



19 October 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, 24 October 2016 at 6.00 pm for consideration of the following business -

- (1) Acknowledgement of Country
- (2) Recording of Meeting Statement
- (3) Apologies for non-attendance
- (4) Disclosures of Interest
- (5) Public Forum
- (6) Mayoral Minute
- (7) Notices of Motion
- (8) Confirmation of Minutes - Ordinary Council Meeting held on 19.09.16
- (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

5.30pm – CENTROC Update – Jenny Bennett (Executive Officer)

Meeting Calendar 2016

October

Time	Date	Meeting	Location
10.00am	21 October 2016	Traffic Committee	Community Centre
6.00 pm	24 October 2016	Council Meeting	Community Centre

November

Time	Date	Meeting	Location
6.00pm	7 November 2016	Cultural Centre Working Group Meeting	Community Centre
5.00pm	10 November 2016	Cemetery Forum	Community Centre
5.45pm	10 November 2016	Access Committee Meeting	Community Centre
4.00pm	15 November 2016	Local Emergency Management Meeting	Community Centre
5.30pm	17 November 2016	Sports Council Meeting	Community Centre
6.00 pm	21 November 2016	Council Meeting	Community Centre
9.00am	30 November 2016	Audit Committee Meeting	Community Centre

December

Time	Date	Meeting	Location
6.00pm	5 December 2016	Cultural Centre Working Group Meeting	Community Centre
10.00am	9 December 2016	Traffic Committee Meeting	Community Centre
6.00 pm	15 December 2016	Towns and Village Committee Meeting	Community Centre
6.00 pm	19 December 2016	Council Meeting	Community Centre

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HELD ON MONDAY 24 OCTOBER 2016

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01) MINUTES OF THE PREVIOUS MEETING HELD MONDAY 19 SEPTEMBER 2016

Department: Executive Services

Author: General Manager

CSP Link: 6.3 A well-run Council organisation.

File No: GO.ME.3

Recommendation:

That the Minutes of the Ordinary Council Meeting held on Monday 19 September 2016, being minute numbers 1609/001 to 1609/023 be confirmed.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY
CENTRE, ON 19 SEPTEMBER 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), Director Infrastructure Services (Mr G Baker), Director Planning & Environmental Services (Mr M Dicker), Acting Executive Assistant to the General Manager (Ms S Hibbert)

ACKNOWLEDGEMENT OF COUNTRY

RECORDING OF MEETING STATEMENT

APOLOGIES

Nil

DISCLOSURES OF INTEREST

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

Councillor /Staff	Interest	Item	Pg	Report	Reason
Cr Kingham	Pecuniary	19	101	Planning Proposal: Rural and Large Lot Residential Lands, Item 1(d)	Cr Kingham may own land affected by the planning proposal

1609/001 CONFIRMATION OF MINUTES

RESOLVED

That the Minutes of the Ordinary Council Meeting held on 15 August 2016, being minute numbers 1608/001 to 1608/015 be confirmed.

(Radburn/Braddon)

CARRIED

MATTERS ARISING FROM THE MINUTES

Nil

EXECUTIVE SERVICES REPORTS

ELECTION OF MAYOR AND DEPUTY MAYOR

The General Manager as Returning Officer for the Mayoral and Deputy Mayor Elections took the Chair.

ELECTION OF MAYOR

One nomination for the position of Mayor was received from Cr Scott Ferguson, nominated by Cr Shane Oates and seconded by Cr David Somervaille.

There being only one nomination Cr Ferguson was declared duly elected as Mayor.

ELECTION OF DEPUTY MAYOR

One nomination for the position of Deputy Mayor was received from Cr Allan Ewin, nominated by Cr Shane Oates and seconded by Cr David Kingham.

There being only one nomination Cr Ewin was declared duly elected as Deputy Mayor.

Councillor Ferguson took the Chair

1609/002 COUNCIL MEETING DATES

RESOLVED

That the meeting dates and times for Ordinary Meetings of Council for the next 6 months be adopted as follows;

Monday 24 October 2016

Monday 21 November 2016

Monday 19 December 2016

Monday 20 February 2017

Monday 20 March 2017

(Oates/Somervaille)

CARRIED

COUNCIL COMMITTEE MEETING DATES**1609/003 RESOLVED**

That the meeting dates and times for Council S355 Committee meetings for the next 6 months, as detailed in the report, be adopted.

