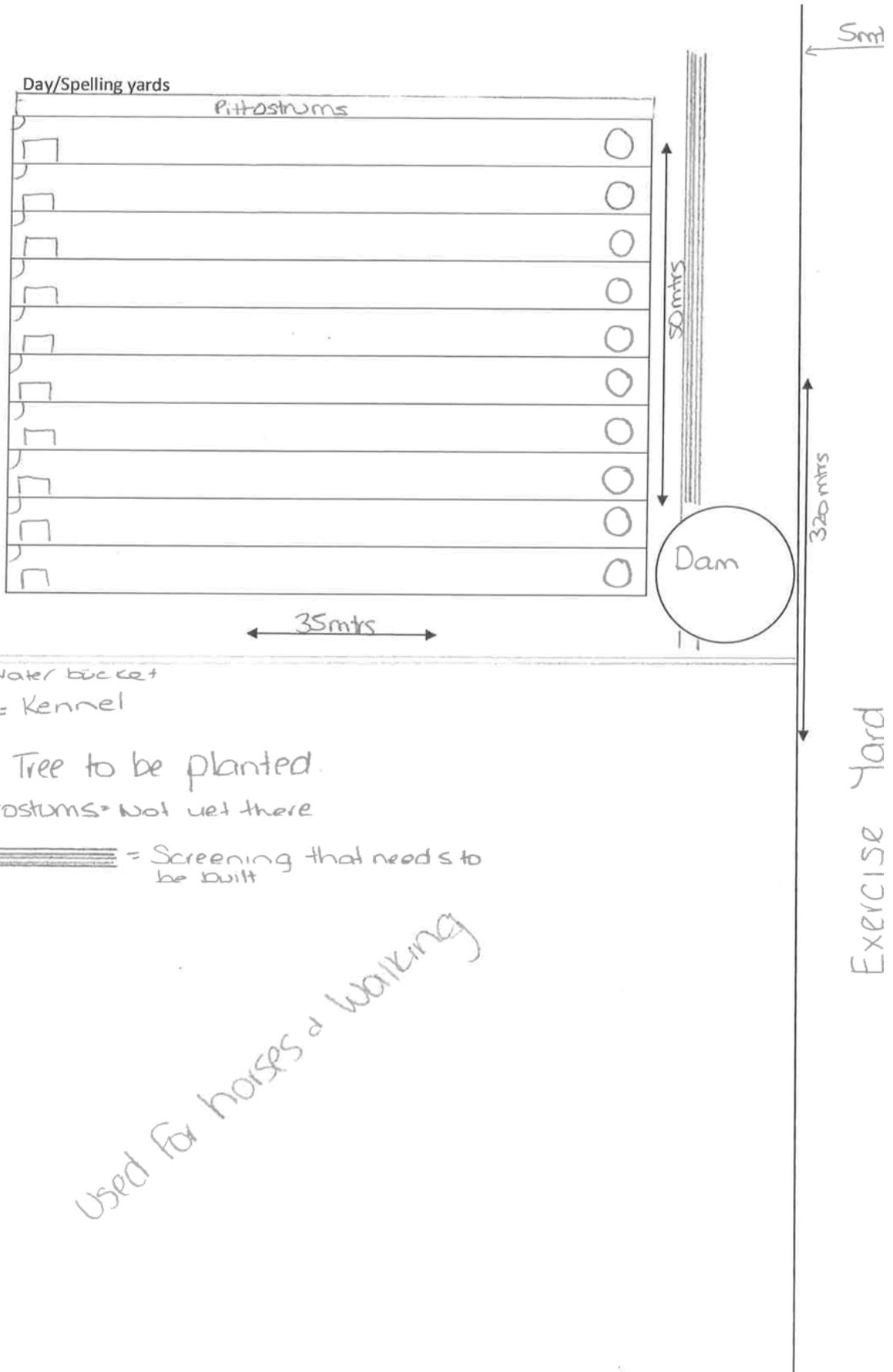
Nil



Property



- Purple – boundary Fence
- Black – Day/Spelling yards
- Blue – Exercise Yard
- Blue** – Kennels



Floor Plan



ET = Established trees

Pittastrum = Not there yet

Development Application

Proposal: To house and train Greyhounds at address known as 73 Somers Lane, Mandurama, NSW 2792, Lot 144 DP 750408.

This application seeks approval for a Greyhound Kennel, spelling yards and exercise yard.

The primary need for the consent is that we propose to house and train greyhounds as a hobby.

Location of the proposal

**Legal description:** Lot 144 DP 750408

**Property Address:** 73 Somers Lane, Mandurama NSW 2972

**Zoning:** The land is zoned RU1 Primary Production

**Permissibility:** This development is defined as an animal boarding and training establishment which is defined as a place for the boarding, breeding, keeping or training of animals.

The development is permissible in the zone subject to development consent.

**Financial Implications:** Nil

**Building Classification:** The shed is essentially a private shed to be used as a shelter for the dog kennels.

**Floor plan:** see attached. There is a meal preparation area, separated by a fitted wall to the main kennel area where 12 kennels are located. All kennels meet the standard as set by the Greyhound Racing Association. All kennels have a bed, bedding, raised off the floor, and clean water available. Only changes to the floor plan envisaged will be to the layout of the kennels themselves, not the shed itself.

Should we require any further alterations, application will be made to council.

No further building will be required.

Fencing for the spelling/rearing yards will be required to complete them. The yards themselves are 5 meters wide, 35 meters long. There are 10 of these. The fencing wire is Waratah Fencing, the height of the fencing surrounding the yards is 1.8meters.

Exercise yard is approximately 320meters long and 5 meters wide. This will be used under intense adult supervision a few times a week. This will happen during the daylight hours only, and only for a maximum of 30 minutes at a time. This Exercise yard also doubles as a more secure boundary fence for the horses. There is another Tree line yard already constructed, so is not directly adjoining the other property.

The kennels in the spelling/rearing yards are constructed of Cool Room Panels, and when the warmer weather returns, will be painted a colour that is consistent with the landscape.

The day yards/spelling yards also comply with the standard as set by the Greyhound Racing Association.

Distance from the kennel to the boundary fence being 71 Somers Lane is approximately 20 meters

The distance from the Dog Yards to the boundary fence of 71 Somers Lane is approximately 50 meters

The distance of the Day Yard/Spelling Yard to the back boundary is approximately 20 meters

The estimated distance of the Day Yard/Spelling yard to the house is approximately between 300-400 meters

**Amenity** – There is no proposed further development associated with this application. Tree plantation will occur; the plants that we aim to use are either Pittostrom, or adding screens of wood or lattice with a fast growing vine along the back of the day/spelling yards. This is to shield the dogs from the exercise yard, shield the neighbours' view of the yard so as they are not impacted and to reduce the view of the dogs so that they don't become excited and begin to bark. The Pittostrom will also be planted between the established trees near the kennels and also along the outside of the Day/Spelling yards, to minimise noise impact that this development may have on adjoining properties. We will also be adding shade cloth around the outside of the yards. There are some earthworks required in the exercise yard – removal of/covering up of exposed tree roots etc so as to remove the possibility of the dogs hurting themselves when they are in there.

There will be a tree planted in each yard to assist with Amenity and shade.

**Noise** – With this type of development additional noise impacts are a perceived concern. The land is zoned to accommodate this type of use and as stated, the nearest neighbour is approximately 400 meters away from the Kennels and yard.

Some dogs, we understand make more noise than others, we identify these as quickly as possible and attempt to curb their barking via training methods and barking muzzles.

We have found that currently with the lambs in a neighbouring property, the dogs have been barking when they see a fox. We are currently in the process of researching and then sourcing a Fox light, to help keep them out of the property and thus reducing the potential for noise.

See above under Amenity also for our plans to reduce noise.

**Waste Disposal** – the general kennel area is grassed and well maintained. The race kennel is on a concrete slab and sloped, so that any liquid waste runs towards and into the drain. The Kennels are disinfected and washed daily. Solid waste is raked up and placed into a bin to be disposed of at a licensed waste collection depot (the Blayney Shire Council Tip). Solid waste from the day/spelling yards are also collected and placed into the waste bin three times a week.

From time to time, the dogs will be given bones. The bones are collected the day after provided and disposed of via the waste collection method.

**Advertising** – As this is a private home and the Greyhounds are a hobby, there will be no advertising. Currently there is a sign that was given to Keith as a birthday present approximately 8 years ago.

**Boarding and Training** – The development is defined as animal boarding and training and includes breeding as part of the definition, however this application seeks to just have our own and train our own Greyhounds. Perhaps once a year or every two years, we will breed a litter, but that is purely dependant on if there is room to do this.

**Other Animals** – There are currently two rescue horses on the property. The heights of the fences around the day/spelling yards are 1.8 meters high, so as to keep the Greyhounds secure and to eliminate the risk of them escaping.

**Water Usage** – The kennel block has a 3000L water tank attached to one side, and a water catching bin on the other side. The tank water is used to provide fresh water to the dogs, and the other side is used to wash the kennels out daily. There is no strain or drain on the local water supply in order to have the dogs.

**Operating Hours** – the dogs are on the property 24 hours a day, 7 days a week. We are not open to the public. We walk the dogs between 5am and 6am every day. We then walk the dogs again in the afternoon. We sometimes use a walking machine when it's raining.

**Registration** – All greyhounds are registered with the Greyhound Racing Association, via an identification card, ear tattoo and microchip that is registered throughout Australia.

**Diseases** – All Greyhounds, by the Greyhound Racing Association rules and regulations, must have their vaccinations prior to being able to begin the race training. All Greyhounds on the property are fully immunised for all diseases.



**STATEMENT OF ENVIRONMENTAL EFFECTS**

**LEGISLATION**

In accordance with Schedule 1 of the *Environmental Planning and Assessment Act Regulation 2000*, a development application must be accompanied by a Statement of Environmental Effects (SEE).

This SEE is suitable for minor impact developments such as dwellings, subdivisions, dwelling alterations, additions and outbuildings. It may be necessary for Council to request additional information depending on the nature and impacts of a proposal.

PLEASE NOTE: LARGER SCALE DEVELOPMENT SHOULD BE ACCOMPANIED BY A DETAILED AND SPECIFIC STATEMENT OF ENVIRONMENTAL EFFECTS PREPARED BY A SUITABLY QUALIFIED CONSULTANT

*(Please provide additional comment if answering 'yes' to any of the questions.  
If necessary attach additional information)*

**ASSISTANCE**

This is a legal document & Council staff are not permitted to complete the form when blank spaces are left. Please answer every question. Where not relevant, please write N/A.

Please refer to the Development and Building Guide for assistance in completing this form.

Definition – LEP means Local Environmental Plan, Blayney 2012

**DEVELOPMENT STANDARDS**

What is the zoning of the land? R1 Rural primary Producer (please obtain from Council's Staff or written Planning and Development Advice received)

Is the proposal permissible within this zone? (Please refer to the LEP link on Council's website)  Yes  No

Is the proposal consistent with the zone objectives? (Please refer to the LEP link on Council's website)  Yes  No

Please list the relevant Development Control Plans that apply to the development? A list of DCPs is available on Council's website or from Council. If you are unclear please check with Council Staff.

DCP No. .... DCP No. ....

DCP No. .... DCP No. ....

DCP No. .... DCP No. ....

Is your proposal consistent with the selected Development Control Plans? If not, please indicate how the development is not consistent.

Comments:

.....  
.....

*Document review July 2015*

**SITE SUITABILITY**

Is the development in an area that may be prone to natural hazards such as bushfires or floods? (please check with Council's Staff)  Yes  No

Describe the physical features of the site such as, slope, vegetation, any waterways .....  
2 Dams, hill, flat

**CURRENT AND PREVIOUS USES**

What is the current use of the site? ..... Date present use commenced (if known) .....

Previous Use (if known).....

What is the present use(s) of the adjoining land? .....

Is it possible that the site could be contaminated from current or previous usage?  Yes  No

Comments: .....

Is it possible that asbestos will be removed as part of this application?  Yes  No

**OPERATIONAL DETAILS (if applicable)**

For applications that involve a usage other than residential, describe how the establishment will operate.

What is the type of business you wish to operate? .....

Number of staff .....

Days of operation:  Mon  Tues  Wed  Thurs  Fri  Sat  Sun

Hours of operation .....

Comments: .....

**ACCESS, TRAFFIC & UTILITIES – please refer to Council's website**

Will the development increase local traffic movements and volumes?  Yes  No  N/A

If yes, will this be significant? .....

Has vehicle manoeuvring and onsite parking been addressed in the design?  Yes  No  N/A

Will vehicles, pedestrians, bicycles and disabled persons be able to access the development?  Yes  No  N/A

Is there vehicle access to a public road?  Yes  No  N/A

Are the following utilities readily available to the site?

Water  Yes  No

Telecommunications  Yes  No

Electricity  Yes  No

Sewer  Yes  No

Comments: .....

*Document review July 2015*

**SOCIAL AND ECONOMIC IMPACTS Note: Impacts can be positive or negative**

Will the proposal have any social or economic consequence for the area?

- Yes  No  
 Positive  Negative

Comments:

\* Positive - Purchase food from local businesses, bringing income into the township Negative - Noise

**CONTEXT AND SETTING Note: Impacts can be positive or negative**

Will the development:-

- be visually prominent in the surrounding area?  Yes  No
- be inconsistent with the existing streetscape or council setback policies?  Yes  No
- be out of character with the surrounding area?  Yes  No
- have a negligible impact  Yes  No

Is there any significant impact on neighbouring properties relating to:

Visual Privacy  YES  NO (If yes please comment)

If yes, what mitigation measures will be put in place? Maybe - landscaping / planting to screen off the yards

Views  YES  NO (If yes please comment)

If yes, what mitigation measures will be put in place? As above

Overshadowing  YES  NO (If yes please comment)

If yes, what mitigation measures will be put in place?

**ENVIRONMENTAL IMPACTS Note: Impacts can be positive or negative**

Air and Noise

- Will any form of air pollution be created from the development?  Yes  No
- Will the development create any noise impacts?  Yes  No

If yes, what mitigation measures will be put in place? Barking muzzles, Screening to prevent provocation

Soil and Water

- Does the development have the potential to result in any form of water pollution?  Yes  No
- Will the development require any significant excavation or filling?  Yes  No
- During & after construction could the development cause erosion or sediment run-off?  Yes  No

Comments/Mitigation measures put in place?:

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Heritage (please check with Council's Staff)

- Is the development a heritage item as listed in Council's LEP or the State Heritage Register?       Yes    No
- Is the development located in a defined heritage conservation area?       Yes    No
- Will the development be adjoining a listed heritage item?       Yes    No
- Will the development have an impact on any listed heritage item or defined heritage conservation area?       Yes    No
- Will the development disturb any known Aboriginal artefacts?       Yes    No

If yes, list Aboriginal artefact .....

1. If yes to any of the above questions a *Heritage Impact Statement* **may** be required for any work to a heritage item or a building within a Heritage Conservation Area that requires consent under Council's Local Environment Plan. Where a Heritage Impact Statement is required it must be prepared by a suitably qualified heritage advisor/consultant.

The statement must address:

- Historical development of the site
- Description of the item and its setting (e.g. garden, fences, ancillary buildings, etc)
- Contribution to the streetscape: height, scale, mass, setback, fenestration, architectural style and period
- Heritage significance (use heritage manual criteria)
- Affect of proposal on the heritage significance of the building and its setting
- Design options and rationale for the preferred option
- Relevant conservation principles in accordance with ICOMOS Burra Charter

The NSW Heritage Manual, Heritage Impact Guideline and the Burra Charter can be obtained from Department of Planning - NSW Heritage Branch.

2. Alternatively, a statement of mitigation measures should be provided, and comment sought from Council's Heritage Advisor.

Sites adjoining a listed heritage item will require assessment in relation to the impact of any proposed development on the heritage item.

Comments:

.....  
.....

Flora and Fauna

Will the development:

- Result in any removal of vegetation on the site?       Yes    No
- Be likely to have an impact on threatened species, populations or ecological communities, or their habitats?       Yes    No
- Be subject to any significant landscaping treatments?       Yes    No
- Is the development in a koala habitat?       Yes    No
- Is the land a critical habitat?       Yes    No
- Is the development biodiversity compliant? (EP&A Regulation, Schedule 1, 1(2))       Yes    No

Comments:

.....  
.....

*Document review July 2015*





# Code of Practice for the Keeping of Greyhounds in Training

## Date policy was made

April 2011

## Commencement date of this version

1 December 2015

## Application

This Code applies to persons involved in training greyhounds.

## Purpose

This Code is designed for persons involved in the training of greyhounds. The Code provides an overarching framework for persons involved in the training of greyhounds and specifies minimum standards of accommodation, management and care for greyhounds.

The overriding theme of this Code is that the well being of the greyhound must at all times be considered above the demands of owners, breeders, trainers, sponsors, wagering operators, punters and spectators.

By adhering to this Code, persons involved in the greyhound industry can demonstrate to the general community their commitment to uphold the welfare of the animals in their care.

## Background

This Code provides an overarching framework for trainers by specifying the minimum standards of accommodation, management and care to uphold the welfare of greyhounds. It is not a comprehensive manual to care for a greyhound.

It is acknowledged that the specific needs of a greyhound vary throughout its lifecycle. Participants involved in the breeding, rearing or education of greyhounds should refer to the Code of Practice for the Breeding, Rearing and Education of greyhounds.

The Code emphasises the importance of best practice management and refers to rules and regulations that persons in charge of greyhounds must abide under the GRNSW Greyhound Racing Rules which are made under the *Greyhound Racing Act 2009* (NSW). For the purposes of this Code, the person in charge may be the licensed trainer, owner or other licensed persons who has the care and control of the greyhound.

Compliance with this Code does not remove the need to abide by the requirements of the *Prevention of Cruelty to Animals Act 1979* (NSW), the *Prevention of Cruelty to Animals Regulation 2012* (NSW), the *Local Government Act 1993* (NSW), the *Companion Animals Act*

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1998 (NSW), the *Companion Animals Regulation 2008* (NSW) or any other laws and regulations, including local government regulations relating to animals.

Persons should be familiar with their responsibilities under these laws and regulations. The responsibility for compliance rests with the person in charge of the greyhound and GRNSW will not be held responsible for any omissions or non-compliance.

## Policy

### 1. Guiding Principles

- 1.1. This Code sets standards for the care and management of greyhounds on training premises to ensure their basic needs are met.
- 1.2. For the purposes of this Code, premises include land, buildings fixed or moveable, including motor vehicles used for the purpose of breeding, rearing or education of greyhounds.
- 1.3. The basic needs of greyhounds are:
  - Readily accessible food and water in sufficient quantities to maintain health and vigour;
  - Freedom of movement to stand, stretch and lie down;
  - Regular exercise;
  - Shelter and accommodation that provides protection from the weather;
  - Regular inspections to assess the need for veterinary care;
  - Internal and external parasite control; and
  - Rapid identification and treatment of injury and disease.
- 1.4. For the purposes of this Code, a Trainer means a person registered by GRNSW to train a greyhound. Train or training means the preparation, education or exercise of a greyhound to race or trial.
- 1.5. A Trainer must be licensed in accordance with the GRNSW Greyhound Racing Rules to train a greyhound.
- 1.6. A Trainer is responsible for the:
  - provision of accommodation and equipment which suits the physical and behavioural requirements of the greyhounds held;
  - protection of greyhounds from people, other animals or adverse environmental conditions;
  - provision of sufficient space for greyhounds to stand, move around freely, stretch fully and rest;
  - provision of sufficient quantities of appropriate food and water to maintain good health;
  - protection of greyhounds as far as possible from disease, distress and injury;
  - provision of prompt veterinary or other appropriate treatment in cases of illness or injury;



- maintenance of hygiene of the premises and health of the greyhounds held;
- the supervision of daily feeding, watering and inspection of greyhounds held to ensure their well-being; and
- the collation and maintenance of relevant treatment records for each greyhound in the Trainer's care.

1.7. When greyhounds are admitted to training premises, Trainers must ensure that owners are made aware of this Code by referring to it in the agreement which sets out the terms for greyhounds being accepted onto the premises.

## 2. Kennel Construction

2.1. For the purposes of this Code, a kennel is an enclosed space in a training premises used to house greyhounds.

2.2. Prior to constructing kennels, Trainers should consult with their local council in relation to any requirements for the keeping of greyhounds or construction of kennels in their local council area. Trainers should also determine:

- the number of greyhounds to be kept in the kennels;
- the type, construction and finishes of kennels and any local government restrictions;
- the intended purpose of the kennels e.g. racing, rearing or breeding;
- the distance of all kennel facilities to boundaries and dwellings on adjoining properties;
- provision for noise and odour abatement;
- provision for the management and disposal of solid/liquid wastes and water runoff.

2.3. The location of kennels should be away from sources of noise or pollution that could cause injury or stress to the greyhound and out of areas that are prone to flooding and/or bushfires.

2.4. Kennels must be constructed, serviced and maintained in a way that maintains the good health and wellbeing of greyhounds, prevents the transmission of infectious disease agents, prevents the escape of greyhounds and does not cause injury risk to either greyhounds or humans.

2.5. Kennels must be constructed away from other establishments that house other animals (for example, agricultural livestock) through appropriate fencing.

2.6. Vehicles, caravans, trailers, portable crates or the crawl space under any dwelling must not be used to house greyhounds.

2.7. The internal surfaces of kennels must be constructed of impervious, solid, washable materials. Wall/floor junctions should be sealed to facilitate cleaning and disinfection.



- 2.8. Floors of kennels should be made of an impervious material to assist cleaning and drainage. Sealed concrete or sealed brick is ideal and should ideally be covered with straw that is replaced frequently.
- 2.9. Individual spaces within kennels must be separated by solid partitions, galvanised mesh or chain wire dividers.
- 2.10. Grassed or landscaped sections may form part of large outdoor kennels but must be adequately maintained and not allowed to deteriorate into bare earth.

### 3. Kennel size

- 3.1. Kennel areas should provide at least enough space for each animal to feed, sleep, sit, stand, lie with limbs extended, stretch and move about.
- 3.2. Kennels should be high enough to permit ease of maintenance and cleaning by an adult.
- 3.3. Kennels for adult greyhounds, including sleeping quarters and runs, should meet the following requirements:

#### **Racing Kennel – Minimum size = 3 sq.m (e.g 2m x 1.5m)**

A kennel enclosure for housing a single greyhound in race training, generally situated within a secure building and designed to encourage the greyhound to rest. The minimum width of a kennel for an adult greyhound shall be no less than 1.2 metres.

Fencing should be appropriately constructed and well maintained fencing mesh being 1.8 meters high on a concrete or fixed base.

Posts may be steel and/or wood. Fencing should be strained as appropriate to ensure the security of the greyhound.

#### **Day / Spelling Yard – Minimum size not less than 6sq.m – (if provided)**

A wire mesh enclosed space and often with an associated kennel, where a single greyhound may spend short periods of time recuperating outdoors.

Fencing should be a minimum of 1.7m and further 0.1m should be buried into the ground to prevent digging and escape.

Provision for shade either natural or a permanent structure must be provided.

#### **Exercise Yard – (if provided)**

A series of two or more fenced enclosures used to exercise greyhounds adjacent to each other. Each yard is generally 30 to 50m in length and 3 to 4 m wide but may vary in shape dependent on site characteristics.

Fencing should be a minimum of 1.2m high. Consideration should be given for shading to be provided if greyhounds are to be exposed for an extended period of time.



#### 4. Security Standards

- 4.1. Kennels must be reasonably secure and adequate fencing must exist to prevent escape of greyhounds and prevent access by unauthorised people.
- 4.2. Kennels must be fitted with a secure closing device that cannot be opened by greyhounds. Double barriers (a secure area outside the immediate kennels) are recommended to prevent the escape of greyhounds.
- 4.3. Any security methods used must allow for ready access by staff to greyhounds and ready exit of staff and greyhounds from the premises in the event of an emergency.
- 4.4. Fire safety equipment must be readily available and an emergency exit plan as required.
- 4.5. All potential poisons and harmful substances, whether in storage or use, must be kept secure and out of reach of greyhounds.
- 4.6. Prescribed veterinary products should be kept secure with all treatments administered recorded for each greyhound.

#### 5. Environment

- 5.1. Greyhounds must be provided with protection from rain and wind, direct sunlight or other adverse weather conditions and trainers must comply with GRNSW's Hot Weather Guidelines.
- 5.2. Where kennels are constructed outdoors, they must protect the greyhound from the rain and wind and be partially enclosed to provide sheltered sleeping areas.
- 5.3. Where kennels are constructed indoors, the environment should be controlled to ensure the comfort of the greyhound, inclusive of indoor temperature, humidity and appropriate ventilation. Lighting should be as close as possible, in duration and intensity, to natural conditions.
- 5.4. Despite 5.2 and 5.3, very old and very young greyhounds are more sensitive than others to changes in temperatures and may require heating or cooling.
- 5.5. Natural lighting is the preferred for kennels, provided shaded areas are available to protect greyhounds from extreme lighting conditions. Artificial light should also be available in greyhound housing areas so that they can be thoroughly cleaned in the evenings and greyhounds can be attended to.
- 5.6. Where natural lighting is not possible, artificial lighting should be used and be similar in duration and intensity to natural lighting.
- 5.7. Kennels should be adequately ventilated to minimise undue draughts, odours and moisture condensation. Greyhounds must not be in contact with wet floors for extended periods of time.

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- 5.8. Measures should be in place to reduce the impact of sudden noise.
- 5.9. Noise from barking greyhounds should be managed to comply with local government noise regulations and may be managed by:
- Positioning kennels so that they do not face each other;
  - Limiting external stimulation by placing partitioning between kennels or using blinds;
  - Holding greyhounds singly or in compatible pairs;
  - Turning lights off after feeding;
  - Exercising greyhounds away from greyhound housing.
- 5.10. The extended use of barking muzzles is not permitted.
- 5.11. The use of barking muzzles at race tracks is strictly prohibited.

## **6. Bedding**

- 6.1. Greyhounds must be provided with a clean and dry dedicated sleeping area, with flooring to be of fixed construction or concrete. Outdoor greyhound housing must be partially enclosed to provide greyhounds with sheltered sleeping areas that can protect them from the rain and wind.
- 6.2. All greyhounds should be provided with raised wooden sleeping boards, dog houses or trampoline-style beds to insulate them from the floor. Sleeping areas and bedding must be regularly kept clean, hygienic and dry and bedding and blankets should be changed frequently.

## **7. Hygiene**

- 7.1. Greyhound areas must be kept clean so that diseases are controlled and greyhounds are comfortable. Greyhound areas should be left dry after cleaning and be dried with a mop or squeegee.
- 7.2. Cleaning and disinfecting agents should be chosen on the basis of their suitability, safety and effectiveness. Manufacturer's instructions for the use of cleaning and disinfecting agents must be followed keeping in mind that solutions that are diluted too much may be ineffective solutions that are too concentrated may be toxic.
- 7.3. Urine and faeces should be removed at least once a day from greyhound housing areas and exercise areas.
- 7.4. Housing and exercise areas should be cleaned daily, and disinfected at least once each week, before new puppies or greyhounds are introduced. Kennel enclosures should be disinfected at least once a week with practices in place to minimise odour from kennels. Food preparation and storage areas must be maintained in a hygienic standard.
- 7.5. Urine, faeces and food wastes must be disposed of promptly and hygienically and in accordance with local government requirements. Floors of outdoor greyhound

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housing areas should be sloped to enable waste and water to run off. External yards should be designed to minimise run off and potential contamination. A collection drain may be provided and fitted with fine mesh wire baskets to trap hair and waste. The baskets should be cleaned daily.

- 7.6. Use of a trade waste service for collection and disposal of wastes is preferred. Waste should not be incinerated on-site.

#### **8. Pest Control**

- 8.1. Effort must be made to effectively control pests, including flies, fleas, mosquitoes and rodents.
- 8.2. Chemicals used for vermin control must be registered under relevant Commonwealth and NSW agriculture and veterinary chemicals legislation as highlighted on the labels, and used only in accordance with manufacturer's instructions.
- 8.3. Because greyhounds and humans may be adversely affected by pest control agents, expert advice should be sought before pest control operations are carried out.

#### **9. Nutrition**

- 9.1. Greyhounds should be provided with adequate amounts of good quality food and fresh clean drinking water daily to maintain optimal health at all times.
- 9.2. All food should be stored in a secure hygienic area. A variety of foods should be supplied.
- 9.3. Adult greyhounds must be fed daily. Pregnant and lactating greyhounds, pups up to 6 months of age, should be fed twice daily.
- 9.4. Pregnant and lactating greyhounds require approximately twice the amount of food required normally.
- 9.5. Food should be prepared hygienically and served in appropriate containers, i.e. non-chewable and non-spillable bowls. They must be readily accessible, positioned to avoid spillage and contamination by urine or faeces, and must be cleaned daily.
- 9.6. Food should be stored appropriately, with dry food kept in a rodent-free place and fresh meat kept refrigerated.
- 9.7. Uneaten food should be removed and disposed of promptly so that it does not spoil or attract pests.
- 9.8. Fresh water in non-spillable containers must be available at all times.

#### **10. Exercise**

- 10.1. Greyhounds must have the opportunity once or twice a day for exercise to:

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- allow them to be checked over;
- allow them to stretch their limbs; and
- give them contact with humans.

10.2. Exercise can be provided by walking greyhounds on a lead for a minimum of 30 minutes once daily or 15 minutes twice daily. Very active, very old or injured greyhounds may require more or less exercise than the above.

10.3. If the greyhound is not being raced it should be given an opportunity to be exercised in suitable exercise areas. Measures should be in place to minimise the deterioration of exercise areas to bare earth, i.e. turf, concrete or suitable animal flooring.

10.4. When greyhounds are walked on the footpath of busy roads handlers should take extra care to ensure that the greyhounds are safe from escaping into the path of vehicles. A walking machine can be used to assist in exercising greyhounds but should not be seen as a replacement for outdoor walking and environmental stimulation.

## 11. Health and Veterinary Care

11.1. Before a greyhound is admitted, the following information should be recorded:

- The greyhounds registered name;
- Name, address and telephone number of its owner;
- Expected date of collection by owner;
- A description of the greyhound including:
  - Sex
  - Breed
  - Microchip
  - Earbrand
  - Colour
  - Age
  - Distinguishing Features
  - Condition and weight
- All health records including vaccination status and heartworm prevention status;
- Details of medical and dietary requirements; and
- Name and contact telephone number of a veterinarian who normally attends the greyhound.

11.2. Each greyhound should be checked at least once daily to monitor its health and comfort. Any changes in health status should be recorded and promptly addressed.

11.3. The person checking the greyhound should note whether each greyhound:

- is eating
- is drinking
- is defecating
- is urinating
- is behaving normally
- is of normal appearance
- is able to move about freely
- has a normal coat.

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- 11.4. Owners of greyhounds must be asked to sign an agreement authorising provision of necessary veterinary treatment. The Trainer should liaise with a veterinary practitioner to provide advice and treatment as required. The veterinary practitioner must be able to attend to any greyhounds in his or her care, and advise on disease prevention measures.
- 11.5. Immediate veterinary care must be provided for sick or injured greyhounds, to relieve pain, suffering and distress. Veterinary attention must be sought by for any greyhounds showing any of the following conditions:
- Runny nose
  - Repeated sneezing
  - Coughing
  - Runny, discharging or inflamed eyes
  - Inability to stand or walk
  - Lameness (i.e. disturbance in ability to move)
  - Apparent pain
  - Fits or staggering
  - Extreme lassitude (i.e. lack of energy)
  - Vomiting
  - Severe diarrhoea, especially if bloodstained
  - Inability to urinate or defecate
  - No appetite
  - Bloating of abdomen
  - Weight loss
  - Bleeding or swelling of body parts (other than the vulva of a female on heat).

## 12. Disease Prevention and Notification

- 12.1. Greyhounds must be vaccinated in accordance with the GRNSW Greyhound Racing Rules or as directed by GRNSW in consultation with a veterinarian. Vaccination against distemper, hepatitis, parvovirus and canine cough is required (C5). A current vaccination certificate (certifying that vaccination was completed in the preceding 12 months) must be produced for each greyhound before admission.
- 12.2. Internal and external parasites must be controlled through routine preventative treatments.
- 12.3. All greyhounds are to be protected from distress or injury caused by other greyhounds and:
- Greyhounds known or suspected to be suffering from an infectious disease should not be admitted to the premises;
  - Greyhounds that are suspected or have been diagnosed as having an infectious disease must be isolated in facilities either within the greyhound premises or at a veterinary premises.
- 12.4. Due to the mobile nature of greyhounds, Trainers are required to advise GRNSW of any suspected outbreak of an infectious disease and take immediate steps to isolate the suspected greyhound(s) until the infection is formally diagnosed by a veterinarian.



12.5. Under Greyhounds Australasia Rule 84A, the person in charge of a greyhound must keep and retain records on all vaccinations, worming and medical treatments administered to a greyhound from the time the greyhound enters their care until the time the greyhound leaves their care. A person in charge of a greyhound will be required to keep and retain treatment records for a period of two (2) years.

12.6. Trainers are required to record treatments for any greyhound in their care from the age of 14 months until its retirement from racing. It is expected that the treatment records are kept at the Trainer's premises and it is not the intention of Stewards to request this record of treatment at a race meeting. If the record is requested outside of a kennel inspection, GRNSW will allow sufficient time for the person to produce the record.

### 13. Transport

13.1. Greyhounds may be transported to and from race meetings, training sites, exercise sites, veterinary visits, stud purposes or other appropriate purposes. Trainers must ensure that at all times greyhounds are transported in a way that does not cause injury or stress and in the shortest practicable time.

13.2. Any vehicle especially designed or regularly used for transporting greyhounds should:

- Protect greyhounds from injury during transportation;
- Have non-slip floors;
- Have enough room for the greyhound to adequately stretch in a standing position and lie down comfortable during transport;
- Provide easy access and operator safety;
- Protect against extremes of temperature;
- Protect against escape of greyhounds; and
- Be easy to clean and disinfect.

13.3. Suitable modes of transport for greyhounds include:

- Enclosed trailers - insulated and ventilated;
- Appropriately sized cars with owner or handler; and
- Rear compartments of station wagons.

13.4. Modes of transport that are not suitable include:

- Wire cages in trailers or utilities which are open to the elements; and
- Non-ventilated or non-insulated trailers.

13.5. Before the commencement of each trip, the Trainer must ensure that the mode of transport is in a sanitary condition. It must also be kept in a clean condition for the entire duration of each trip.

13.6. Trainers must ensure that good quality water is provided to each greyhound at least every six hours, or more frequently on hot or humid days. Provision of electrolytes should also be considered in extreme hot or humid conditions.



- 13.7. A greyhound should not be kept in a mode of transport for more than 6 hours without breaks provided. A break should consist of being let out of the mode of transport for at least ten minutes.

#### **14. Euthanasia**

- 14.1. Euthanasia should only be considered where a greyhound becomes seriously ill or injured and where it is recommended by a veterinarian who has examined the greyhound.
- 14.2. Permission from the greyhound owner or nominee, preferably in writing, must be obtained.
- 14.3. Euthanasia should only be performed by a veterinarian by intravenous administration of an overdose of pentobarbitone sodium unless there are compelling reasons to use another method to humanely destroy the greyhound.
- 14.4. The use of firearms to kill animals should be limited to emergency situations only. Where firearms are used, operators must be appropriately licensed, trained and experienced, and animals must only be humanely killed in areas away from the sight and hearing of other animals and the public.
- 14.5. In accordance with Greyhounds Australasia Rule 106 (3), the last registered owner of the greyhound must notify GRNSW within two working days if a greyhound has been humanely euthanised by a veterinary surgeon by lodging the prescribed form.
- 14.6. The method of disposal and/or location of burial must be recorded and documented by the Trainer.

#### **15. Training and Educating Greyhounds**

- 15.1. Training facilities must be constructed and maintained to minimise risks to greyhounds and persons.
- 15.2. All equipment used in association with greyhound education or training must be recorded in a facility register. This register should be updated when equipment is maintained or repaired. Examples of equipment may include:
- lures, quarry or baits;
  - bullrings;
  - slipping tracks;
  - walking machines; and
  - starting boxes.
- 15.3. The use of any live animal, animal carcass or part of an animal in greyhound education, training or racing is strictly prohibited.
- 15.4. A lure is defined under the Greyhounds Australasia Rules as any item, natural or man-made, that is used in any way for the purposes of encouraging or enticing a



greyhound to pursue, attack or excite it in response. The terms quarry and bait have the same meaning. A Trainer is only permitted to use lures approved by GRNSW.

15.5. GRNSW approves lures that:

- are made up of synthetic materials only; and
- may contain an audible device.

15.6. "Synthetic materials" means non-animal derived materials. As such, the use of any live animal, animal carcass or part of an animal (including for example animal-derived wool, fur, feathers or tanned and professionally processed skin) as a lure in greyhound training, education or racing is strictly prohibited.

15.7. A Trainer must take reasonable steps to ensure that a greyhound does not pursue or attack any live animal. This includes ensuring that there are no other animals present on the same property where greyhounds are housed.

15.8. Where any animal other than a greyhound is kept at the premises as a domesticated pet or is kept for rural or agricultural purposes, the Trainer must notify GRNSW by completing the animal declaration form.

15.9. Trainers must notify GRNSW of permanent domestic pets on the premises. Domestic animals kept as pets must be identified by microchip if required under the *Companion Animals Act 1998* (NSW). Further, Trainers must notify GRNSW if they own a property where greyhounds are trained and cattle, sheep or other livestock are bred or reared. Where a person is conducting an agricultural business, there must be a clear and secure delineation between the greyhound and livestock areas.

15.10. Trainers are not expected to notify GRNSW of each and every instance where animals appear on the property. For example notification may not be required or expected:

- on occasions where stray animals such as kangaroos or cats appear on the premises; or
- for the exact numbers of animals used for rural or agricultural purposes.

15.11. Where Trainers are in doubt, they should declare all relevant information to GRNSW by completing the animal declaration form.

## 16. Standard Agreements

16.1. GRNSW strongly recommends that all Managers enter into a formal agreement with their clients to help avoid disputes and potential legal action in the future.

16.2. To assist both Managers and their clients, GRNSW has developed a standardised training agreement and a standardised rearing agreement template.

16.3. This is a template that both parties can use to document any finalise the terms of any training arrangements.

16.4. These templates are available under at GRNSW's website at [www.thedogs.com.au](http://www.thedogs.com.au).

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## Consequences of a breach of this policy

A failure to comply with this policy may result in the imposition of a penalty under the GRNSW Greyhound Racing Rules. The maximum penalty that may be imposed is \$22,000 or suspension, disqualification and/or cancellation of registration.