(Radburn/Ewin)

CARRIED

NSW EMERGENCY SERVICES PROPERTY LEVY**1609/004 RESOLVED**

1. That Council receives and notes the report in regards to the NSW Emergency Services Property Levy which is being collected by local government with council rates from 1 July 2017.
2. That Council endorses the General Manager signing the Memorandum of Understanding with NSW Treasury for the upfront payment of \$11,380 to facilitate the land classification task by 31 December 2016.

(Oates/Ewin)

CARRIED

CHANGES TO NSW RURAL FIRE SERVICE FUNDING METHODOLOGY**1609/005 RESOLVED**

1. That Council write to the Minister for Emergency Services and Local Government in regards to RFS requesting:
 - That future rises be limited to the rate cap and the cost of emergency services be included in the IPART consideration of rate rises for Local Government;
 - Clarification be provided on the standard to which the NSW RFS is heading with respect to facilities, equipment and training and how this compares to the standard of fire cover which was the previous objective; and,
 - Given that Council budgets are already in place that the implementation of the new funding allocation methodology be deferred 1 year to effectively take the increases through the IP&R process.
2. That Council supports the member Council's contribution apportionment within the Canobolas RFS Zone be based on the current historical split; and that costs of the approved capital program be allocated directly on a year by year basis to the LGA where the capital projects are being delivered.

(Radburn/Ewin)

CARRIED

CORPORATE SERVICES REPORTS

REPORT OF COUNCIL INVESTMENTS AS AT 31 AUGUST 2016

1609/006

RESOLVED

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

(Somervaille/Braddon)

CARRIED

DRAFT STATEMENT OF FINANCIAL REPORTS BY COUNCIL 2015/2016

1609/007

RESOLVED

1. That the statement in accordance with Section 413(2)(c) of the Local Government Act 1993, and Clause 215 of the Local Government (General) Regulation (2005) for the General Purpose Financial Statements for the year ending 30 June 2016 be made.
2. That the statement in accordance with the requirements of the Code of Accounting Practice in relation to the Special Purpose Financial Statements for the year ending 30 June 2016 be made.
3. That the statements be signed by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer.
4. That the General Purpose Financial Statements and Special Purpose Financial Statements be referred to audit and Intentus Chartered Accountants be invited to complete the audit as per the requirements of Section 413(1) of the Local Government Act (1993) and Local Government (General) Regulation (2005).
5. That the transfers in \$2,290m and transfers out \$160k; being a net transfer in of \$2,130m to Council's external restrictions be approved.
6. That the transfers in \$1,609m and transfers out \$608k; being a net transfer in of \$1,001m to Council's Internal Restrictions, the purposes for which as detailed in Schedule 1 be approved.

(Braddon/Kingham)

CARRIED

**DRAFT REPORT ON REVIEW OF THE LOCAL
GOVERNMENT RATING SYSTEM**

1609/008

RESOLVED

1. That the Council receive and note the report on the draft report of the Local Government rating System; and
2. a) That Council prepare a submission in response to the draft report on the Review of the Local Government Rating System.
b) Council expresses concern over the proposed removal of the pensioner rebate scheme.

(Radburn/Somervaille)

CARRIED

**ADOPTION OF PAYMENT OF EXPENSES AND THE
PROVISION OF FACILITIES TO THE MAYOR AND
COUNCILLORS POLICY**

1609/009

RESOLVED

1. That the Payment of Expenses and the Provision of Facilities to the Mayor and Councillors policy, as amended, be adopted and included in Council's policy register.
2. That Council submit its policy with the Council resolution and any submissions to the Office of Local Government.

(Braddon/Somervaille)

CARRIED

**REPEAL OF DISASTER MANAGEMENT RECOVERY PLAN
POLICY**

1609/010

RESOLVED

That Council endorse the repeal of Policy 9H Disaster Management Recovery Plan and the Policy Register be updated.

(Oates/Somervaille)

CARRIED

INFRASTRUCTURE SERVICES REPORTS

**DIRECTOR INFRASTRUCTURE SERVICES MONTHLY
REPORT**

1609/011

RESOLVED

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

(Oates/Ewin)

CARRIED

ERROWANBANG ROAD - MID-WESTERN HIGHWAY LAND ACQUISITION

1609/012

RESOLVED

That Council approve the acquisition of lands in order to formalise the road reserve over the current Errowanbang Road “physical” alignment between the Mid-Western Highway and the Belubula River.

(Braddon/Kingham)
CARRIED

PURCHASE OF 2 X 4 WHEEL DRIVE TRACTORS

1609/013

RESOLVED

A motion was moved by Cr Kingham; seconded by Cr Braddon, that this item be moved to a closed meeting session at the finalisation of the Business Paper agenda.

CARRIED

MINUTES OF THE BLAYNEY SHIRE SPORTS COUNCIL MEETING HELD THURSDAY 18 AUGUST 2016

1609/014

RESOLVED

1. That the Minutes of the Blayney Shire Sports Council Meeting, held on 18 August 2016, be received and noted.
2. That sports council advises all user groups that the use of, or parking of motor vehicles on sporting grounds is not approved, in accordance with Blayney Shire Council Licence Agreement – Section 19, and at the discretion of Blayney Shire Council for special events and subject to prevailing conditions.

(Kingham/Oates)
CARRIED

MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE
MEETING HELD FRIDAY 19 AUGUST 2016

1609/015

RESOLVED

1. That the Minutes of the Blayney Traffic Committee Meeting held on Friday, 19 August 2016, be received and noted.
2. That Council investigate current signage along the Spring Terrace Road bus route and install appropriate signage.
3. That Orange Cycle Club as part of their conditions item (d) need to notify the Police directly not through Council.
4. That Council's Road Safety Officer and RMS Safety Arounds Schools Officer investigate parking around Blayney Public School on 1st September and report to be tabled at the next Blayney Shire Traffic Committee Meeting.
5. That Council write to Newcrest Orange Challenge advising that their submission for the 2017 Challenge will need to be received by Council prior to the LTC Meeting on 21 October 2016.
6. That Council write to Orange Cycle Club advising approval of events February to December 2017 subject to the following conditions:

The Event Organiser is to comply with the following:

- a. That Council receive certified and signed Traffic Control Plans.
- b. Development and implementation of a Traffic Management Plan (including Traffic Control Plans). Implementation of Traffic Control Plans 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, Police & RMS 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.

(Radburn/Ewin)

CARRIED

**ELECTRONIC MINUTES OF THE BLAYNEY TRAFFIC
COMMITTEE MEETING HELD WEDNESDAY 7 SEPTEMBER
2016**

1609/016

RESOLVED

1. That the Minutes of the Blayney Traffic Committee Meeting, held on 7 September 2016, be received and noted.
2. That the Local Traffic Committee recommends that Council supports the 2016 Carcoar Cup Running Festival event, subject to the following conditions:
 - a. Development and implementation of a Traffic Management Plan which shall include a Traffic Control Plan. All implementation and Traffic Control works and Plans are to be completed by persons qualified to do so.
 - b. Approval is to be obtained from NSW Police, with all instructions issued by Police complied with and obeyed.
 - c. 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.
 - d. The Event Organiser is to notify all Emergency Services of the event and associated road closures, including Blayney Hospital.
 - e. The Event Organiser is to notify all business proprietors and residents affected by the event at least 7 days prior to the event.
 - f. The Event Organiser is to provide and publish the direct contact number of the event organiser/clerk of the course, for in the event of an emergency, residents and emergency services may need to access the route.
 - g. 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 2 event.
 - h. The Event Organiser will, advertise the temporary road closures, at least seven days prior to the event, in the local media.
 - i. The requirement to not place permanent markings on the road way (as per Section 138 of Roads Act 1993) and provide Council with a Risk Assessment for the person(s) marking the road.

(Radburn/Oates)

CARRIED

1609/017 **DISPOSAL OF MANDURAMA RURAL FIRE SHED**
RESOLVED

1. That Council approve
 - a. the sale of the existing Mandurama Rural Fire Station structure, by public tender, and,
 - b. that all funds raised be returned to the Mandurama Rural Fire Service Brigade for provision of equipment as determined by them.