Registered participants should make themselves familiar with the GRNSW Racing Rules. Trainers in particular should be aware of the Rules specific to all racing matters, including breeding, grading, incapacitations and prohibited substances. Please note that these Rules are continually amended. All amendments are undertaken through the co-operation of all affiliated greyhound racing bodies as well as Greyhounds Australasia.

## Definitions

In this policy:

**Code** means the Code of Practice for the Keeping of Greyhounds in Training.

**Rules** means the GRNSW Greyhound Racing Rules.

## Amendments to, and operation of, this policy

GRNSW reserves the right to amend this policy at any time.

### Policy information

#### Effective dates

Date policy was made: April 2011  
Commencement date of this version: 1 December 2015

#### Policy details

Policy number: GRNSW WF01  
Policy owner: Chief Veterinary Officer  
Date for review: As required

#### Revision history

Version	Date	Description
1.01	April 2011	Board Approval
1.02	19 June 2015	Revised Format Endorsed
1.03	1 December 2015	1 December 2015 policy update

**KENNEL INSPECTION FORM**

OTR  PTR  BRE   
 TYPE OF INSPECTION: NEW  ROUTINE  OTHER   
 OZCHASE ID: 120528  
 NAME: KEITH SELTEN  
 ADDRESS: 73 SONGS LAKE ALTA FINNEY OTR 207337  
 NO. OF WHELP BOXES: 2 NO. OF KENNELS: 10  
 BREEDING: 10  
 TOTAL GREYHOUNDS PERMITTED ON PROPERTY: 40

SECTION	COMPLIANT / NON-COMPLIANT										WORK DIRECTIVES		DUE DATE	
	2.1	2.2	2.3	2.4	2.5	2.6	2.7	2.8	2.9	2.10				
USING / KENNEL CONSTRUCTION													NEW KENNELS LARGE INSULATED SIDED WELL FENCED ON A 1.80M x 30M W/HELPOG ENCLOSURES	
USING / KENNEL SIZE	3.1	3.2	3.3	3.4	3.5	3.6							(10) 1.2 x 2.60 VERY SECURE	
PURITY STANDARDS	4.1	4.2	4.3	4.4	4.5	4.6							DAMAGED INSIDED & EXTERNAL KENNELS. GOOD AIRFLOW RAISED WOODEN BEDS. BRIDGE PANELS	
IRONMENT	5.1	5.2	5.3	5.4	5.5	5.6	5.7	5.8	5.9	5.10			KENNELS YARDS FOOD PREP ALL EXCELLENT. SOME SNAKES PUTTING IN MESH AROUND YARDS	
ODING	6.1	6.2											MURRAMA PET SUPPLY WARRINGHEEPT IN WOODS WALKING M/C - SLIP TRACK CURE HARRISON	
IGIENE AND CLEANING	7.1	7.2	7.3	7.4	7.5	7.6							FEUPROL TREATMENT RECORDS GOOD. 4 DOG TRAILER + UTE REMOVE VIA GAP. KEEP AS PER. STARTER BOX LURE / SOUNDER YARDS VERY GOOD SET UP ALL GREYHOUNDS	
CONTROL	8.1	8.2	8.3										EXCELLENT NEW KENNELS & YARDS PRESENT WELL. NO GREYHOUNDS AT PREVIOUSLY NON APPROVED YARDS.COM	
TRITION	9.1	9.2	9.3	9.4	9.5	9.6	9.7	9.8						
RCISE	10.1	10.2	10.3	10.4										
ALTH AND VETERINARY CARE	11.1	11.2	11.3	11.4	11.5									
EASE PREVENTION	12.1	12.2	12.3	12.4	12.5	12.6	12.7							
NSPORT	13.1	13.2	13.3	13.4	13.5	13.6	13.7							
HANASIA	14.1	14.2	14.3	14.4	14.5	14.6								
INING AND EDUCATING	15.1	15.2	15.3	15.4	15.5	15.6	15.7	15.8	15.9	15.10				

FREE, AT ALL TIMES, TO OBSERVE AND BE BOUND BY THE GREYHOUND RACING ACT 2009, THE GRNSW GREYHOUND RACING RULES AND THE GRNSW CODES OF PRACTICE  
 WITNESS NAME: Keith Selten DATE: 5/6/16  
 INSPECTOR NAME: Paul Curry INSPECTOR SIGNATURE: [Signature] DATE: 15/6/16

## REPORT OF SOUND LEVEL DETERMINATION

For Keith &amp; Alita Selten

73 Somers Lane Mandurama NSW 3rd August 2016

This report for sound readings at Somers greyhound kennels was different to previous reports I carried out for Blayney Motors Service & Repairs in Waters street and for Western White Linen Blayney, however over many years of dog ownership, I believe I have sufficient knowledge of their general habits to offer comments within this report.

Sound level readings were taken between 3:00 pm and 4:32pm on wed 3/8/2016 after two previous attempts during July when I did not record any sound levels due to inclement weather conditions, however I did observe on all occasions a companion dog in the residence X as marked on the general site plan did bark when I passed each time but there was no other responsive barking from the Somers shed or kennels 80 to 100m away.

The meter readings taken 3/8/16, shown on the chart supplied were carried out with fine slightly cloudy and less than 5m/s wind conditions at the positions marked on the area plan supplied. The meter was set at the range 40-70 DbA and readings were taken for the ambient and other activities for both time frames. The later readings were taken at the general time for the greyhounds in the shed to be exercised and then fed. At the time of recording several vehicles passed by and their sound levels are included on the chart.

From the time to lead up 5 and 6 dogs respectively for their exercise at around 4:30pm no increase in sound levels recorded above 40dBA , it should be noted that the meter does not show readings below this value as shown in the copy of meter brochure. The exercise distance from the shed is approx 250m out and return on each occasion and is carried out within 73 Somers Lane property marked blue on the plan. The dogs came within 50m of the meter without increasing the sound level and were apparently easy to exercise.

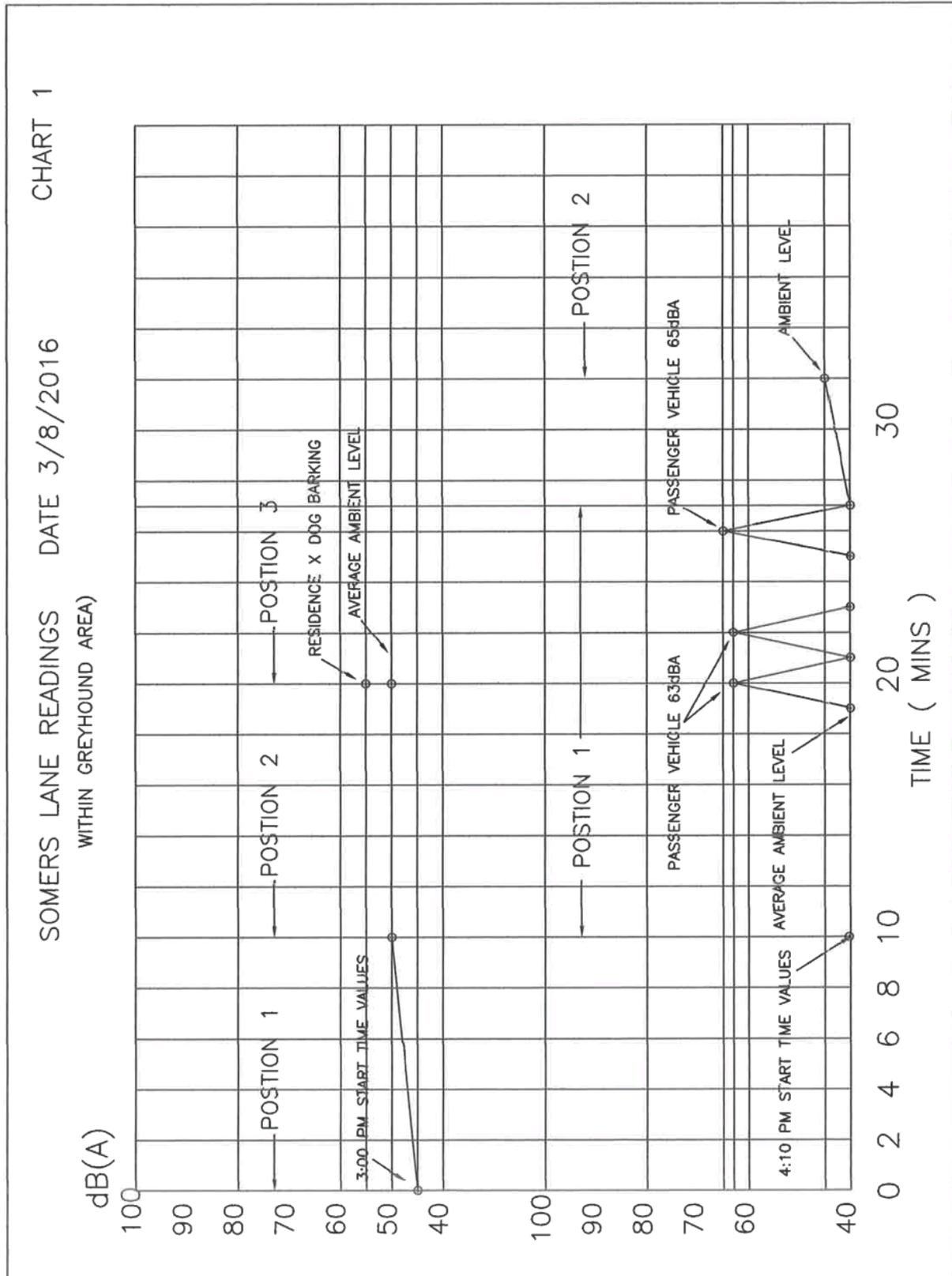
I assume some dogs could whimper if not fed on time, this could apply to any group of greyhounds at any time but was never observed by myself during any visit to Somers area. During all visits the greyhounds in question behaved well and when on exercise showed no signs of chasing wild animals, the horses or barking on the property. It think it would be time consuming and difficult to attempt to record such activities, and I suggest there would be very little possibility to record such a situation with the well kept greyhounds that I observed within the Somers kennels.

The recording positions were chosen in an attempt to cover most residences should the greyhound be heard at the time of recording, to date this has not been the case and I make no claim that the dogs do not make any noise at other times, how many visits would be required to find out if there is any noise and then, if it is a problem?. Copies of the overall site plan, sound record chart and meter details have been included for your reference.

Allan Edwards M.E.C.  
6 Binstead St Blayney 2799

5<sup>th</sup> August 2016







The automatic shut-off feature will resume the next time the meter is turned on.

**Replacing the Battery**

When the screen displays BAT in the bottom left corner, the 9V battery has fallen to a critically low voltage level and should be replaced as soon as possible. Use a screwdriver to unscrew the back battery compartment cover. Insert a fresh 9V battery and screw the cover.

Measurement Frequency Range	200Hz – 6kHz
Accuracy	±2.0dB
Measurement Level A Weighting	40dB-130dB
Measurement Level C Weighting	45dB-130dB
Measurement Level Range	4 ranges: 40-70dB, 60-90dB, 80-110dB, 100-130dB
Auto Range	40-130dB
Time Weighting	Fast and slow
Digital Display	3 1/2 digit LCD, 0.1dB resolution updated every 0.5sec.
Quasi-Analogue Bar Indicator	1dB display steps, 30dB display range, updated every 50ms
Microphone	(9mm(5/8")) electric condenser microphone
Analogue Output	AC: 0.707Vrms (at full scale)
Standard Accessories	Instruction manual, battery

Operation Temperature: 0-50°C, 10-100% relative humidity  
 Storage Temperature: -20-60°C  
 Battery: Single 9V battery  
 Size: 72mm x 182mm x 30mm (2.8" x 7.2" x 1.2")  
 Weight: 150g

**12 MONTH WARRANTY**

DICK SMITH ELECTRONICS PTY LTD will, at our discretion, repair or replace this product without charge, if it fails due to defects in material or workmanship within 12 months of purchase.

DICK SMITH ELECTRONICS PTY LTD will not recognise a warranty claim if the equipment has been subject to misuse, incorrect installation, accident, or if the serial number or circuitry of the unit has been tampered with in any way.



Dick Smith Electronics Pty Limited  
 Cnr Lane Cove & Waterloo Roads, North Ryde NSW 2113  
 Telephone (02) 9937 3200



**Digital Sound Level Meter**

Q 1362



**Owner's Manual**

**Introduction**

Your digital sound level meter provides automatic or manual ranging in 4 measurement ranges from 40 to 130dB, and features 0.1dB resolution.

The meter allows you to select between fast and slow response times and 'A' or 'C' weighting. A maximum hold function is provided. Jacks on the meter provide AC analogue output.

**Measuring Sound Levels**

Sound levels are displayed both digitally and in a bar graph. The digital display is updated every 60ms whilst the bar graph is updated every 40ms.

1. Press the ON/OFF key to turn the meter on. The unit will first display the full screen and "18.8.8", then count down from 99.9 to zero. The meter will now begin measuring the current sound levels.
2. Point the microphone toward the source of the sound to be measured.

**Selecting the Response Time**

You can select fast or slow response times to suit different applications and standards.

When you turn the meter on, it will be in fast response mode. Press the FAST/SLOW key to toggle between fast and slow response. A small FAST or SLOW indicator will be displayed on the right side of the screen to indicate the current mode.

**Selecting A and C Weighting**

When you turn the meter on, it will be in 'A' weighting mode. 'A' weighting enables the meter to respond in the same manner as the human ear, which increases and decreases amplitude over the frequency spectrum. 'C' weighting is suitable for flat response measurements with no increase or decrease of amplitude over the frequency spectrum. Applications for 'C' weighting include the sound level analysis of engines and machinery.

1. Press the WEIGHTING A/C key to select between 'A' and 'C' weighting. A small 'A' or 'C' will be displayed on the right side of the screen to indicate the current mode.

**Freezing the Maximum Sound Level Reading**

1. Press the ON/OFF key to turn the meter on.
2. When measuring sound levels, press the MAX HOLD key to freeze the maximum reading. MAX HOLD will be displayed. The digital display will remain unchanged until a higher reading is detected. Note that the bar graph will continue to record the current reading.
3. Press the MAX HOLD key again to exit maximum hold mode.

**Recording the Maximum and Minimum Measurements**

1. Press the ON/OFF key to turn the meter on.
2. Press the RECORD key REC. will be displayed on the corner of the screen, then the meter will begin tracking the maximum and minimum sound level measurements.
3. Press the RECORD key again MIN will appear in the middle of the screen and the minimum sound level measurement will be displayed. The unit is not recording at this time but the bar graph will continue to show the current reading.
4. Press the RECORD key again MAX will appear on the screen next to REC. The maximum sound level reading is then displayed. The unit is not recording at this time but the bar graph will continue to show the current reading.
5. Press the RECORD key again to resume recording and repeat the process.
6. Press and hold the RECORD key until the RECORD indicator disappears to exit the recording.

**Selecting Automatic and Manual Ranging**

The meter features 4 measurement ranges: 40-70dB, 60-90dB, 80-110dB and 100-130dB.

When you turn the meter on, it will be in automatic range mode and a small AUTO will be displayed on the left side of the screen. In this mode, the meter will adjust the measurement range automatically for accuracy. The two digit number to the left of the bar graph on the LCD will show the low end of the current range. You can also set the range manually. This is helpful when you know the measurement range in advance. The meter will be able to take readings more quickly, as the meter does not need to first establish the range before displaying the measurement.

**To Adjust the Range Manually**

1. When measuring sound levels, press the RANGE keys as needed to adjust the measurement range. MENU will appear on the display. Note that the two digit number to the left of the bar graph will change to reflect the low of the newly selected range.
2. Press and hold the RANGE key to switch back to automatic ranging.

If the meter is operating in manual range and LO is displayed, the sound is too low for the range. If HI is displayed, the sound is too loud for the range. In either case, you must adjust the measurement range or your readings will be inaccurate.

**Automatic Shut-off**

The meter will turn off automatically after 20 minutes to preserve the battery.

**To override this feature:**

1. Make sure the unit is turned off.
2. Press and hold the MAX HOLD key, then press the ON/OFF key to turn on the unit.
3. When the unit displays "1", release the MAX HOLD key.
4. The meter will remain on until the ON/OFF button is pressed again.

①

9<sup>th</sup> June 2016

Attn: Patsy Moppett  
Senior Town Planner  
Blayney Shire Council  
91 Adelaide Street,  
Blayney NSW 2799

Dear Patsy,

**Re: Submission concerning DA NO: 55/2016**

This submission is in regards to A Funnell's development of a Greyhound facility at Lot 144 DP750408 – 73 Somers Lane Mandurama. We wish to express our **strong objection** to this development based on the following:

1. The most serious and significant objection is in relation to the intolerable noise created by 25 + greyhounds. These greyhound facilities have been constructed for three months now and without prior Council approval. They are situated on top of a hill with the external dog runs being situated on the downward east facing slope and within ~20m of our property as indicated in their proposal. The exercise yard (training track) directly adjoins and extends most of our common boundary. The noise from the dogs housed within the iron shed echoes and is significantly amplified, while noise from the 13 dogs in the external runs is directed straight towards our property and towards our house. These dogs are kept permanently in the external runs. These external dogs runs are within 20m of our boundary and 193m from our house.
2. Over the past three months our privilege and right to enjoy the quiet rural lifestyle has been taken away as the pack of 25+ greyhounds continue to bark, whine, yelp and howl on and off throughout the day and night seven days a week and completely dominate the aural amenity of this once peaceful rural area.
3. Barking and howling for extended periods is usually experienced through the night and early morning. For a brief period of time (mid – late morning) the dogs may rest. This however is usually short lived with prolonged and distressed yelps and piercing shrills often occurring throughout most of the day especially from the shed dogs. Some days the group howling can occur for several minutes, every ten minutes for up to an hour or more. In the afternoon, there is again extended periods of barking and howling even when the owners come home. The noise usually lessens when the shed dogs are being tended to, but the external dogs become very excited and continue to make a loud racket. The night and evening is usually filled with barking, howling and yelping. It then starts all over again.
4. We once enjoyed the outdoors including gardening, tending to the animals, walking through the tree lines we planted in 2001, watching the birds, listening to the frogs and generally listening to the sounds of nature associated with the country atmosphere. We now cannot relax and walk freely around our property without intensive and intrusive barking and howling from the greyhounds, especially along the adjoining paddocks and tree line as this seems to aggravate the dogs.
5. We have been forced to shut all doors and windows especially at night and despite having double glazing the noise from the dogs has resulted in us suffering from intense anxiety and sleep deprivation which is having a major influence on our health and wellbeing. We have resorted to sleeping in our back room but the dogs can still be heard. We are starting to feel like prisoners in

our own home and there is no place on our whole property including our back block (Lot 140) that is free from the noise of these dogs.