(Kingham/Ewin)
CARRIED

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

CR DAVID KINGHAM LEFT THE MEETING, THE TIME BEING 07:02 PM

1609/018 **PLANNING PROPOSAL: RURAL AND LARGE LOT**
RESIDENTIAL LANDS
RESOLVED

1. That Council, following consideration of the submissions received during the community consultation, proceed to endorse the amendment to the Blayney Local Environmental Plan 2012 (BLEP 2012) by:
 - a. Transferring all land which is shown as “Deferred Matter” in BLEP 2012 (land is zoned 1(c) Rural Small Holdings under the Blayney Local Environmental Plan 1998) in the vicinity of Forest Reefs Road, Millthorpe, to R5 Large Lot Residential under the Blayney Local Environmental Plan 2012, with a Minimum Lot Size of 2 Hectares.
 - b. Transferring all land which is shown as “Deferred Matter” in BLEP 2012 (land is zoned 1(c) Rural Small Holdings under the Blayney Local Environmental Plan 1998) in the vicinity of Browns Creek Road Blayney, to R5 Large Lot Residential under the Blayney Local Environmental Plan 2012, with a Minimum Lot Size of 20 Hectares.
 - c. Rezone Lot 300 DP750390 from RU2 Rural Landscape to R5 Large Lot Residential under the Blayney Local Environmental Plan 2012.
 - d. Extending the period of time specified in Clause 4.2A (4) of the Blayney Local Environmental Plan 2012 from 3 to 5 years,
 - e. Incorporating a new standard instrument boundary adjustment clause to permit simple boundary adjustments in rural areas on lots below the minimum lot size and/or greater than 10% variations in lot size.
 - f. Amending Clause 4.2A (3)(c) to add the words ‘under an environmental planning instrument’ before the words ‘before this Plan’, and,

2. If points 1a) and 1b) are adopted, to revoke Blayney Local Environmental Plan 1998.
3. That Council, in exercising its delegation under Section 59 of the Environmental Planning and Assessment Act 1979, as endorsed by NSW Planning & Environment in the Gateway Determination, forward the relevant documents to Parliamentary Counsel for opinion, to make amendments to Blayney Local Environmental Plan 2012 as detailed above and the making of a Local Environmental Plan.

(Radburn/Oates)

CARRIED

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

FOR**AGAINST**

Councillor Ewin
 Councillor Braddon
 Councillor Oates
 Councillor Somerville
 Councillor Ferguson
 Councillor Radburn

Total (6)**Total (0)**

CR DAVID KINGHAM RETURNED TO THE MEETING, THE TIME BEING 07:08 PM

CENTREPOINT SPORT & LEISURE CENTRE - SWIMMING POOLS AND PLANT INFRASTRUCTURE UPGRADE

1609/019**RESOLVED**

That Council proceed to undertake community consultation on the proposed upgrading works of the swimming pools and plant infrastructure at CentrePoint Sport and Leisure Centre Blayney.

(Oates/Radburn)

CARRIED

MINUTES OF THE BLAYNEY SHIRE CEMETERY FORUM MEETING HELD THURSDAY 1 SEPTEMBER 2016

1609/020**RESOLVED**

That Minutes of the Blayney Shire Cemetery Forum Meeting, held on 1 September 2016, be received and noted.

(Braddon/Radburn)

CARRIED

MINUTES OF THE BLAYNEY SHIRE ACCESS ADVISORY COMMITTEE MEETING HELD THURSDAY 1 SEPTEMBER 2016

1609/021**RESOLVED**

That the Minutes of the Blayney Shire Access Committee Meeting, held on 1 September 2016 be received and noted.

(Oates/Somerville)

CARRIED

CLOSED MEETING

1609/022 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:

PURCHASE OF 2 X 4 WHEEL DRIVE TRACTORS

This matter is considered to be confidential under Section 10A(2) (c) (di) (diii) 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;

(Braddon/Oates)

CARRIED

PURCHASE OF 2 X 4 WHEEL DRIVE TRACTORS RECOMMENDED:

1. That Council accept to replace its 2 John Deere 5720 tractors with the quotation provided by Hutcheon and Pearce for the supply of 2 John Deere 6095MC tractors for a cost of \$147,666.90 (excl. GST) and dispose of 2 John Deere 5720 tractors via trade in to Hutcheon and Pearce for \$35,000 (excl. GST)
2. That Council approve the vote of expenditure of \$147,666.90 (excl. GST) and income of \$35,000 (excl. GST) into the 2016/17 budget from the Plant Reserve.

(Radburn/Somervaille)

MOTION LOST

1609/023 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/Kingham)

CARRIED

AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR ANNOUNCED THE OUTCOME OF THE RECOMMENDATION IN REGARDS TO THE PURCHASE OF 2 X 4 WHEEL DRIVE TRACTORS, THE MOTION OF WHICH WAS LOST

There being no further business, the meeting concluded at 8.20pm

The Minute Numbers 1609/001 to 1609/024 were confirmed on 24 October 2016 and are a full and accurate record of proceedings of the Ordinary Meeting held on 19 September 2016.