6. Our new house is a passive solar design and relies on convection currents and cross breezes in the warmer months to assist with the cooling of our home. This requires the opening of windows and doors. It has also been designed to take advantage of the northerly aspects to heat our home during the cooler months, thus our kitchen, living areas and master bedroom face due north. The deck also faces north to take advantage of the views. This therefore puts our main living, entertaining and sleeping space in direct line of the greyhound facility. Due to the noise of the dogs we have presently been restricted to keeping all doors and windows shut and refrained from relaxing and entertaining outdoors. In summer we will be forced to use the air conditioning system and therefore use more power.
7. While we are zoned (RU1) Primary Production this does not adequately reflect the purpose or land uses occurring in these small lifestyle blocks. They are small parcels of land (11 – 20 acres) with the houses being in close proximity to each other. Our blocks realistically should be rezoned with similar development restrictions as the "Rural small holdings along Forest Reefs Road (west of Cowriga Creek) and Browns Creek Road" as indicated in the Blayney LEP 2012.
8. At Somers most of us have been enjoying having a couple of domestic pet dogs, chickens, a couple of horses, some sheep or cattle to graze the pastures and often the kids enjoy riding their motorbikes. Instead this greyhound facility involves the intensive keeping and controlled enclosure of a large pack of 25+ greyhounds situated in the middle of this small "rural locality". We feel that the greyhound facility is very much a conflicting land use that is already having a negative impact and has destroyed the country atmosphere of this lovely semi rural area.

In addition we are also concerned about the dishonesty of the applicants and major errors and omissions within their Development Application. These concerns have been expressed and correlate to their DA as they occur and include:

#### **Financial Implications**

We were told by Mr Selton that they will be training and boarding dogs for other people, thus implying some financial or personal gain. He also indicated that he hoped to gain significant prize monies from racing the greyhounds.

#### **Kennel and yards design**

The applicants have not provided accurate or specific details about the size, design, colour or orientation of the shed and its relationship to all surrounding properties and public roads.

They made mention that:

*"There is another tree line yard already constructed, so is not directly adjoining the other property".*

This tree line was planted by us on our property "Iona" in 2001. Their "exercise yard" does directly adjoin our property.

The external kennels, as well as the walls of the shed are stark white, do not blend into the landscape and reflect intense light at certain times of the day. All infrastructure associated with these facilities should blend into the landscape to minimise visual impacts, not just the external dog kennels. Why do they have to wait until the warmer weather to paint these?

There is a large pile of cool room insulation panels (used for constructing the external kennels) stacked up around the sheds and/or strewn around site causing additional visual pollution. Several panels are also used

as end blocks for the exercise areas and/or gates. These panels are not secured and have the potential to cause considerable damage during inclement weather events.

The day yards do NOT comply with the standards as set out by Greyhound Racing NSW (GRNSW) <http://www.thedogs.com.au/Uploads/1%20Dec%202015%20-%20Code%20of%20Practice%20-%20Training.pdf>).

- The "day yards" are not used solely for day spelling. There has been up to 13 dogs which have been kept permanently in these enclosures (day and night) since early April.
- The GRNSW Code specified that they require approval from council in relation to any requirements for the keeping of greyhounds or construction of kennels in their local area. These facilities have not been approved by Council.
- The owners appear to work five days a week and do not come home from work until around 5pm. Therefore the dogs often have little adequate exercise time and definitely do not receive the minimum requirements of 30 mins per day according to the GRNSW Code of practice (section 10.2).
- Noise from barking dogs is not being managed according to council regulations (they have no DA) nor the GRNSW code (section 5.9) including:
  - There are two to three dogs per external dog run;
  - Day runs are in parallel without any visual screening or partitioning between dogs;
  - The 12 Shed dogs are walked past the external runs every day and the dogs in the external runs go berserk;
  - The dogs in the external runs are subjected to external stimulus which is likely to enhance the level and duration of barking especially at night.
- The fences of the external dog runs are not buried 0.1m into the ground (section 3.3 GRNSW).
- Urine and faeces are not being removed at least once a day from these day runs (section 7.3)
- There is no power to the new shed therefore the dogs have been subjected to extreme hot temperatures and subjected to extreme cold (section 5.0).
- We have also witnessed first hand a couple of dogs yelping as they were being dragged along the ground for several metres. This occurred at least three times in one "training" event. We suspect these training methods would not be endorsed by GRNSW.

All fences enclosing the greyhounds, including the new 1.8m high external dog runs are not buried therefore there is potential for the dogs to dig beneath the fences. If dogs were to escape or get free during walking/training events there is no 'secure' fencing between the shed, walking area and exercise area from adjacent properties and public roads. While these areas are enclosed by existing rural fencing, most of the fences are very old and in need of repair. In their current state they would not be sufficient to retain a stray or frightened greyhound. There is therefore potential for escaped dogs to enter adjacent properties or public roads and cause injury or death to pets and/or livestock.

The dogs are only 20m from our boundary fence and 20m from Mr Jensen's, therefore on occasions our livestock will be in close proximity to the greyhound facilities. There are very strict conditions in the GRNSW Code of Practice (Section 15.7 – 15.9) relating to the keeping of domestic animals on the same premises where greyhounds are kept. One would assume that these rules and responsibilities would also apply to close and adjoining landholdings. The presence and close proximity of our livestock is also likely to aggravate dogs in the external dog runs and increase the level of noise.

#### **Amenity**

The proposed tree planting to provide screens and improve visual amenity are not likely to have any significant effect on the level of noise being experienced. "Pittosporums" only grow to approximately 4 – 5m in height. While Pittosporums are good for hedges and screening they alone would not be sufficient to reduce the noise impacts as they have indicated in the DA. As several houses to the south/southeast of the

facility have a higher topographic elevation, including our house, these proposed tree plantings are also not likely to provide adequate visual screening either.

In addition the tree planting and visual screens of "Pittosporum" will not be effective for several years as they require time to grow. Wooden, lattice and shade cloth screens also can be themselves visually obtrusive, especially if they are not maintained and deteriorate.

#### Noise

They have stated:

*"With this type of development additional noise impacts are a perceived concern. The land is zoned to accommodate this type of landuse and as stated the nearest neighbour is approximately 400m away from the kennels and yard".*

The land is zoned RU1 Primary Production which specifies that "Animal boarding or training establishments" are "**Permitted with consent**" (Blayney Local Environment Plan 2012 accessed 16<sup>th</sup> May 2016). The greyhound facility has been constructed for three months and has not received approval from Blayney Council.

The distances of the training facilities as provided within the Development Application are incorrect and misleading. There are four properties including Jensen, Sherlock Gilliver and Johnston which occur within 300m of the facility. The following is what we have measured from Google Maps Pro and MapInfo. These are:

- Distance from the shed to Sherlock's house: 130m
- Distance from the shed to Jensen potential house site: ~50m
- Distance from shed to Gilliver's house: 209m
- Distance from shed to Johnston house: 285m
- Distance from external dogs runs to Johnston house: 193m
- Distance from external dogs runs to Johnston Boundary: 20m
- Distance from exercise yard to Johnston Boundary: 0m

A map showing the locations and distances of the Greyhound facilities to existing (and one potential house site at Jensen's) has been included with our submission. There are also a further four houses that occur within a 400 – 500m radius of the Greyhound facility (Barnett, Hawkins, ex Morley, and 24 Somers Lane).

*"Some dogs we understand are more noisy than others" but that they "attempt to curb their barking via training methods and barking muzzles".*

They have on their own admission indicated that the dogs are noisy. In addition over the past few months we have observed that the owners are not home for most of the day and therefore no one is there to know how much barking is going on, and no one is there to tell them or train them not to. The extended use of barking muzzles is prohibited (Section 5.9 GRNSW). We have also observed that attempts to "shut them up" are short lived - there are 25+ dogs. Even when the owners are home we continue to experience intolerable levels of noise.

They have indicated that the dogs are barking because foxes are hanging around the neighbours lambs. Presently there are no young lambs in close proximity to the greyhound facility. We have noted that the dogs are barking all day and all night and are not solely triggered by the presence of foxes which are usually out at night. In addition foxes are a common occurrence in the local area and can be expected all year around. Their attempts to keep foxes off their property to reduce fox induced barking using lighting is likely to be in

vain. The installation of fox lights on their property alone will have little impact on foxes occurring on the neighbouring properties. Fox lights are sold at Greens Mandurama.

There are also a vast range of other triggers such as rabbits, cats, hares, kangaroos, sheep, horses, cows, birds, goats, other dogs and the coming and going of people which cannot be controlled. Their DA has not described any measures intended to be put into place to reduce or manage barking as a result of the range of many other triggers.

#### **Waste Disposal**

We have on several accounts experienced (first being 6<sup>th</sup> May) the strong odour of dog faeces along our boundary fence and tree line which occur in the general vicinity of the external dog runs and down slope from the shed. The strong smell is indicative that solid waste collection has not occurred as frequently as they have indicated or to satisfactory levels.

Presently there is no running water or power to the shed and there has been no indication in the DA that they are intending to put power on. This raises some concerns about the level of comfort, hygiene and sanitation within the shed.

There is also no drainage or septic systems put in place and there has been no indication in the DA that they are intending to install a septic system or internal drainage system. Presently all runoff from the facility is likely to wash down slope and eventually onto our property.

The grassy external dogs runs are rapidly degrading and have become increasingly bare despite their short term residence. The barring of yards and exercise areas does not comply with Section 2.10 or 10.3 GRNSW code of practice. It also increases erosion and dirty runoff onto our property.

#### **Boarding and Training**

The applicants have not specified the number of animals they are keeping or intend to keep. They should specify this and there should be a restriction on the number of animals allowed.

#### **Operating hours**

While the dogs bark intermittently all day and night they tend to go into a barking/howling frenzy around 4.30am every morning (for around an hour) and ~4.30 pm every day (for at least one hour) in anticipation of their walk and/or meals. Walking them at 5 – 6am seven days a week is not appropriate in a rural residential area and is not fair and just to close and adjacent neighbours. Most activities associated with our agricultural production zoning which are likely to create some level of noise and disturbance (eg. firewood collection, ploughing, livestock movements, shooting etc) are usually limited events and would not occur all day seven days a week, 365 days per year.

It is dark at 5am in the morning however over the past three months we have observed that on average most of the shed dogs are walked on a leash once or twice around the "walking area" in most afternoons. This typically equates to 3 - 7 minutes of walking time. A couple of select dogs will be allowed to race down the 320m "exercise area" usually at dusk on various occasions. The dogs in the external runs do not appear to get walked. There is no power to the shed to operate the walking machine and we have not heard a generator.

#### **Other concerns**

We also have a range of other concerns including:

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1. Faeces from the external runs has not been regularly removed raising concerns about increased levels of flies (and other diseases, pests and vermin) which are likely to have some impact on our livestock, in particular increased occurrences of Pink eye (we hold cattle over the summer months);
2. High nutrient loads or chemicals washing onto our native tree corridor is likely to have a negative effect on the health of the trees and may cause death in the longer-term;
3. That this greyhound facility will have a negative impact on the future sale of our property and may result in the devaluing or ability to sell our property;
4. Increasing numbers of animals being housed at the facility and future expansion of these facilities; and
5. Despite being tended to most days we are also concerned for the well being of the dogs as they are not compliant with many aspects of the GRNSW Code of practice.

This Greyhound Facility has been constructed for three months now and without prior approval from Blayney Shire Council. It also fails to comply with many aspects of the GRNSW Code of Practice. There are many major omissions, errors or misleading information within this DA including the lack of detail relating to the size and design of the shed, the number of animal they are keeping or intend to keep and the relationship of these greyhound facilities to existing properties. There is also little detail of intended management to reduce the unbearable levels of noise created by the dogs which is presently having a profound effect on our lives and rural lifestyle.

As part of our submission we request that a series of noise recordings taken at various times of the day and night be viewed to demonstrate the levels of noise being experienced from our property on a daily basis. We have enclosed a DVD with a sample of these recordings. We also have recordings of time sequences to demonstrate the frequency and duration of noise occurring during the night over five different nights to illustrate that these are not isolated or limited events and can provide these if required. We also request that Council send out an expert that can witness and/or measure the level of noise created by the dogs on all adjoining properties as part of the consideration of the DA.

Yours sincerely,

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General Manager  
Blayney Shire Council  
Adelaide Street Blayney

June 13<sup>th</sup> 2016

Dear Sir or Madam:

We wish to submit an objection to Development Application DA NO. 55/2016- Lot 144, DP750408- 73 Somers Lane, Mandurama. Change of Use- Greyhound Facility.

We have several concerns about this unauthorized development, which has been constructed without an approved Development Application from Blayney Shire Council. These concerns are as following:

1. Noise Pollution- this facility currently houses approximately up to 25 greyhounds at any one time. These dogs bark and howl intermittently throughout the day and night. We feel that this is not an appropriate development for a location made up of small acreages (11-15 acres) in which the houses are in close proximity to each other.
2. Eyesore- we have recently built a new home, which looks directly down a hill onto this facility. While we don't have any issue with the design of the shed itself, the large dog kennels and other structures made out of Cool Room Panels are glaring white and reflect the sun.
3. Safety- we have small children who like to play outside and enjoy our new home and land. We are concerned about the quality of the fences surrounding the spelling yards and property. According to Greyhound Racing NSW (GRNSW) the day yard fences need to be a minimum of 1.7m high and buried at least 0.1m into the ground to prevent digging and escape. Naturally we as parents are concerned about the safety implications of a boarding, breeding and training facility for this breed of dog. Our safety concerns were further exacerbated when we were informed the owners work 5 days a week and would most likely not be home if the dogs did escape.

In short, we believe this is the wrong location for a development of this kind and size. Furthermore if this DA is approved we are concerned that this facility will become a business for the commercial boarding, breeding, keeping and training of animals on a much larger scale. This will further negatively impact surrounding residents.

Thank you for taking the time to listen to our concerns.

Regards,

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(3)

Submission against the development proposed In DA No. 55/2016.

The proposed greyhound training facility mentioned in this proposal is wrong on so many counts that I do not know how Blayney Shire Council has allowed this DA to be submitted retrospectively.

This facility has already been built illegally, in breach of planning laws, as well as in breach of so many points in the Greyhound NSW Code of Practice for the training of greyhounds!

The following are the main points I wish to raise against this proposal:-

1. General amenity.

Somers Lane, although zoned rural, is in fact a closely settled hobby farm or lifestyle block area with most blocks consisting of around 16 acres. They are almost all built on with residences and a few livestock to help with fire hazard reduction, or horses.

The distances from houses range from a few hundred metres to less than 100 metres. In my own case, whilst there is no house on the land at present, the distance from the shed kennels to the most likely house site on this block is less than 60 metres. The noise emanating from this shed at present has to be heard to be fully appreciated, something that no amount of hedging is going to stop.

It is mentioned that this development is permissible in this area because of the rural zoning of the land. It is my belief that this area should be rezoned so that this type of development cannot be allowed, given that it is a rural residential area and has been for years. I have in my possession a map showing the village of Somers going back to 1889.

It should also be pointed out that there are 4 houses within the 300 – 400 metre range of this development as well as my house site, not as stated in DA application "nearest neighbour is approximately 400 meters away from the kennels and yard".

2. The breaching of Greyhounds NSW Code of Practice.

I have attached a copy of this code that clearly demonstrates that this training facility has been illegally set up and that the owners must have known before they started that they were breaching the Code of Practice. The dogs that are resident at this facility are still registered with Greyhounds NSW as living at the original Blayney address previously owned by this couple. This is itself another breach of the Code.

I am not going to list every breach of this Code of Practice that the owners have committed, but wish to say that they demonstrate a willingness to disobey those rules and it makes me wonder how Council proposes to ensure that any conditions put on this development are complied with, in the event that Council gives the go ahead to this proposal.

I have marked the attached Code of Practice with highlighter to show breaches that I feel have been made.

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### 3. Financial Implications.

It is stated that the facility is to be used as a hobby, but the scale of the buildings already erected suggest that this facility is a little more than a hobby. It is my understanding that Mr. Skelton intends to train for other people and so must be a paying concern. There is also no mention in this proposal of the maximum numbers of dogs to be housed at this facility.

### 4. Smell

The issue of smell from this facility is a very real one. Almost from day one this has been an issue whenever the wind is from the South. As I have stated before, the main shed is within 20 metres of my boundary and within 60 metres of the most likely house site. At this distance, the smell is at disagreeable levels. This may well be a result of further breaches of the Code of Practice, which is very specific about this problem.

### 5. Other animals.

The Code of Practice is very specific about the circumstances of greyhound proximity to other animals, either domestic or agricultural. I feel that this facility, being around 20 metres from my boundary, does not comply with these provisions of the Code. I graze sheep and lambs over the whole area to lessen the fire danger in hotter months.

Let me say that this development, if approved, has the ability to totally destroy a previously quiet and peaceful rural residential area. It has already affected neighbours nearby with severe noise pollution, smell and unsightly sheds.

The current owners have shown a complete disregard for local rules and regulations and a complete disregard for their near neighbours.

Because of the foregoing points, Blayney Council must disallow this development.

Signed

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# Code of Practice for the Keeping of Greyhounds in Training

## Date policy was made

April 2011

## Commencement date of this version

1 December 2015

## Application

This Code applies to persons involved in training greyhounds.

## Purpose

This Code is designed for persons involved in the training of greyhounds. The Code provides an overarching framework for persons involved in the training of greyhounds and specifies minimum standards of accommodation, management and care for greyhounds.

The overriding theme of this Code is that the well being of the greyhound must at all times be considered above the demands of owners, breeders, trainers, sponsors, wagering operators, punters and spectators.

By adhering to this Code, persons involved in the greyhound industry can demonstrate to the general community their commitment to uphold the welfare of the animals in their care.

## Background

This Code provides an overarching framework for trainers by specifying the minimum standards of accommodation, management and care to uphold the welfare of greyhounds. It is not a comprehensive manual to care for a greyhound.

It is acknowledged that the specific needs of a greyhound vary throughout its lifecycle. Participants involved in the breeding, rearing or education of greyhounds should refer to the Code of Practice for the Breeding, Rearing and Education of greyhounds.

The Code emphasises the importance of best practice management and refers to rules and regulations that persons in charge of greyhounds must abide under the GRNSW Greyhound Racing Rules which are made under the *Greyhound Racing Act 2009* (NSW). For the purposes of this Code, the person in charge may be the licensed trainer, owner or other licensed persons who has the care and control of the greyhound.

Compliance with this Code does not remove the need to abide by the requirements of the *Prevention of Cruelty to Animals Act 1979* (NSW), the *Prevention of Cruelty to Animals Regulation 2012* (NSW), the *Local Government Act 1993* (NSW), the *Companion Animals Act*

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1998 (NSW), the *Companion Animals Regulation 2008* (NSW) or any other laws and regulations, including local government regulations relating to animals.

Persons should be familiar with their responsibilities under these laws and regulations. The responsibility for compliance rests with the person in charge of the greyhound and GRNSW will not be held responsible for any omissions or non-compliance.

## Policy

### 1. Guiding Principles

- 1.1. This Code sets standards for the care and management of greyhounds on training premises to ensure their basic needs are met.
- 1.2. For the purposes of this Code, premises include land, buildings fixed or moveable, including motor vehicles used for the purpose of breeding, rearing or education of greyhounds.
- 1.3. The basic needs of greyhounds are:
  - Readily accessible food and water in sufficient quantities to maintain health and vigour;
  - Freedom of movement to stand, stretch and lie down;
  - Regular exercise;
  - Shelter and accommodation that provides protection from the weather;
  - Regular inspections to assess the need for veterinary care;
  - Internal and external parasite control; and
  - Rapid identification and treatment of injury and disease.
- 1.4. For the purposes of this Code, a Trainer means a person registered by GRNSW to train a greyhound. Train or training means the preparation, education or exercise of a greyhound to race or trial.
- 1.5. A Trainer must be licensed in accordance with the GRNSW Greyhound Racing Rules to train a greyhound.
- 1.6. A Trainer is responsible for the:
  - provision of accommodation and equipment which suits the physical and behavioural requirements of the greyhounds held;
  - protection of greyhounds from people, other animals or adverse environmental conditions;
  - provision of sufficient space for greyhounds to stand, move around freely, stretch fully and rest;
  - provision of sufficient quantities of appropriate food and water to maintain good health;
  - protection of greyhounds as far as possible from disease, distress and injury;
  - provision of prompt veterinary or other appropriate treatment in cases of illness or injury;

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- maintenance of hygiene of the premises and health of the greyhounds held;
- the supervision of daily feeding, watering and inspection of greyhounds held to ensure their well-being; and
- the collation and maintenance of relevant treatment records for each greyhound in the Trainer's care.

1.7. When greyhounds are admitted to training premises, Trainers must ensure that owners are made aware of this Code by referring to it in the agreement which sets out the terms for greyhounds being accepted onto the premises.

## 2. Kennel Construction

2.1. For the purposes of this Code, a kennel is an enclosed space in a training premises used to house greyhounds.

2.2. Prior to constructing kennels, Trainers should consult with their local council in relation to any requirements for the keeping of greyhounds or construction of kennels in their local council area. Trainers should also determine:

- the number of greyhounds to be kept in the kennels;
- the type, construction and finishes of kennels and any local government restrictions;
- the intended purpose of the kennels e.g. racing, rearing or breeding;
- the distance of all kennel facilities to boundaries and dwellings on adjoining properties;
- provision for noise and odour abatement;
- provision for the management and disposal of solid/liquid wastes and water runoff.

2.3. The location of kennels should be away from sources of noise or pollution that could cause injury or stress to the greyhound and out of areas that are prone to flooding and/or bushfires.

2.4. Kennels must be constructed, serviced and maintained in a way that maintains the good health and wellbeing of greyhounds, prevents the transmission of infectious disease agents, prevents the escape of greyhounds and does not cause injury risk to either greyhounds or humans.

2.5. Kennels must be constructed away from other establishments that house other animals (for example, agricultural livestock) through appropriate fencing.

2.6. Vehicles, caravans, trailers, portable crates or the crawl space under any dwelling must not be used to house greyhounds.

2.7. The internal surfaces of kennels must be constructed of impervious, solid, washable materials. Wall/floor junctions should be sealed to facilitate cleaning and disinfection.



- 2.8. Floors of kennels should be made of an impervious material to assist cleaning and drainage. Sealed concrete or sealed brick is ideal and should ideally be covered with straw that is replaced frequently.
- 2.9. Individual spaces within kennels must be separated by solid partitions, galvanised mesh or chain wire dividers.
- 2.10. Grassed or landscaped sections may form part of large outdoor kennels but must be adequately maintained and not allowed to deteriorate into bare earth.

### 3. Kennel size

- 3.1. Kennel areas should provide at least enough space for each animal to feed, sleep, sit, stand, lie with limbs extended, stretch and move about.
- 3.2. Kennels should be high enough to permit ease of maintenance and cleaning by an adult.
- 3.3. Kennels for adult greyhounds, including sleeping quarters and runs, should meet the following requirements:

#### **Racing Kennel – Minimum size = 3 sq.m (e.g 2m x 1.5m)**

A kennel enclosure for housing a single greyhound in race training, generally situated within a secure building and designed to encourage the greyhound to rest. The minimum width of a kennel for an adult greyhound shall be no less than 1.2 metres.

Fencing should be appropriately constructed and well maintained fencing mesh being 1.8 meters high on a concrete or fixed base.

Posts may be steel and/or wood. Fencing should be strained as appropriate to ensure the security of the greyhound.

#### **Day / Spelling Yard – Minimum size not less than 6sq.m – (if provided)**

A wire mesh enclosed space and often with an associated kennel, where a single greyhound may spend short periods of time recuperating outdoors.

Fencing should be a minimum of 1.7m and further 0.1m should be buried into the ground to prevent digging and escape.

Provision for shade either natural or a permanent structure must be provided.

#### **Exercise Yard – (if provided)**

A series of two or more fenced enclosures used to exercise greyhounds adjacent to each other. Each yard is generally 30 to 50m in length and 3 to 4 m wide but may vary in shape dependent on site characteristics.

Fencing should be a minimum of 1.2m high. Consideration should be given for shading to be provided if greyhounds are to be exposed for an extended period of time.



#### 4. Security Standards

- 4.1. Kennels must be reasonably secure and adequate fencing must exist to prevent escape of greyhounds and prevent access by unauthorised people.
- 4.2. Kennels must be fitted with a secure closing device that cannot be opened by greyhounds. Double barriers (a secure area outside the immediate kennels) are recommended to prevent the escape of greyhounds.
- 4.3. Any security methods used must allow for ready access by staff to greyhounds and ready exit of staff and greyhounds from the premises in the event of an emergency.
- 4.4. Fire safety equipment must be readily available and an emergency exit plan as required.
- 4.5. All potential poisons and harmful substances, whether in storage or use, must be kept secure and out of reach of greyhounds.
- 4.6. Prescribed veterinary products should be kept secure with all treatments administered recorded for each greyhound.

#### 5. Environment

- 5.1. Greyhounds must be provided with protection from rain and wind, direct sunlight or other adverse weather conditions and trainers must comply with GRNSW's Hot Weather Guidelines.
- 5.2. Where kennels are constructed outdoors, they must protect the greyhound from the rain and wind and be partially enclosed to provide sheltered sleeping areas.
- 5.3. Where kennels are constructed indoors, the environment should be controlled to ensure the comfort of the greyhound, inclusive of indoor temperature, humidity and appropriate ventilation. Lighting should be as close as possible, in duration and intensity, to natural conditions.
- 5.4. Despite 5.2 and 5.3, very old and very young greyhounds are more sensitive than others to changes in temperatures and may require heating or cooling.
- 5.5. Natural lighting is the preferred for kennels, provided shaded areas are available to protect greyhounds from extreme lighting conditions. Artificial light should also be available in greyhound housing areas so that they can be thoroughly cleaned in the evenings and greyhounds can be attended to.
- 5.6. Where natural lighting is not possible, artificial lighting should be used and be similar in duration and intensity to natural lighting.
- 5.7. Kennels should be adequately ventilated to minimise undue draughts, odours and moisture condensation. Greyhounds must not be in contact with wet floors for extended periods of time.

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5.8. Measures should be in place to reduce the impact of sudden noise.

5.9. Noise from barking greyhounds should be managed to comply with local government noise regulations and may be managed by:

- Positioning kennels so that they do not face each other;
- Limiting external stimulation by placing partitioning between kennels or using blinds;
- Holding greyhounds singly or in compatible pairs;
- Turning lights off after feeding;
- Exercising greyhounds away from greyhound housing.

5.10. The extended use of barking muzzles is not permitted.

5.11. The use of barking muzzles at race tracks is strictly prohibited.

## 6. Bedding

6.1. Greyhounds must be provided with a clean and dry dedicated sleeping area, with flooring to be of fixed construction or concrete. Outdoor greyhound housing must be partially enclosed to provide greyhounds with sheltered sleeping areas that can protect them from the rain and wind.

6.2. All greyhounds should be provided with raised wooden sleeping boards, dog houses or trampoline-style beds to insulate them from the floor. Sleeping areas and bedding must be regularly kept clean, hygienic and dry and bedding and blankets should be changed frequently.

## 7. Hygiene

7.1. Greyhound areas must be kept clean so that diseases are controlled and greyhounds are comfortable. Greyhound areas should be left dry after cleaning and be dried with a mop or squeegee.

7.2. Cleaning and disinfecting agents should be chosen on the basis of their suitability, safety and effectiveness. Manufacturer's instructions for the use of cleaning and disinfecting agents must be followed keeping in mind that solutions that are diluted too much may be ineffective solutions that are too concentrated may be toxic.

7.3. Urine and faeces should be removed at least once a day from greyhound housing areas and exercise areas.

7.4. Housing and exercise areas should be cleaned daily, and disinfected at least once each week, before new puppies or greyhounds are introduced. Kennel enclosures should be disinfected at least once a week with practices in place to minimise odour from kennels. Food preparation and storage areas must be maintained in a hygienic standard.

7.5. Urine, faeces and food wastes must be disposed of promptly and hygienically and in accordance with local government requirements. Floors of outdoor greyhound

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housing areas should be sloped to enable waste and water to run off. External yards should be designed to minimise run off and potential contamination. A collection drain may be provided and fitted with fine mesh wire baskets to trap hair and waste. The baskets should be cleaned daily.

- 7.6. Use of a trade waste service for collection and disposal of wastes is preferred. Waste should not be incinerated on-site.

#### 8. Pest Control

- 8.1. Effort must be made to effectively control pests, including flies, fleas, mosquitoes and rodents.
- 8.2. Chemicals used for vermin control must be registered under relevant Commonwealth and NSW agriculture and veterinary chemicals legislation as highlighted on the labels, and used only in accordance with manufacturer's instructions.
- 8.3. Because greyhounds and humans may be adversely affected by pest control agents, expert advice should be sought before pest control operations are carried out.

#### 9. Nutrition

- 9.1. Greyhounds should be provided with adequate amounts of good quality food and fresh clean drinking water daily to maintain optimal health at all times.
- 9.2. All food should be stored in a secure hygienic area. A variety of foods should be supplied.
- 9.3. Adult greyhounds must be fed daily. Pregnant and lactating greyhounds, pups up to 6 months of age, should be fed twice daily.
- 9.4. Pregnant and lactating greyhounds require approximately twice the amount of food required normally.
- 9.5. Food should be prepared hygienically and served in appropriate containers, i.e. non-chewable and non-spillable bowls. They must be readily accessible, positioned to avoid spillage and contamination by urine or faeces, and must be cleaned daily.
- 9.6. Food should be stored appropriately, with dry food kept in a rodent-free place and fresh meat kept refrigerated.
- 9.7. Uneaten food should be removed and disposed of promptly so that it does not spoil or attract pests.
- 9.8. Fresh water in non-spillable containers must be available at all times.

#### 10. Exercise

- 10.1. Greyhounds must have the opportunity once or twice a day for exercise to:

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- allow them to be checked over;
- allow them to stretch their limbs; and
- give them contact with humans.

10.2. Exercise can be provided by walking greyhounds on a lead for a minimum of 30 minutes once daily or 15 minutes twice daily. Very active, very old or injured greyhounds may require more or less exercise than the above.

10.3. If the greyhound is not being raced it should be given an opportunity to be exercised in suitable exercise areas. Measures should be in place to minimise the deterioration of exercise areas to bare earth, i.e. turf, concrete or suitable animal flooring.

10.4. When greyhounds are walked on the footpath of busy roads handlers should take extra care to ensure that the greyhounds are safe from escaping into the path of vehicles. A walking machine can be used to assist in exercising greyhounds but should not be seen as a replacement for outdoor walking and environmental stimulation.

### 11. Health and Veterinary Care

11.1. Before a greyhound is admitted, the following information should be recorded:

- The greyhounds registered name;
- Name, address and telephone number of its owner;
- Expected date of collection by owner;
- A description of the greyhound including:
  - Sex
  - Breed
  - Microchip
  - Earbrand
  - Colour
  - Age
  - Distinguishing Features
  - Condition and weight
- All health records including vaccination status and heartworm prevention status;
- Details of medical and dietary requirements; and
- Name and contact telephone number of a veterinarian who normally attends the greyhound.

11.2. Each greyhound should be checked at least once daily to monitor its health and comfort. Any changes in health status should be recorded and promptly addressed.

11.3. The person checking the greyhound should note whether each greyhound:

- is eating
- is drinking
- is defecating
- is urinating
- is behaving normally
- is of normal appearance
- is able to move about freely
- has a normal coat.

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- 11.4. Owners of greyhounds must be asked to sign an agreement authorising provision of necessary veterinary treatment. The Trainer should liaise with a veterinary practitioner to provide advice and treatment as required. The veterinary practitioner must be able to attend to any greyhounds in his or her care, and advise on disease prevention measures.
- 11.5. Immediate veterinary care must be provided for sick or injured greyhounds, to relieve pain, suffering and distress. Veterinary attention must be sought by for any greyhounds showing any of the following conditions:
- Runny nose
  - Repeated sneezing
  - Coughing
  - Runny, discharging or inflamed eyes
  - Inability to stand or walk
  - Lameness (i.e. disturbance in ability to move)
  - Apparent pain
  - Fits or staggering
  - Extreme lassitude (i.e. lack of energy)
  - Vomiting
  - Severe diarrhoea, especially if bloodstained
  - Inability to urinate or defecate
  - No appetite
  - Bloating of abdomen
  - Weight loss
  - Bleeding or swelling of body parts (other than the vulva of a female on heat).

## 12. Disease Prevention and Notification

- 12.1. Greyhounds must be vaccinated in accordance with the GRNSW Greyhound Racing Rules or as directed by GRNSW in consultation with a veterinarian. Vaccination against distemper, hepatitis, parvovirus and canine cough is required (C5). A current vaccination certificate (certifying that vaccination was completed in the preceding 12 months) must be produced for each greyhound before admission.
- 12.2. Internal and external parasites must be controlled through routine preventative treatments.
- 12.3. All greyhounds are to be protected from distress or injury caused by other greyhounds and:
- Greyhounds known or suspected to be suffering from an infectious disease should not be admitted to the premises;
  - Greyhounds that are suspected or have been diagnosed as having an infectious disease must be isolated in facilities either within the greyhound premises or at a veterinary premises.
- 12.4. Due to the mobile nature of greyhounds, Trainers are required to advise GRNSW of any suspected outbreak of an infectious disease and take immediate steps to isolate the suspected greyhound(s) until the infection is formally diagnosed by a veterinarian.

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- 12.5. Under Greyhounds Australasia Rule 84A, the person in charge of a greyhound must keep and retain records on all vaccinations, worming and medical treatments administered to a greyhound from the time the greyhound enters their care until the time the greyhound leaves their care. A person in charge of a greyhound will be required to keep and retain treatment records for a period of two (2) years.
- 12.6. Trainers are required to record treatments for any greyhound in their care from the age of 14 months until its retirement from racing. It is expected that the treatment records are kept at the Trainer's premises and it is not the intention of Stewards to request this record of treatment at a race meeting. If the record is requested outside of a kennel inspection, GRNSW will allow sufficient time for the person to produce the record.

### 13. Transport

- 13.1. Greyhounds may be transported to and from race meetings, training sites, exercise sites, veterinary visits, stud purposes or other appropriate purposes. Trainers must ensure that at all times greyhounds are transported in a way that does not cause injury or stress and in the shortest practicable time.
- 13.2. Any vehicle especially designed or regularly used for transporting greyhounds should:
- Protect greyhounds from injury during transportation;
  - Have non-slip floors;
  - Have enough room for the greyhound to adequately stretch in a standing position and lie down comfortable during transport;
  - Provide easy access and operator safety;
  - Protect against extremes of temperature;
  - Protect against escape of greyhounds; and
  - Be easy to clean and disinfect.
- 13.3. Suitable modes of transport for greyhounds include:
- Enclosed trailers - insulated and ventilated;
  - Appropriately sized cars with owner or handler; and
  - Rear compartments of station wagons.
- 13.4. Modes of transport that are not suitable include:
- Wire cages in trailers or utilities which are open to the elements; and
  - Non-ventilated or non-insulated trailers.
- 13.5. Before the commencement of each trip, the Trainer must ensure that the mode of transport is in a sanitary condition. It must also be kept in a clean condition for the entire duration of each trip.
- 13.6. Trainers must ensure that good quality water is provided to each greyhound at least every six hours, or more frequently on hot or humid days. Provision of electrolytes should also be considered in extreme hot or humid conditions.



- 13.7. A greyhound should not be kept in a mode of transport for more than 6 hours without breaks provided. A break should consist of being let out of the mode of transport for at least ten minutes.

#### 14. Euthanasia

- 14.1. Euthanasia should only be considered where a greyhound becomes seriously ill or injured and where it is recommended by a veterinarian who has examined the greyhound.
- 14.2. Permission from the greyhound owner or nominee, preferably in writing, must be obtained.
- 14.3. Euthanasia should only be performed by a veterinarian by intravenous administration of an overdose of pentobarbitone sodium unless there are compelling reasons to use another method to humanely destroy the greyhound.
- 14.4. The use of firearms to kill animals should be limited to emergency situations only. Where firearms are used, operators must be appropriately licensed, trained and experienced, and animals must only be humanely killed in areas away from the sight and hearing of other animals and the public.
- 14.5. In accordance with Greyhounds Australasia Rule 106 (3), the last registered owner of the greyhound must notify GRNSW within two working days if a greyhound has been humanely euthanised by a veterinary surgeon by lodging the prescribed form.
- 14.6. The method of disposal and/or location of burial must be recorded and documented by the Trainer.

#### 15. Training and Educating Greyhounds

- 15.1. Training facilities must be constructed and maintained to minimise risks to greyhounds and persons.
- 15.2. All equipment used in association with greyhound education or training must be recorded in a facility register. This register should be updated when equipment is maintained or repaired. Examples of equipment may include:
- lures, quarry or baits;
  - bullrings;
  - slipping tracks;
  - walking machines; and
  - starting boxes.
- 15.3. The use of any live animal, animal carcass or part of an animal in greyhound education, training or racing is strictly prohibited.
- 15.4. A lure is defined under the Greyhounds Australasia Rules as any item, natural or man-made, that is used in any way for the purposes of encouraging or enticing a



greyhound to pursue, attack or excite it in response. The terms quarry and bait have the same meaning. A Trainer is only permitted to use lures approved by GRNSW.

15.5. GRNSW approves lures that:

- are made up of synthetic materials only; and
- may contain an audible device.

15.6. "Synthetic materials" means non-animal derived materials. As such, the use of any live animal, animal carcass or part of an animal (including for example animal-derived wool, fur, feathers or tanned and professionally processed skin) as a lure in greyhound training, education or racing is strictly prohibited.

15.7. A Trainer must take reasonable steps to ensure that a greyhound does not pursue or attack any live animal. This includes ensuring that there are no other animals present on the same property where greyhounds are housed.

15.8. Where any animal other than a greyhound is kept at the premises as a domesticated pet or is kept for rural or agricultural purposes, the Trainer must notify GRNSW by completing the animal declaration form.

15.9. Trainers must notify GRNSW of permanent domestic pets on the premises. Domestic animals kept as pets must be identified by microchip if required under the *Companion Animals Act 1998* (NSW). Further, Trainers must notify GRNSW if they own a property where greyhounds are trained and cattle, sheep or other livestock are bred or reared. Where a person is conducting an agricultural business, there must be a clear and secure delineation between the greyhound and livestock areas.

15.10. Trainers are not expected to notify GRNSW of each and every instance where animals appear on the property. For example notification may not be required or expected:

- on occasions where stray animals such as kangaroos or cats appear on the premises; or
- for the exact numbers of animals used for rural or agricultural purposes.

15.11. Where Trainers are in doubt, they should declare all relevant information to GRNSW by completing the animal declaration form.

## 16. Standard Agreements

16.1. GRNSW strongly recommends that all Managers enter into a formal agreement with their clients to help avoid disputes and potential legal action in the future.

16.2. To assist both Managers and their clients, GRNSW has developed a standardised training agreement and a standardised rearing agreement template.

16.3. This is a template that both parties can use to document any finalise the terms of any training arrangements.

16.4. These templates are available under at GRNSW's website at [www.thedogs.com.au](http://www.thedogs.com.au).

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## Consequences of a breach of this policy

A failure to comply with this policy may result in the imposition of a penalty under the GRNSW Greyhound Racing Rules. The maximum penalty that may be imposed is \$22,000 or suspension, disqualification and/or cancellation of registration.