Cr S Ferguson
MAYOR

Mrs R Ryan
GENERAL MANAGER

02) RISK, WORK HEALTH AND SAFETY QUARTERLY REPORT

Department: Executive Services

Author: Risk Officer

CSP Link: 6.3 A well-run Council organisation.

File No: GO.ME.1

Recommendation:

That the Risk, Work Health and Safety Report for the quarter July to September 2016 be noted and received.

Reason for Report:

To update Council on Risk, Work Health and Safety activities and performance for the period July to September 2016.

Report:

StateCover (Workers Compensation Insurer)

A WHS incentive of 0.3% of wages is provided to Council on satisfactory completion of the annual StateCover WHS self-audit and participation in an audit verification if applicable. This payment is designed to support members address their injury prevention responsibilities.

The StateCover WHS Audit Report 2016 noted improvements across the following;

- Section 1: WHS Management System, particularly documentation, with a score of 86.5%; and
- Section 2: Specific Hazards scored 94.6% noting improvement in the management of asbestos, electrical equipment, contractors, volunteers and events.

The Action Plan 2016 suggested improvements could be achieved in WHS planning, Health Monitoring, WHS Audits, Working at Heights, Workplace Stress and Office Safety.

The StateCover 2016 Rebate is due in December along with the first instalment of the mutual performance rebate.

StateWide Mutual RMAP-CIP

Verification Report for the 2015/16 Risk Management Action Plan (RMAP) has been received. Council scored 100% for RMAP submission and 80% for achievement of Risk Initiatives. The StateWide Board discretionary bonus will be distributed to participating members in December.

Consultation

The staff Health and Safety Committee met in September and WHS is discussed at weekly departmental meetings.

Risk Management and WHS are included in the agenda for weekly MANEX meetings.

All staff are encouraged to participate in risk management, health and safety and report any concerns to their representatives, supervisor or Risk Officer.

A Risk Register and Risk Management Action Plan Workshop was held with Directors and Senior Management in August.

Workers Compensation

There has been one Lost Time Incident (LTI) during the quarter.

	2014-15	2015-16	Jul-Sep 2016
Claims	3	6	1
Lost Time Incident	2	3	1
Days lost	18	6	6

Notifications of Injuries/Incidents/Hazards

	2014-15	2015-16	Jul-Sept 2016
Injury	15	15	4
Incident	17	30	6
Hazard	16	14	0

Training

Confined space training was held in Blayney in July attended by Sewerage Treatment Plant Operators and a CentrePoint employee.

Chemical User Accreditation was renewed or obtained by 17 of our Works and Parks employees in August.

The RMS Traffic Controller and Implement Traffic Control Plans training courses were conducted at the Depot in August with 27 staff members attending and completing their accreditation.

SafeWork NSW

SafeWork NSW continue to provide support and advice to Council as part of the 2016 alliance. The Orange office will remain open but Orange and Dubbo areas will operate as a combined region with a single Manager due to the ongoing restructuring.

Contractors

Contractors have been working on numerous projects during this period. Projects have included work at Redmond Oval, the footpath network, the sewer network and the Cottage.

Staff conducted site inductions with contractors. These inductions included hazard identification and implementing control measures.

4 contractors completed the Centroc WHS Induction with Council this quarter.

Risk / WHS Inspections

Council staff conducted Risk, Health and Safety inspections at project worksites. Risk and WHS inspections are an opportunity to monitor and audit health and safety documentation, work process, hazard identification and risk controls.

Business Continuity Plan (BCP)

The BCP was tabled at the Audit Committee meeting 20 July 2016 and was accepted and endorsed. The BCP is available to all staff via the Council Intranet.

Issues:

Nil

Budget Implications:

Council's Workers Compensation premium first quarter payment (1/07/2016 – 30/09/2016) was \$24,793.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

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

Recommendation:

That Council notes the Resolution Report from July 2016 to September 2016.

Reason for Report:

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

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

Council have requested a Resolution Report on a quarterly basis.

Report:

This Council Resolution Report includes Council Resolutions up until the September 2016 Council Meeting.

Council currently has 5 resolutions 'in progress'.

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

Meeting	Resolution Number	Subject
Ordinary Council Meeting 18 July 2016	1607/015	Inala Units Update
RESOLVED <ol style="list-style-type: none">1. That Council endorse removal of the registration on the land title of Inala Units, lot 221/DP593369 at 33 Park Street, Millthorpe noting it as being used as a retirement village.2. That an investigation and report, with community consultation, into the proposed sale of Inala Units including costs associated with bringing the asset to a saleable condition, be brought to Council for further determination.		