Registered participants should make themselves familiar with the GRNSW Racing Rules. Trainers in particular should be aware of the Rules specific to all racing matters, including breeding, grading, incapacitations and prohibited substances. Please note that these Rules are continually amended. All amendments are undertaken through the co-operation of all affiliated greyhound racing bodies as well as Greyhounds Australasia.

## Definitions

In this policy:

**Code** means the Code of Practice for the Keeping of Greyhounds in Training.

**Rules** means the GRNSW Greyhound Racing Rules.

## Amendments to, and operation of, this policy

GRNSW reserves the right to amend this policy at any time.

### Policy information

#### Effective dates

Date policy was made: April 2011

Commencement date of this version: 1 December 2015

#### Policy details

Policy number: GRNSW WF01

Policy owner: Chief Veterinary Officer

Date for review: As required

#### Revision history

Version	Date	Description
1.01	April 2011	Board Approval
1.02	19 June 2015	Revised Format Endorsed
1.03	1 December 2015	1 December 2015 policy update

(4)

To Whom it may concern,

I am writing this email as the nearest neighbour to Keith and Alita Selton and their issues that they are having with their surrounding nearby neighbours, As did we when we first took up residency here.

We have had numerous complaints, confrontations and rumours spread behind our backs from the complaining parties. One of the complaining parties does not actually reside in Somers lane and the other offending party works on a two week roster, not living here all the time and only putting complaints in when they are home, to cause more trouble. They actually have dogs of their own that are quite noisy and yappy and are left at home by themselves and are checked on once a day then left to fend for themselves, yapping excessively that they do not hear as they are not there!!

We feel that these matters that they are complaining about are ludicrous and petty and feel that all they want to do is cause a fight when someone new moves into the area.

All these complaints have risen after the complainies have sold them the property knowing full well that they have bred, trained and raced greyhounds all their lives, having an established well maintained and expectionally clean facility in Blayney.

As we are the closest neighbour of the Seltons and their greyhound facility, which is actually 100metres from our back door, we have not had trouble with noise, smell or loose uncontrollable dogs from them. We have been invited over to look at the facility and was blown away by the cleanliness, healthiness and the efficiency that such a small breeder/trainer family has built in our area, we feel that it is an absolute credit to them as the amount of dogs that live there and in such a small amount of time.

As we have animals ourselves we are attending to our own regularly and therefore are outside often, we see the Seltons walking their dogs, watering and generally cleaning up after there greyhounds constantly.

As Keith and Alita both work during the day and I am at home I do not find the dogs at all noisy or annoying.

Thank you for taking the time to read this letter and taking in all considerations that we have pointed out to you We would really like to see The Seltons as our neighbours for eternity!

Thanking you kindly ~~████████████████████~~

16/8-16  
16/08/16

1 of 1

**19) ORANGE CITY COUNCIL - ORANGE AIRPORT PLANNING PROPOSAL - INDUSTRIAL AND TECHNOLOGY PARK**

**Department:** Planning and Environmental Services

**Author:** Director Planning and Environmental Services

**CSP Link:** 3.4 Sustainable land use practices across the Shire.

**File No:** II/22513

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**Recommendation:**

That Council;

1. Advise Orange City Council and NSW Department of Planning and Environment, Council does not support the amended Orange City Council Planning Proposal including proposed addendum to the 2008 Blayney Cabonne Orange Sub-Regional Rural and Industrial Land Use Strategy for the rezoning of land surrounding the Orange Airport at Spring Hill to accommodate future industrial and technology based development.
2. Supports a joint review to be undertaken of the 2008 Blayney Cabonne Orange Sub-Regional Rural and Industrial Land Use Strategy in its entirety by; NSW Department of Planning and Environment, Blayney, Cabonne and Orange Councils.
3. That Council write to the local State Member; Hon Paul Toole seeking he make representation on Council's behalf to the NSW Minister for Planning outlining Councils concerns with this Planning Proposal and Councils desire to undertake a joint review of the 2008 Blayney Cabonne Orange Sub-Regional Rural and Industrial Land Use Strategy in its entirety together with; NSW Department of Planning and Environment, Blayney, Cabonne and Orange Councils.
4. If the; NSW Department of Planning and Environment, Blayney, Cabonne and Orange Council agree to undertake a joint review of the 2008 Blayney Cabonne Orange Sub-Regional Rural and Industrial Land Use Strategy in its entirety, Council fund ¼ of the total cost of the review by transferring \$50,000 from the Property Account Reserve for this purpose.

**Reason for Report:**

Council has received correspondence from Orange City Council (OCC) dated 21 November 2016 and received on 25 November 2016, 2016 (see enclosure 1) seeking formal comments and support from Blayney Shire Council in relation to the Gateway consultation for the revised Planning Proposal (PP) and proposed rezoning of land adjacent to the Orange Airport near Spring Hill for an industrial and technology park.

Council has been aware of this potential Planning Proposal over the past 12 months as; the Planning Proposal has received significant media exposure, residents of Spring Hill presented to Council at its 16 November 2015.

This Planning Proposal in its original form (OCC originally lodged the PP as a 200ha rezoning) was reported previously to the 18 April 2016 Ordinary meeting of Council.

**Report:**

OCC received a modified conditional Gateway Determination from the NSW Department of Planning and Environment (DoPE) on 31 October 2016 (see enclosure 2) to amend the original PP and Gateway Determination issued by the NSW DoPE on 18 December 2015 (see enclosure 3).

The amended proposal seeks to rezone approximately 114ha of land currently zoned RU1 Primary Production and E3 Environmental Management to a mix of IN1 General Industrial, B7 Business Park and RE1 Public Recreation creating an industrial and technology park. The proposed layout can be seen in enclosure 4.

The amended PP seeks to rezone approximately 114ha of land directly adjacent to the Orange Airport terminal, bound by Forest Road and Aerodrome Road, known as 'Project Area Stage 1'.

The amended proposal seeks to rezone 75ha (out of a 114ha project area) to zones IN1 General Industrial and B7 Business Park, while the remaining 39ha (out of 114ha project area) is proposed to be zoned RE1 Public Recreation.

The documentation associated with the Planning Proposal is extensive and can be viewed in full at the NSW Department of Planning and Environment (DoPE) website

<http://leptracking.planning.nsw.gov.au/PublicDetails.aspx?Id=2038>.

OCC recently announced in local media that the community consultation phase is to be extended until the end of January 2017.

The revised Gateway Determination requires that the concurrence of Cabonne and Blayney councils be obtained by OCC prior to the submission of the latter council's section 59 report to the DoPE.

Whilst the latest amendment to the OCC PP reduces the initial area proposed for industrial development and business activity, it is noted that the addendum seeking variation to the adopted Sub Regional Rural and Industrial Strategy 2008 does not address the sub regional status of demand and supply of rural and industrial land.

The main supporting documentation can be seen in attachments 1 and 2. The proposed amendment has several statements that would appear to contradict the necessity to immediately undertake this PP without reviewing the entire sub regional strategy, including;

- *“establishing an employment estate at the Orange airport is unlikely to draw activity away from other LGAs”.*  
The PP is likely to significantly impact upon the Employment Lands available in Blayney, only some 27kms further down the road which already contains the infrastructure in place.
- *“Orange economy has established a degree of momentum that is driving employment”*  
The Orange economy is not in a degree of momentum, it has been significantly impacted in recent times including; Cadia Gold mine shift from development to operational (300 job losses) and Electrolux closing down (500 jobs).
- *“If the industrial supply is allowed to exhaust in the medium term then the Orange economy is likely to encounter constraints” and*
- *“The available land supply.....indicates that there is currently 5-7 years amount of supply remaining.”*  
These statements confirm this issue is not a short term issue and immediate priority for the rezoning to occur. This statement confirms there is time to review the Sub Regional Industrial Land Use Strategy in its entirety to consider the significant impact properly across the entire region.

It is estimated to review the strategy would take 2 years and approximately \$200,000. Considering to date, this PP has been already been going 12 months had the strategy in its entirety been reviewed in the first place we would be half way there.

Whilst a recent Joint Regional Planning Panel decision regarding a PP to rezone land 5km North of Orange known as “Clergate Hills” may clear the way to rezone a total of 290ha of land to large lot residential land (including 34ha of land currently zoned IN1 General industrial, there is still considered ample amount land in Orange and particularly Blayney to ensure continued growth within the region until a complete review of the strategy is undertaken.

The proposed addendum by OCC is predominantly focused on OCC lands. Supply and demand within Blayney and Cabonne LGA's has not been taken into account or consideration.

Deviations from the endorsed Strategy, in particular one of this scale (even though reduced to 114ha) has the potential to significantly impact and alter the industrial landscape of the entire region.

It is agreed the 2008 Blayney Cabonne Orange Sub-Regional Rural and Industrial Land Strategy is 8 years old and requires review and update for the benefit of the entire region. Singular, individual ad hoc reviews and addendums are not supported, particularly ones of this scale.

It is recommended Council write to the local State Member; Hon Paul Toole to make representations to the NSW Minister for Planning outlining Councils concerns with this Planning Proposal and Councils desire to undertake a joint review of the 2008 Blayney Cabonne Orange Sub-Regional Rural and Industrial Land Use Strategy in its entirety together with; NSW Department of Planning and Environment, Blayney, Cabonne and Orange Councils.

**Issues:**

This PP has the potential to change the entire employment lands of the region and beyond without undertaking a holistic review of the entire region. Once rezoned it cannot be undone and the impact of the rezoning must be considered in the wider context of the region.

Blayney still has significant capacity and ability to expand its land zoned for employment generating development, in particular north of the main railway line in Blayney. Should a Planning Proposal of this scale be approved without consideration of the Blayney Employment lands it would leave the Blayney Employment Lands in a significantly compromised position and without critical direction in a regional strategic document.

By not reconsidering the strategy in its entirety, this PP has the significant increased risk of placing the region and in particular Blayney, Cabonne and Orange Local Government Areas in an extremely vulnerable strategic planning position.

It is acknowledged the process commenced prior to the NSW Government announcing; Blayney, Cabonne and Orange are subject to a potential merger, however this PP could contravene the Office of Local Government – Council decision making during merger proposal periods document, dated December 2015. Even if the PP does not contravene the OLG guidelines, the PP will have such a regional impact by proceeding without reviewing the entire strategy could place any new entity at significant reputational risk prior to it even having been commenced.

**Budget Implications:**

It is recommended Council fund ¼ of the total cost to undertake a joint review of the 2008 Blayney Cabonne Orange Sub-Regional Rural and Industrial Land Use Strategy in its entirety.

It is suggested this review is undertaken and funded equally with; NSW Department of Planning and Environment, Blayney, Cabonne and Orange Councils. The \$50,000 would be transferred from the Property Account Reserve.

**Enclosures (following report)**

1	Orange City Council Letter 21 Nov 2016	2 Pages
2	Orange Airport Alteration of Gateway Determination 31 Oct 2016	7 Pages
3	Orange Airport Gateway Original Determination 18 Dec 2015	4 Pages
6	Layout Map	1 Page

**Attachments (separate document)**

4	Orange Airport Draft BCO Addendum Oct 2016	44 Pages
5	Orange Airport Rural Land Analysis - Oct	6 Pages

D16/56997  
F1625

21 November 2016

Mr Mark Dicker  
Blayney Shire Council  
PO Box 62  
BLAYNEY NSW 2799

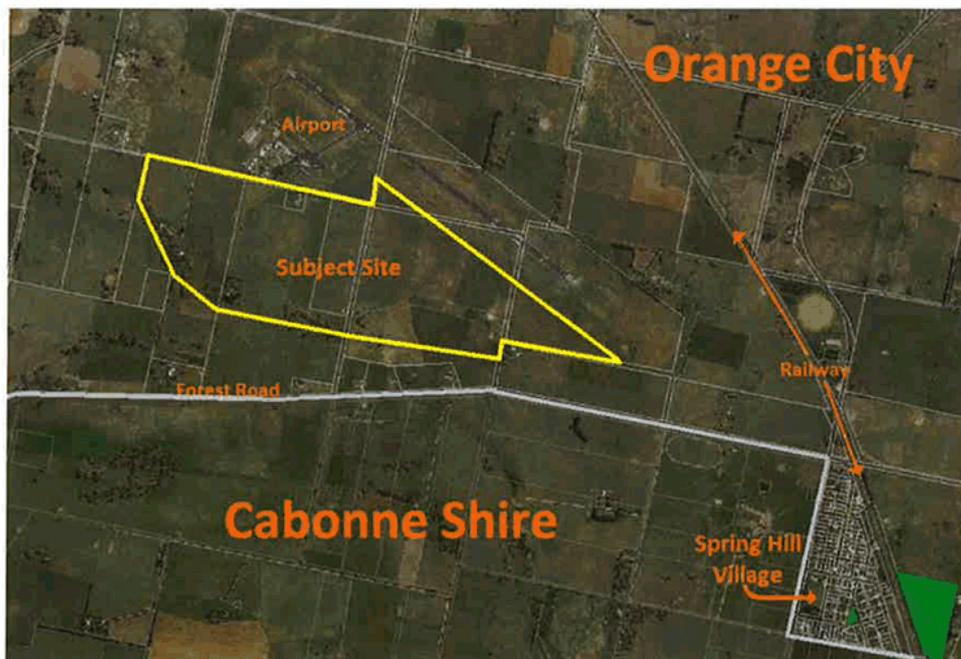


Dear Mr Dicker

**DRAFT ORANGE LOCAL ENVIRONMENTAL PLAN 2011 - AMENDMENT 9  
GATEWAY CONSULTATION**

Council writes in relation to the above matter, which involves amending Orange LEP 2011 to adjust the Land Use Zones and Minimum Lot Sizes. The Gateway Determination has required that Council consult with your office under Section 56(2)(d) of the *Environmental Planning & Assessment Act*.

The amendments relate to an area of some 114ha located on the southern side of the Orange Airport near Spring Hill village. The area is shown diagrammatically below. Full details are on the accompanying CD and are also available on Councils website.



PO Box 35, Orange NSW 2800 Civic Centre, Byng Street Orange NSW Australia  
Telephone 1300 650 511 Fax 02 6393 8199  
[www.oran.nsw.gov.au](http://www.oran.nsw.gov.au) email: [council@oran.nsw.gov.au](mailto:council@oran.nsw.gov.au)

**DRAFT ORANGE LOCAL ENVIRONMENTAL PLAN 2011 - AMENDMENT 9 - GATEWAY CONSULTATION**

21 November 2016

Currently the subject land is zoned a combination of E3 Environmental Management and RU1 Primary Production with a minimum lot size of 100ha. The land is intended to be rezoned into a mix of IN1 General Industrial, B7 Business Park and RE1 Public Recreation zones with lot sizes of 4000m<sup>2</sup>.

In accordance with the Gateway Determination your comments within 21 days of receipt of this letter, would be appreciated. Should you require any clarification or further information please contact Council's Director Development Services, David Waddell, on 02 6393 8261 or Senior Planner, Craig Mortell, on 02 6393 8036.

Yours faithfully



David Waddell

**DIRECTOR DEVELOPMENT SERVICES**

mam



Planning &  
Environment

Mr Garry Styles  
General Manager  
Orange City Council  
PO Box 35  
ORANGE NSW 2800

16/12253

**Attention:** Mr David Waddell – Director Development Services

Dear Mr Styles,

**Amended planning proposal (PP\_2015\_ORANG\_001\_00) seeking to rezone 114ha of land at Orange Airport for industrial, business and public recreation purposes**

I am writing in response to Council's letter dated 30 August 2016 advising of an amended planning proposal to rezone land at Orange Airport for business and industrial purposes under the *Orange Local Environmental Plan 2011*. I note the amended proposal reduces the scope of original planning proposal to rezone 114ha of land identified as 'Project Area Stage 1' near the airport terminal, yielding 75ha of land for industrial and business purposes.

As delegate of the Minister, I have now determined the amended planning proposal should proceed to community consultation subject to revised conditions in the attached Alteration of Gateway determination.

It is noted the amended proposal includes a revised draft Addendum to the '*Blayney Cabonne Orange Rural and Industrial Lands Strategy 2008*' (BCO) in support of the rezoning. The BCO Addendum should be mutually agreed upon by all three (3) Councils and submitted for the Department's endorsement prior to submitting the Section 59 report (Condition No. 4).

Further, Council is required to demonstrate consistency or satisfactorily justify any inconsistencies with Section 117 Directions 1.2 Rural Land, 1.5 Rural Zones, 2.1 Environment Protection Zones and 3.5 Development Near Licenced Aerodromes through the endorsement of the BCO Addendum. Consistency with Direction 3.5 Development Near Licenced Aerodromes is required to also be addressed through formal consultations with the Civil Aviation Safety Authority (CASA).

Council is required to publicly exhibit the amended planning proposal with all relevant supporting material identified under Condition No. 2. Council is also required to ensure explanation of the reduced scope of the amended planning proposal in all community consultation material.

The Minister delegated plan-making powers to Councils in October 2012. It is noted that Council has accepted this delegation. I have considered the nature of the amended planning proposal and Council's role as landholder in this case and have decided not to issue an authorisation for Council to exercise delegation to make this plan in this instance.

I have extended the timeframe for completing the amended planning proposal by 6 months. The amending LEP is to be finalised by 25 June 2017. Council should aim to commence exhibition of the amended planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 10 weeks prior to the projected publication date. Council's request to finalise the LEP should be made to the Department of Planning and Environment ([westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au)).

State Government is committed to reducing the time taken to complete the LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the *Environmental Planning and Assessment Act 1979* if the time frames outlined in the determination are not met.

Should you have any further enquiries, please contact Nita Scott, Planning Services, at the Department on (02) 6841 2180.

Yours sincerely

 31 October 2016  
**Stephen Murray**  
Executive Director, Regions  
Planning Services

*Encl: Attachment 1 – Alteration of Gateway determination*



## Alteration of Gateway Determination

### *Planning proposal (Department Ref: PP\_2015\_ORANG\_001\_00):*

I, the Executive Director, Regions at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the Environmental Planning and Assessment Act 1979 (the Act) to alter the Gateway determination dated 18 December 2015 (as since altered) for the proposed amendment to the Orange Local Environmental Plan 2011 as follows:

1. Change the description of the Planning Proposal:

**from** to rezone approximately 200ha of land from RU1 Primary Production, E3 Environmental Management and SP2 Infrastructure at Orange Airport to IN1 General Industrial, B7 Business Park and RE1 Public Recreation

**to** rezone 114ha of land at Orange Airport from zones RU1 Primary Production and E3 Environmental Management and SP2 Infrastructure to zones IN1 General Industrial, B7 Business Park and RE1 Public Recreation, for the purposes of an industrial and technology park.

2. Delete:

“condition 1”

and replace with:

new condition 1

The subject site to which the planning proposal (as amended) relates is identified at *‘Tab Map – Project Area Stage 1’*. No more than 75ha of the 114ha project area is to be proposed to be rezoned for industrial and business zones.

Council is required to ensure explanation of the reduced scope of the amended planning proposal in all community consultation material.