Status

17 Oct 2016 - 8:57 AM - Anton Franze

Community engagement strategy finalised and community engagement in progress.

Meeting	Resolution Number	Subject
Confidential Ordinary Council Meeting 18 July 2016	1607/024	EOI Lease Cafe Visitor Information Centre Blayney

RESOLVED

That Council authorise the General Manager to execute a 2x2 year Lease Agreement for the Café operations at the Visitor Information Centre (The Cottage) at 97 Adelaide Street Blayney with Ironbark Espresso Bar as per the terms and conditions detailed in the Expression of Interest for a rental of \$300 per week excluding GST.

Status

12 Oct 2016 - 12:54 PM - Sonia Hibbert

In progress

18 Oct 2016 – 8.34 AM – Anton Franze

Refurbishment works have commenced. Anticipated lease commencement January 2017.

Meeting	Resolution Number	Subject
Ordinary Council Meeting 19 September 2016	1609/005	Changes to NSW Rural Fire Service Funding Methodology

RESOLVED

- That Council write to the Minister for Emergency Services and Local Government in regards to RFS requesting:
 - That future rises be limited to the rate cap and the cost of emergency services be included in the IPART consideration of rate rises for Local Government;
 - Clarification be provided on the standard to which the NSW RFS is heading with respect to facilities, equipment and training and how this compares to the standard of fire cover which was the previous objective; and,
 - Given that Council budgets are already in place that the implementation of the new funding allocation methodology be deferred 1 year to effectively take the increases through the IP&R process.
- That Council supports the member Council's contribution apportionment within the Canobolas RFS Zone be based on the current historical split; and that costs of the approved capital program be allocated directly on a year by year basis to the LGA where the capital projects are being delivered.

Status

17 Oct 2016 - 8:52 AM - Anton Franze

Correspondence in preparation. Ongoing.

Meeting	Resolution Number	Subject																
Ordinary Council Meeting 19 September 2016	1609/018	Planning Proposal: Rural and Large Lot Residential Lands																
RESOLVED																		
<p>1. That Council, following consideration of the submissions received during the community consultation, proceed to endorse the amendment to the Blayney Local Environmental Plan 2012 (BLEP 2012) by:</p> <ul style="list-style-type: none">a. Transferring all land which is shown as “Deferred Matter” in BLEP 2012 (land is zoned 1(c) Rural Small Holdings under the Blayney Local Environmental Plan 1998) in the vicinity of Forest Reefs Road, Millthorpe, to R5 Large Lot Residential under the Blayney Local Environmental Plan 2012, with a Minimum Lot Size of 2 Hectares.b. Transferring all land which is shown as “Deferred Matter” in BLEP 2012 (land is zoned 1(c) Rural Small Holdings under the Blayney Local Environmental Plan 1998) in the vicinity of Browns Creek Road Blayney, to R5 Large Lot Residential under the Blayney Local Environmental Plan 2012, with a Minimum Lot Size of 20 Hectares.c. Rezone Lot 300 DP750390 from RU2 Rural Landscape to R5 Large Lot Residential under the Blayney Local Environmental Plan 2012.d. Extending the period of time specified in Clause 4.2A (4) of the Blayney Local Environmental Plan 2012 from 3 to 5 years,e. Incorporating a new standard instrument boundary adjustment clause to permit simple boundary adjustments in rural areas on lots below the minimum lot size and/or greater than 10% variations in lot size.f. Amending Clause 4.2A (3)(c) to add the words ‘under an environmental planning instrument’ before the words ‘before this Plan’, and,																		
<p>2. If points 1a) and 1b) are adopted, to revoke Blayney Local Environmental Plan 1998.</p>																		
<p>3. That Council, in exercising its delegation under Section 59 of the Environmental Planning and Assessment Act 1979, as endorsed by NSW Planning & Environment in the Gateway Determination, forward the relevant documents to Parliamentary Counsel for opinion, to make amendments to Blayney Local Environmental Plan 2012 as detailed above and the making of a Local Environmental Plan.</p>																		
<p>The DIVISION was taken and the names of the Councillors voting FOR and AGAINST were as follows:</p>																		
<table><tr><td>FOR</td><td>AGAINST</td></tr><tr><td>Councillor Ewin</td><td></td></tr><tr><td>Councillor Braddon</td><td></td></tr><tr><td>Councillor Oates</td><td></td></tr><tr><td>Councillor Somerville</td><td></td></tr><tr><td>Councillor Ferguson</td><td></td></tr><tr><td>Councillor Radburn</td><td></td></tr><tr><td>Total (6)</td><td>Total (0)</td></tr></table>			FOR	AGAINST	Councillor Ewin		Councillor Braddon		Councillor Oates		Councillor Somerville		Councillor Ferguson		Councillor Radburn		Total (6)	Total (0)
FOR	AGAINST																	
Councillor Ewin																		
Councillor Braddon																		
Councillor Oates																		
Councillor Somerville																		
Councillor Ferguson																		
Councillor Radburn																		
Total (6)	Total (0)																	

Status*17 Oct 2016 - 8:59 AM - Sonia Hibbert*

In progress - being finalised to send to Parliamentary Council

Meeting	Resolution Number	Subject
Ordinary Council Meeting 19 September 2016	1609/019	CentrePoint Sport & Leisure Centre - Swimming Pools and Plant Infrastructure Upgrade
RESOLVED That Council proceed to undertake community consultation on the proposed upgrading works of the swimming pools and plant infrastructure at CentrePoint Sport and Leisure Centre Blayney.		
Status <i>17 Oct 2016 - 8:59 AM - Sonia Hibbert</i> In progress		

Enclosures (following report)

Nil

Attachments (separate document)

Nil

04) LOCAL TOURISM ORGANISATION - BRAND ORANGE

Department: Executive Services

Author: General Manager

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

File No: ED.IN.3

Recommendation:

That, subject to receiving further information, Council provide in principle support to Orange City Council proposal for an industry led Local Tourism Organisation to undertake tourism promotion, marketing and events for the Blayney, Cabonne and Orange region.

Reason for Report:

Orange City Council (OCC) has written to Council seeking Blayney Shire Council involvement and support for a new industry led, Council supported Local Tourism Organisation to deliver regional tourism marketing and promotion services for the Orange, Blayney and Cabonne council local government areas.

Report:

Since 2009, Brand Orange has been contracted by OCC to deliver marketing promotion and events including; Taste Orange campaigns in Sydney, Orange Food and Wine Festival and Food Week. In addition, NSW Health utilised the marketing expertise of Brand Orange to promote the regions recruitment opportunities to health professionals seeking a tree change.

A significant component of the OCC tourism services budget allocation has been matched by industry and other stakeholders to fund the operations of Brand Orange since its inception in 2004.

Many of Blayney Shire's events, retail, restaurant, accommodation and winery based operators; which includes a concentrated number in Millthorpe area, are industry based members of Brand Orange.

The current branding strategies of Visit Orange, the marketing brand of the OCC Visitor Information Centre and Brand Orange, which has a regional focus has been creating challenges for both organisations. The 2 individual website entry points and separate branding 'calls to action' is creating confusion and disparity to consumers.

In June 2016, Brand Orange presented a Joint Venture proposal to OCC for a new entity to deliver visitor information services, destination marketing and events management for the Orange region.

Following this, in August 2016, OCC conducted a series of tourism workshops and have developed an Orange Regional Tourism Engagement Report. Blayney Shire tourism operators were invited and some attended these workshops. In regards to an effective governance model to support local (regional) tourism marketing and promotion in the future, the main recommendation was for a collaborative approach and to develop an industry led tourism body.

On 22 September, OCC considered the proposal from Brand Orange again and agreed to the concept of an industry led entity to deliver regional tourism services. In doing so OCC also resolved to;

- seek Blayney Shire Council and Cabonne Council's interest/support in the concept and to continue their involvement in regional tourism, whether or not there is an amalgamation.
- facilitate the necessary planning and design of an industry-led tourism entity
- establish a Transition Board that includes representatives from Cabonne and Blayney areas

A copy of a letter from the Mayor of OCC to Blayney Shire Council with the OCC resolution made on 22 September is enclosed following this report.

Council's Mayor, General Manager and Community Development/Tourism Projects Officer attended an information meeting facilitated by Brand Orange on 10 October 2016. This session sought to answer some questions which had been raised about the proposed Transition Board and immediate future for Brand Orange.

Issues:

OCC had only committed to funding Brand Orange for the current Tourism Services contract until 31 December 2016. However, it was confirmed on Monday 10 October at the Brand Orange meeting that OCC would extend the funding required for Brand Orange to remain operational until 30 June 2017.