3. Delete:

“condition 2”

and replace with:

new condition 2

Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:

- (a) the planning proposal (as amended) and relevant supporting material outlined below must be made publicly available for a minimum of 28 days:
- Draft Review / Addendum to 'Blayney Cabonne Orange Rural and Industrial Lands Strategy 2008' (the BCO),
  - Rural Land Analysis (OCC) (as amended),
  - Draft proposed Land Zoning Map, Minimum Lot Size Map and Urban Release Area Map (OCC, October 2016),
  - Orange Airport Industrial Precinct Job Creation Analysis (RedeConsult, September 2016),
  - Economic Study advice (Leyshon Consulting, April 2016),
  - Draft Orange Airport Industrial and Technology Park Masterplan - Structure Plan Report (Oculus, November 2015), and
  - Orange Airport Environmental Assessment (R.W Corkery & Co, November 2015);
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Environment 2016).

4. Delete:

"condition 3"

and replace with:

new condition 3

Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act 1979 and/or to comply with the requirements of relevant section 117 Directions:

- Civil Aviation Safety Authority, (to address section 117 Direction 3.5 Development near Licenced Aerodromes)
- Transport for NSW - Roads and Maritime Services
- NSW Department of Primary Industries – Agriculture
- Office of Environment and Heritage
- NSW Office of Water
- Essential Energy
- Ambulance Service of NSW
- Local Land Services Central Tablelands
- Department of Trade and Investment
- Fire and Rescue NSW
- NSW Rural Fire Service
- Blayney Shire Council
- Cabonne Shire Council

Each public authority is to be provided with a copy of the planning proposal (as amended) and any *relevant supporting material* (as defined under Condition No. 2), and given at least 21 days to comment on the proposal.

5. Delete:

"condition 4"

and replace with:

new condition 4

Prior to submission of the planning proposal (as amended) under section 59 of the Act, the relevant planning authority must submit the finalised 'Blayney Cabonne Orange Rural and Industrial Lands Strategy 2008' (BCO) Addendum for the Department's endorsement. The finalised BCO Addendum is required to be mutually agreed upon by Orange City Council, Blayney Shire Council and Cabonne Shire Council. The relevant planning authority is required to submit the result of formal consultations between all three (3) Councils for consideration for the endorsement of the BCO Addendum.

6. Delete:

"condition 5"

and replace with:

new condition 5

Prior to finalisation, Council is to provide information and justification to obtain the agreement of the Secretary to comply with the requirements and ensure consistency with following section 117 Directions:

- Direction 1.2 Rural Zones
- Direction 1.5 Rural Land
- Direction 2.1 Environmental Protection Zones
- Direction 3.5 Development near Licenced Aerodromes

7. Delete:

"condition 6"

and replace with:

new condition 6

A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning and Assessment Act 1979. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

8. Delete:

"condition 7"

and replace with:

new condition 7

Prior to submission of the planning proposal (as amended) under section 59 of the EP&A Act, the final LEP maps must be prepared and be compliant with the Department's 'Standard Technical Requirements for Spatial Datasets and Maps' 2015 and satisfy new Condition No. 1 to yield no more than 75ha of land zoned for industrial and business purposes.

9. Delete:

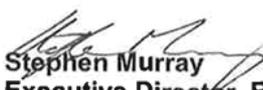
"condition 8"

and replace with:

new condition 8

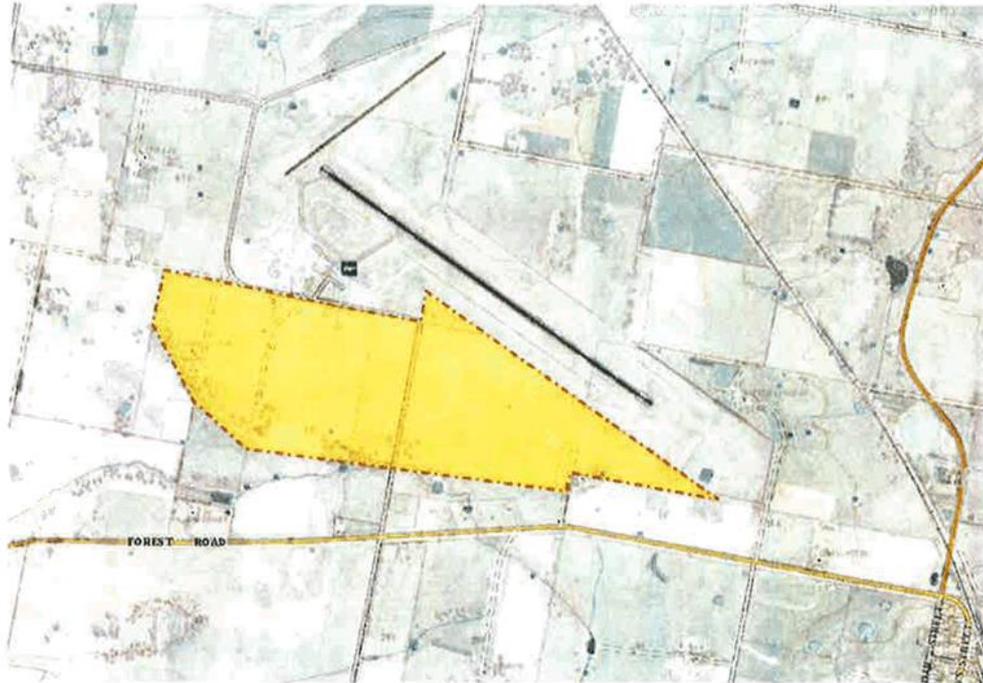
The LEP is to be completed by 25 June 2017.

Dated *31<sup>st</sup>* day of *October* 2016

  
**Stephen Murray**  
**Executive Director, Regions**  
**Planning Services**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning**

**Tab Map** – Project Area Stage 1





Mr Garry Styles  
General Manager  
Orange City Council  
PO Box 35  
Orange NSW 2800

15/17656

Dear Mr Styles,

I am writing in response to Council's letter dated 6 November 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal to amend *Orange Local Environmental Plan 2011* to rezone land around the Orange Airport for business and industrial purposes

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

It is noted that Council's submission includes an amendment to the Blayney Cabonne Orange Rural and Industrial Lands Strategy (Strategy) in support of the rezoning. The Department endorsed the Strategy in 2008 and Council is encouraged to ensure that any amendment has the support of both Blayney and Cabonne Shire Councils prior to the notification of the planning proposal.

Council is to consult with Cabonne and Blayney Shire Councils and include any feedback with the planning proposal for consideration by the Department during the finalisation of the LEP and endorsement of the Addendum to the Strategy. Council is to place the proposed strategy amendment on exhibition concurrent with the planning proposal.

Further, justification is also required to demonstrate consistency or agreement to inconsistencies with Section 117 Directions 1.2 Rural Land, 1.5 Rural Zones, 2.1 Environment Protection Zones and 3.5 Development Near Licensed Aerodromes. As part of ensuring consistency with the Ministerial Direction 3.5 Council is encouraged to review the proposal against the National Airports Safeguarding Framework. Council should ensure that consistency with both the Blayney Cabonne Orange Rural and Industrial Lands Strategy and amendment, and section 117 Directions are comprehensively addressed prior to community consultation.

Council is to also include the subject area as an urban release area for the purposes of Part 6 of *Orange Local Environmental Plan 2011* to ensure arrangements are made for the provision of public infrastructure and satisfy the needs that arise from the future development of the land. Council is to amend the Urban Release Area Map and explain

the reason for the change in the planning proposal prior to the commencement of public exhibition.

The Minister delegated plan making powers to Councils in October 2012. It is noted that Council has accepted this delegation. I have considered the nature of Council's planning proposal and Councils role as landholder and have decided not to issue an authorisation for Council to exercise delegation to make this plan in this instance.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 10 weeks prior to the projected publication date. Council's request to finalise the LEP should be made to the Department of Planning and Environment ([westernregion@planning.nsw.gov.au](mailto:westernregion@planning.nsw.gov.au)).

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these requirements, the Minister may take action under section 54(2) (d) of the *Environmental Planning and Assessment Act 1979* if the timeframes outlined in this Determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Nita Scott of the Department's Western Region office to assist you. Ms Scott can be contacted on (02) 6841 2180.

Yours sincerely,



**Brett Whitworth**  
**Acting Executive Director**  
**Regions**

Encl: Gateway determination



## Gateway Determination

*Planning proposal (Department Ref: PP\_2015\_ORANG\_001\_00): to rezone land at the Orange Airport for industrial, business and public recreation purposes.*

I, the Acting Executive Director, Regions at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to the *Orange Local Environmental Plan 2011* to rezone approximately 200ha of land from RU1 Primary Production, E3 Environmental Management and SP2 Infrastructure at the Orange Airport to IN1 General Industrial, B7 Business Park and RE1 Public Recreation should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be amended to include additional information and justification in support of the planning proposal, including:
  - (a) Prepare an industrial land demand and supply analysis, considering the recommendations of the *Blayney Cabonne Orange Rural and Industrial Lands Strategy*;
  - (b) Economic justification for new business and industrial zoned land, and the intended staging of new releases;
  - (c) A rural land analysis and justification of removing land from production, considering the BSAL status of agricultural land in the locality; and
  - (d) Clear and concise mapping of the land to be rezoned, including real property descriptions and areas.

This amended information is to be submitted to the Department of Planning and Environment for approval before commencement of community consultation.
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**;
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)*; and
  - (c) the relevant planning authority must place a copy of the Addendum to the *Blayney Cabonne Orange Rural and Industrial Lands Strategy* on exhibition with the planning proposal.
3. Consultation is required with the following public authorities under section 56(2)(d) of the *Environmental Planning and Assessment Act 1979* and to comply with the requirements of relevant section 117 Directions:
  - Civil Aviation Safety Authority, to address section 117 Direction 3.5 Development near Licenced Aerodromes
  - Transport for NSW - Roads and Maritime Services
  - NSW Department of Primary Industries – Agriculture
  - Office of Environment and Heritage
  - NSW Office of Water
  - Essential Energy
  - Ambulance Service of NSW
  - Local Land Services Central Tablelands

- Department of Trade and Investment
- Fire and Rescue NSW
- NSW Rural Fire Service
- Blayney Shire Council
- Cabonne Shire Council

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

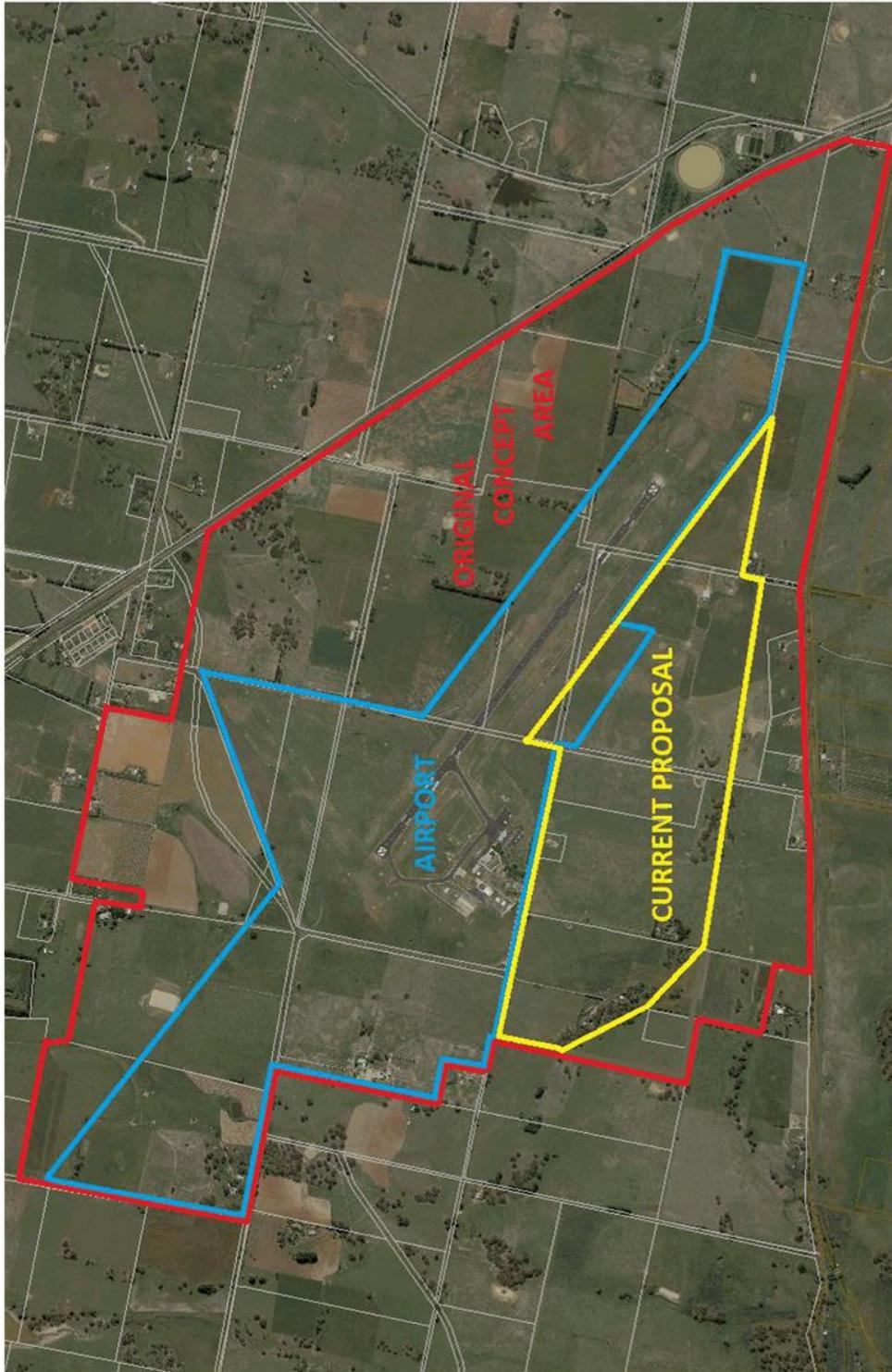
4. Consultation with Blayney and Cabonne Shire Councils. Both Councils are to be provided with a copy of the planning proposal and supporting material, including the proposed Addendum to the *Blayney Cabonne Orange Rural and Industrial Lands Strategy* Addendum. The result of the consultation with the Cabonne and Blayney Shire Councils is to be submitted to the Department as part of the section 59 Submission for consideration of the endorsement of the Addendum to the Strategy.
5. Council is to provide information and justification to obtain the agreement of the Secretary to comply with the requirements of the following section 117 Directions. Council should ensure this is addressed prior to finalisation:
  - a. Direction 1.2 Rural Zones
  - b. Direction 1.5 Rural Land
  - c. Direction 2.1 Environment Protection Zones
  - d. Direction 3.5 Development near Licenced Aerodromes
6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the *Environmental Planning and Assessment Act 1979*. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
7. Prior to submission of the planning proposal under section 59 of the *Environmental Planning and Assessment Act 1979*, the LEP maps must be prepared and be compliant with the Department's '*Standard Technical Requirements for Spatial Datasets and Maps*'.
8. Council is to include the land on the 'Urban Release Area' Map to ensure that provisions can be made for public infrastructure when the land is developed. The map is to be prepared in accordance with the Department's *Standard Technical Requirements for Spatial Datasets and Maps* and included with the planning proposal along with an explanation for the inclusion for the purposes of community consultation.
9. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 18 day of December 2015 2016.



**Brett Whitworth**  
Acting Executive Director  
Regions

**Delegate of the Minister for Planning**



Layout Map showing reduced amendment

**20) CONTAMINATED LAND POLICY**

**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.PO.2

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**Recommendation:**

That Council place the draft Contaminated Land Policy on public exhibition for a period of 28 days,

**Reason for Report:**

To obtain Councils resolution to place the draft Contaminated lands policy on public exhibition.

**Report:**

Blayney Shire Council is a member of a regional group of councils who have been successful in obtaining funding from the NSW State Government to prepare a Contaminated Land Policy that is generally consistent between all of the member councils in the Central West.

The draft policy has been prepared by a steering group, and also the Regional Contamination Officer, who is fully funded by a NSW Government program. The policy reflects the requirements of various pieces of NSW legislation. The policy will initially impact upon staff resources as it will require the identification of current and historical uses of land.

The document will result in Council being in a better position to advise owners and prospective owners of land of the likelihood of contamination of sites and include steps that can be taken to appropriately manage the site into the future.

The draft Contaminated Land Strategic Policy is provided at attachment 1 and is recommended for exhibition.

**Issues:**

The policy provides assistance and direction for both staff and the public on the procedures that Council is required to follow during the issuing of s149 planning certificates and development assessment processes.

It is noted that through this processes that properties previously not identified as containing potential contaminated may now be identified, particularly on s149 certificates, this could lead land property owners becoming aggrieved.

Since 1998 councils have been afforded special exemption from liability in regards to planning functions that involve contaminated land.

This exemption is set out in Part 7A of the Environmental Planning and Assessment Act 1979 (EP&A Act). In order to receive the exemption from liability a Council must carry out their planning functions substantially in accordance with the contaminated land planning guidelines.

The Managing Land Contamination Planning Guideline (EPA 1998), recommends that councils should have a Contaminated Land Policy and what that policy should include.

The most common planning function that a council regularly attends to is the determination of development applications and the provision of information on Section 149 (planning certificates) under the EP&A Act.

State Environmental Planning Policy 55 Remediation of Land (SEPP 55) requires that land contamination must be considered on every development application (clause 7 SEPP 55).

The current Planning Guideline recommends that Council check its records on land contamination for every Section 149 planning certificate. Council has responsibility to ensure that when exercising its statutory planning functions in relation to the development of contaminated land, all relevant information is considered.

To do this Council must:

- Consider the likelihood of land contamination as early as possible in the planning and development control process;
- Link decisions about the development of land with the information available about contamination possibilities;
- Adopt a policy approach which will provide strategic and statutory planning options based on the information about contamination; and
- Exercise statutory planning functions with a reasonable standard of care.

This policy will outline how Council will carry out the specific planning functions related to contaminated land and other matters such as the Underground Petroleum Storage System (UPSS) regulation and dealing with illegal dumping of contaminated waste.

#### **Budget Implications:**

Staff resourcing will be required to set up and maintain the register relating to commercial and industrial land. Provision of this task has been assigned to a casual projects officer who recently completed the Blayney Shire cemeteries mapping project.

#### **Enclosures (following report)**

Nil

#### **Attachments (separate document)**

1 Contaminated Land Policy

37 Pages

**21) REQUEST FOR ADJUSTMENT TO CHARGES, BLAYNEY WASTE FACILITY**

**Department:** Planning and Environmental Services

**Author:** Director Planning and Environmental Services

**CSP Link:** 6.3 A well-run Council organisation.

**File No:** WM.SP.4

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**Recommendation:**

1. That Council approve an adjustment to the disposal rate charged to JR Richards for delivery of 61m<sup>3</sup> of commercial waste to Blayney Waste Facility, from \$190 per m<sup>3</sup> to \$48 per m<sup>3</sup>. This results in an adjustment of \$8,662 in JR Richards favour.
2. The total adjustment on this matter is \$15,052 in JR Richards favour.

**Reason for Report:**

For Council to consider an additional request for the reduction of charges for disposal of commercial waste at Blayney Waste Facility.

**Report:**

Council at its 21 November 2016 meeting resolved; **(Resolution No 1611/015)** *“That Council approve an adjustment to the disposal rate charged to JR Richards for delivery of 45m<sup>3</sup> of commercial waste to Blayney Waste Facility on 6 April 2016, from \$190 per m<sup>3</sup> to \$48 per m<sup>3</sup>. This equates to a total adjustment of \$6,390 in JR Richards favour.”*

Upon receiving notification of resolution 1611/015, JR Richards provided further information that was not previously known to Council and therefore not presented to Council for consideration at the 21 November 2016 meeting. Subsequently JR Richards are seeking a greater adjustment in their favour.

Between 6 April 2016 and 21 June 2016 JR Richards delivered 170m<sup>3</sup> of waste to Blayney Waste Facility from a commercial construction site at Newbridge Road Blayney (Cadia de-watering plant construction).

JR Richards have subsequently been invoiced by Councils Waste Facilities Contractor a total of \$32,300 for the 170m<sup>3</sup> delivered to Blayney Waste Facility (invoiced at \$190 per m<sup>3</sup> in accordance with Councils 2015/16 fees and charges).

6 April 2016 was the first date JR Richards were charged \$190 per m<sup>3</sup> for disposal commercially generated waste at Blayney Waste Facility, compared to \$48 per m<sup>3</sup> for residential and small business waste.

JR Richards have advised waste was delivered from the same construction site in; February, March 2016 and even late April 2016 (after 6 April) which was only incurred the \$48 per m<sup>3</sup> rate.

On 7 December 2016, a meeting was held between Council's Director Planning and Environmental Services and JR Richards staff to discuss the matter.

During this meeting JR Richards detailed the following points which they feel should be considered and potentially a greater adjustment approved. These points were confirmed via email on 8 December 2016;

- The job in question had been quoted late in 2015 when to JR Richards knowledge Council had traditionally only charged \$48 per m<sup>3</sup> for commercial waste.
- Council had not formally advised JR Richards of a rate change, nor had Council previously charge the higher rate.
- The client in which JR Richards undertook the service for has advised they will not meet any increased disposal costs above the initial price quoted which has subsequently left JR Richards significantly out of pocket. JR Richards have provided invoices that confirm the client was only invoiced a disposal rate of \$48 per m<sup>3</sup>.
- Council does not issue a delivery receipt for every delivery has contributed to the large amount owing.

Currently no receipt slip is provided to the driver of every JR Richards delivery to Blayney Waste Facility. If this occurred, it would have confirmed the quantity and charges for each delivery. Drivers would have been able to provide daily run sheets to the JR Richards billing section for daily ratification instantly highlighting the issue prior instead of waiting for the Tax Invoice to be issued Councils Waste Facilities Contractor.

- The lack of regular monthly billing procedures has contributed to the large amount owing.

Tax Invoices for volumes of waste deposited and the outstanding monies associated to the volume deposited are issued Councils Waste Facilities Contractor. These Tax Invoices are not issued regularly but infrequently. In this instance;

- Tax Invoice: 008 for the month of April was issued on 31 May 2016 and received by JR Richards on 9 June 2016.
- Tax Invoice: 009 for the month of May and June was issued on 21 August 2016 and received by JR Richards on 25 August 2016.

It is noted that Councils Waste Facilities Contractor has been issuing Tax Invoices in this manner for at least the previous 8 years at the specific request of a previous Director of Planning and Environmental Services.

Having considered the further information and justification, it would appear that both parties should have better processes and procedures in place to prevent such a situation.

JR Richards have indicated for any future commercial work, quoting will be done so on the higher rate and if there is any doubt or concern they will contact Councils Waste Facilities Contractor prior to finalising the quote.

Council will also implement the following processes and procedures;

- Issue individual delivery receipt slips to every JR Richards driver that delivers to Blayney Waste Facility,
- Councils Waste Facilities Contractor will no longer issue Tax Invoices to JR Richards for material deposited at Blayney Waste Facility.
- Councils Waste Facilities Contractor will provide a monthly volume figures of waste deposited by JR Richards as part of the monthly banking acquittal.
- Councils revenue department will raise an invoice which is then issued directly to JR Richards each month.

It is therefore recommended that the charges adjusted as follows;

- 106m<sup>3</sup> charged at \$48 per m<sup>3</sup> = \$ 5,088 (\$15,052 reduction)
- 64m<sup>3</sup> charged at \$190 per m<sup>3</sup> = \$12,160 (no reduction)

**TOTAL = \$17,248**

106m<sup>3</sup> is the amount of waste deposited between in 6 April 2016 and 31 May 2016. 64m<sup>3</sup> is the amount of waste deposited in June 2016.

Noting Council at its 21 November 2016 meeting has already reduced the rate charged on 45m<sup>3</sup> of waste, which benefits JR Richards by \$6,390.

This recommendation if approved would adjustment the rate on an additional 61m<sup>3</sup> of waste, would benefit JR Richards by a further \$8,662.

This recommendation if approved together with the adjustment approved at the November 2016 Council meeting would take the total adjustment on this matter to \$15,052 in JR Richards favour.

**Issues:**

This matter has highlighted the need for Council to implement, improved; recording, receipting and billing processes for commercial waste which will be address as a result of this issue.

**Budget Implications:**

Council would be forgoing a total of \$15,390 of income.

Council will receive income of \$17,248 for the disposal of the 170m<sup>3</sup> at Blayney Waste Facility related to this matter, which is yet to be paid.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**22) MINUTES OF THE BLAYNEY SHIRE CEMETERY FORUM MEETING HELD THURSDAY 10 NOVEMBER 2016**

**Department:** Planning and Environmental Services

**Author:** Director Planning and Environmental Services

**CSP Link:** 3.4 Sustainable land use practices across the Shire.

**File No:** GO.ME.1

---

**Recommendation:**

That Minutes of the Blayney Shire Cemetery Forum Meeting, held on 10 November 2016, be received and noted.

**Minutes:**

Meeting commenced at 5.08pm.

**PRESENT**

Councillor Geoff Braddon (chair), Councillor Kevin Radburn, Kevin Radburn (senior), Vicki Pulling, Helen Dent, Hayley Lavers, Graham Mendham and Mark Dicker (Director Planning and Environmental Services (DPES)).

**APOLOGIES**

Candice Braddon

**CONFIRMATION OF MINUTES**

The minutes of the previous meeting held on 1 September 2016 were confirmed to be a true and accurate record of that meeting. (Vicki Pulling / Kevin Radburn (senior)).

**DECLARATIONS OF INTEREST**

Nil

**BUSINESS ARISING****GIS Mapping Project**

Project is continuing as Carcoar cemetery has taken longer than anticipated. Should be completed within 2 weeks.

**Lyndhurst**

Vicki Pulling advised the seating had not been undertaken as yet. DPES to follow up.

Vicki Pulling enquired;

- Whether it was true the estimated cost to undertake car parking within the road reserve at Lyndhurst was \$50,000?
- If it was to be funded from the Village Enhancement Plan budget?
- Whether it was appropriate to fund these works from this source?

DPES advised he would need to take those questions on notice.

**Brochure**

DPES advised it will be an agenda item for the next meeting.

**Millthorpe**

Hayley Lavers advised the old bin is still in place at Millthorpe, DPES to follow up.

**Rabbits at Blayney Cemetery**

DPES advised that Council is still investigating methods to eradicate the rabbits.

**GENERAL BUSINESS**

It was advised that Shaw Cemetery grass is quite long everywhere and a request was made for it to mowed. DPES to follow up.

The committee was advised that Council is investigating whether a neighbour of the Neville cemetery maybe encroaching within the boundaries of the cemetery (there may be unmarked graves in the location and this entire precinct is mapped and considered to contain Ecological Endangered Communities). DPES to follow up.

**NEXT MEETING**

The next meeting of the Cemetery Forum will be held on Thursday 9 February 2015 commencing at 5.00pm.

**MEETING CLOSE**

The meeting closed at 5.40pm.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**23) MINUTES OF THE BLAYNEY SHIRE ACCESS ADVISORY COMMITTEE MEETING HELD THURSDAY 10 NOVEMBER 2016**

**Department:** Planning and Environmental Services

**Author:** Director Planning and Environmental 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 Minutes of the Blayney Shire Access Committee Meeting, held on 10 November 2016 be received and noted.

**Minutes:**

Meeting commenced at 5.45pm.

**PRESENT**

Councillor Shane Oates (chair), Jenny McMahon, Iris Dorsett, Tom Williams, Mark Dicker (Director Planning and Environmental Services (DPES) and Anton Franze (Director Corporate Services).

**APOLOGIES**

Sharon Kearney

**CONFIRMATION OF PREVIOUS MINUTES**

The minutes of the previous meeting held on 1 September 2016 were confirmed to be a true and accurate record of that meeting (Iris Dorsett/Jenny McMahon).

**DISCLOSURES OF INTEREST**

Nil.

**BUSINESS ARISING FROM PREVIOUS MEETING**

**Liberty Swing**

Shade Sail is scheduled for next week, weather dependent.

Official maybe International Day of People with a Disability day which is 3 December 2016, dependant if shade sail is installed and subject to all availability of all persons. To be confirmed in the next few weeks.

**CentrePoint Swimming Pools Upgrading Plan.**

The committee were advised community consultation has not yet commenced.

**Visitors Information Centre - conversion to a café**

The committee were advised the internal building works are well underway and the café should be operational and VIC back open by February 2017.

Tom Williams advised that the lack of long vehicle parking and the requirement of access to a powerpoint for buggies and powered chairs has been raised in the Cultural Centre Working Group meeting.

**DISABILITY INCLUSION PLAN**

Councils Director of Corporate Services addressed the committee outlining the requirements, process and community engagement to be undertaken by Blayney, Cabonne and Orange Councils in preparing a joint Disability Inclusion Plan.

**GENERAL BUSINESS****Potential Adelaide Street to Bernardi's Shopping Centre Pedestrian link.**

The committee were advised Council is investigating the potential establishment of a pedestrian link between Adelaide Street and IGA which was identified in the Blayney 2020 MasterPlan.

A local business with the support of Bernardi's supermarket have approached Council advising interest and support for creation of the pedestrian link.

It was discussed potential options of such a pedestrian link could include;

- Incorporation of a raised pedestrian crossing across Farm Lane into the side entrance of Bernardi's supermarket.
- Flat accessible walkway between Farm Lane and Adelaide Street.
- Installation of blisters either side of Adelaide Street where the pedestrian link adjoins Adelaide Street (similar to those recently installed on the Adelaide St/Ogilvy St intersection).
- Potential relocation of the pedestrian crossing (near Ogilvy St intersection) to where the potential pedestrian link adjoins Adelaide Street.
- Potential creation of 2 complaint disabled car spaces (one on either side of Adelaide St adjoining the blisters).
- All designs would be prepared by Councils Infrastructure Services with RMS concurrence required.

**FUTURE AGENDA ITEMS**

Nil

**NEXT MEETING**

The next meeting of the Access Advisory Committee will be held on Thursday 9 February 2017 commencing at 5.45pm.

**MEETING CLOSE**

The meeting closed at 7:00pm.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**24) 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

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**Recommendation:**

That the report from the WBC Alliance Executive Officer to December 2016 be received.

**Reason for Report:**

Attached is a report from the WBC Alliance Officer, that notes the activities and actions of the WBC Alliance for the previous month.

Included within is the WBC Alliance 2016 Annual Report.

**Enclosures (following report)**

1 WBC Alliance Executive Officer Report

6 Pages

**Attachments (separate document)**

Nil



### **WBC EXECUTIVE MANAGER'S REPORT –December 2016 Council meeting**

#### **Update of Policies and Procedures: (Central Tablelands Water)**

I currently finalising work with the Director Finances and Corporate Services to develop a Business Continuity Plan as well as identifying funding/grant opportunities.

#### **Blayney:**

I am finalising some work with the Risk Officer to complete a **new risk register**. I continue to work with the General Manager and others on merger preparation plans. I participated in the **Change Readiness** workshops recently with Orange, Blayney and Cabonne staff.

I have assisted with some interviews for positions at Blayney.

#### **Cabonne:**

Cabonne joined the industry **operational effectiveness survey** for the first time this year and I was asked to coordinate the response. This will provide Council with some valuable data on service levels comparable to other councils in NSW. This was completed through October/November.

I have provided **change readiness workshops** for staff and also Council and detailed information for the **Consultative Committee** to ensure they understand their role in a potential merger situation.

The Acting GM has asked me to facilitate and coordinate a project team to **oversee the actions from a risk and safety audit completed on the swimming pools**.

#### **Other:**

I have been a mentor in the LG Professionals Mentoring Program this year and had the privilege of attending their graduation ceremony in Sydney on 1 December (along with the GM Blayney, Director

*WBC Executive Manager report to Councils December 2016*

Infrastructure Services Blayney and IT Manager Blayney) . The following day I attended the Hot Topics workshop held by LG Professionals.

In September I completed the **Leadership in Local Government** Unit of the Masters of Local Government from UTS. This was a wonderful opportunity as part of my ongoing professional development.

**2016 Annual Report:**

Attached to my report is the 2016 Annual Report for the WBC Alliance. It has been a year of change for the Alliance and despite the uncertain environment we have been in I'm pleased to advise that there has been \$463 310 of savings and efficiencies achieved for the member councils for the year. This takes the overall savings of the Alliance to \$6 797 259.

Depending on the future and the outcome of the merger decisions the General Managers and I will need to develop a new operational plan for the Alliance for 2017 in the event that a decision is further delayed or if the decision is not to merge.

**Christmas Wishes:**

As this is my last report for 2016 I would like to wish the Councillors and your families a safe and happy Christmas. I feel privileged to work for your Councils and I look forward to 2017 and whatever that may bring.



*WBC Executive Manager report to Councils December 2016*



## 2016 ANNUAL REPORT

# WBC STRATEGIC ALLIANCE

*Representing the Councils of Blayney, Cabonne and Central Tablelands Water*



## Introduction

It is with pride that I present my 8<sup>th</sup> Annual Report for the WBC Strategic Alliance in my role as Executive Manager. Every year when it comes time to compile the Annual Report I re-read the 13 previous years reports and I am always reminded of the many great achievements that have been achieved for the member Councils – Blayney, Cabonne and Central Tablelands Water and for 12 of those years, Wellington Council.

It has been a year of change for the Alliance with Wellington Council withdrawing as a member in late 2015 with their impending merger with Dubbo City Council which eventuated in May 2016. Wellington had been a great contributor and supporter of the Alliance.

For the remaining member Councils, the operation of the Alliance has shifted slightly with my time being spent providing an internal consultancy service to the individual members based on their needs, with less joint projects or initiatives occurring this year. This reflects the year of uncertainty around potential mergers between Blayney, Cabonne and Orange.

Despite this we have had another successful year achieving \$463 310 in savings and efficiencies for the year taking the overall savings since the Alliance commenced operations in 2003 to \$6 797 259. The staff from all the councils continue to benefit from the connections they have with their colleagues in the other councils and the level of cooperation and collaboration – the most important ingredient to our success – remains high.

I would like to thank the General Managers – Rebecca Ryan- Blayney, Gavin Rhodes – CTW and Andrew Hopkins - Cabonne (who has now taken up the GM role at Uralla Council), and Stephen Harding (Acting GM – Cabonne) for their direction and leadership. I am fortunate in my role to work directly for the leadership teams of the councils and be involved in conversations and activities that improve the direction and service delivery of the councils. The Directors from each council have also been great supporters of the Alliance and my role.

In my report last year, I opened with the statement “may you live in interesting times”. I hope that there is an outcome soon on the future of the member councils and therefore the Alliance. Should the merger proceed the Alliance will be dissolved the day of proclamation. I look forward to what 2017 will bring, and hope that I have the opportunity to continue working for such a valuable industry such as local government

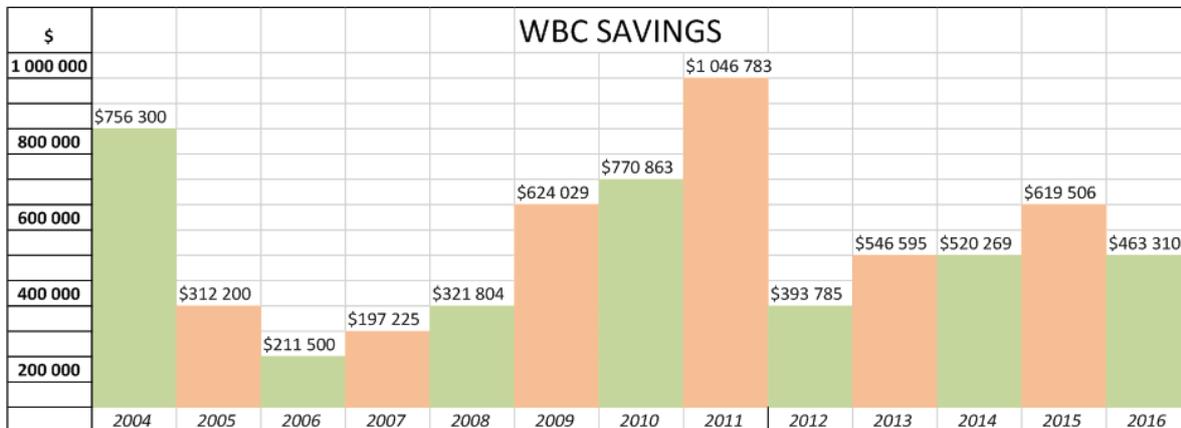
*Donna Galvin*

WBC Executive Manager

5<sup>th</sup> December 2016.

## Alliance Savings 2016

Description	\$	
Joint Engagement IAB for Internal Audit	12,727	Recurrent (based on original savings increased by 3.5% each year where the saving is still being achieved)
Joint payment Sharefile site	4,270	
Return airfares Perth for IT conference	3,000	Covered by the IT provider as part of the original joint purchase of system
Goods and Service Joint Tender	20,353	
Joint Tender Reseal	278,266	Recurrent (savings per year for 3 y ears)
Asbestos Management Plan EOI	4,694	Discount offered for joint engagement of same provider
Sewer Relining Tender – (administration savings)	20,500	Based on market cost such using external provider such as LG Procurement
Traffic Control joint Tender (Blayney and Cabonne) (administration savings)	20,500	
Goods and Services Tender (administration savings)	20,500	
Joint delivery of Fire Warden training	1,500	Savings on travel and accommodation of provider
Joint delivery of training for Asset Finda system	3,000	
Joint development of System Management Plan for RMS	15,000	Based on the market cost of engaging an external consultancy
Delivery of change management and resume writing workshops by WBCEM (Cabonne)	9,000	
Internal development of Business Continuity Plan Blayney and CTW (developed by WBCEM)	40,000	
Development Procedures Manual and Resolutions Register (CTW)	10,000	
<b>Annual Total (\$'s)</b>	<b>\$463,310</b>	<b>Yearly total</b>
<b>Accumulated Total (\$'s)</b>	<b>\$6,797,259</b>	<b>From 2003-16</b>



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### 13 Years of Achievements:

- overall savings and efficiencies totaling \$6 797 259
- this is an average of \$523 000 per year
- completed over 65 joint projects across nearly all areas of Council business including Asset Management, Corporate systems and technology, Internal audit and risk management, Integrated Planning and Reporting, tenders and joint procurement, business continuity planning, WHS, records management, joint DA Kit, Engineering Guidelines, shared positions, fleet management, shared services frameworks etc
- Largest project was in 2010 – 11 – joint tender, purchase and implementation of IT Corporate system achieving \$469,766 in savings and efficiencies
- Joint tenders and purchases have resulted in over \$1.1 million savings
- Won over \$774,000 in external funding across activities including training, shared services, planning reform, climate change, after school care, Integrated Water Cycle Management and more
- Recipient of 8 awards celebrating excellence and innovation including winning the national Awards for Excellence in Local Government in 2003 and runner up in the same award in 2009
- 12 different General Managers have led the four councils over that time with 26 individual Mayors, Deputy Mayors and Chairmen

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