It is imperative that the Brand Orange board and management structure remain in place as is during this interim period, so the assurance provided by OCC that funding has been extended will ensure marketing campaigns already underway for events to be held in 2017 may continue seamlessly.

The actual structure and role of the Transition Board remains to be determined by OCC. Staff from OCC are in the process of developing a model and timeframe with a report being prepared for the OCC October meeting.

Blayney Shire Council staff consider the most appropriate vehicle for the Transition Board is a committee of Council with representation from all stakeholders.

This committee would be tasked with a set of objectives and milestones to undertake the investigation, planning, review and delivery of recommendations about the preferred governance structure of the new regional tourism entity.

The concept of a Local Tourism Organisation providing the mechanism for the Orange and surrounding region's branding, promotion, events coordination and marketing campaigns is a sound one. A successful tourism promotions and destination marketing entity must be led by tourism operators and industry stakeholders with Council role as a facilitator and partner.

As Council would be aware the Regional Tourism Organisation, Central NSW Tourism is in a state of flux at the moment given the changes to Destination NSW regions and funding of regional bodies. The establishment of a Local Tourism Organisation is appropriate and a positive collaboration between the 3 councils which share and benefit from each other's events, attractions and tourism activities.

Budget Implications:

Blayney Shire Council has been and is currently a member of Brand Orange contributing \$3,000 per annum from the Tourism Promotions budget. Council also pays for marketing campaigns and advertisements in Brand Orange developed brochures that match the Shire of Villages audience/market and tourism attractions on an ad hoc basis. Until an assessment of what services will be provided and what funding is needed to fund the new entity the budget that Blayney Shire Council has established for Tourism Promotion will remain the same.

Notwithstanding the small promotional campaign of \$40,000, Blayney Shire Council employs a part time Community Development Tourism Projects Officer and funds the Cottage for the Visitor Information Centre Volunteers. This is not expected nor required to change in the foreseeable future, irrespective of the creation of a Local Tourism Organisation.

OCC has allocated \$50,000 to fund the Transition Board.

Participation of a representative onto the Transition Board would not be considered an onerous expense, and cost would be covered by Councillor or staff travel expenses.

Enclosures (following report)

1	OCC Letter - New Local Tourism Organisation	2 Pages
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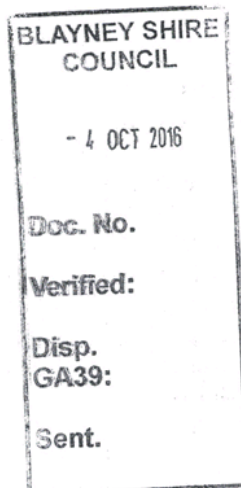
Attachments (separate document)

Nil

D16/44583

28 September 2016

Cr Scott Ferguson
Mayor
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799



Dear Scott

Orange City Council (OCC) has been dealing with a proposal from Brand Orange for a new model for Tourism Services involving a new entity between OCC and the Industry rather than the current contracted model. Tourism in our areas doesn't work on LGA boundaries but over our districts so in our consideration of the proposal OCC has resolved to seek your continued involvement and support.

Timing of the Brand Orange proposal, their request to provide a response from OCC by October, the conclusion of the existing Tourism Services contract and the need to sustain, as a minimum, the status quo services has in part driven the timing of Council's response.

The Council resolution from it's meeting of 22 September can be found on page 2 or this letter.

The resolution still leaves some significant work to do before confirming a direction with the new entity or not, but does provide an opportunity for a supported transition board to shape a new entity and program for consideration.

As mentioned we would like Cabonne and Blayney's involvement and would value your views so I ask that we get the appropriate staff together to discuss.

PO Box 35, Orange NSW 2800 Civic Centre, Byng Street Orange NSW Australia
Telephone 1300 650 511 Fax 02 6393 8199

-2-

2.2 TOURISM STRATEGY AND SERVICES DELIVERY

TRIM REFERENCE: 2016/2206

RESOLVED - 16/407**Cr J Davis/Cr K****Duffy**

- 1 That Council advise Blayney Shire Council and Cabonne Council of the concept of an industry led entity to deliver regional tourism services and seek their interest/support in the concept and to continue their involvement in regional tourism, whether or not there is an amalgamation.
- 2 That Council facilitate the necessary planning and design of an industry-led tourism entity to enable Council to undertake a full consideration of the impact on regional tourism services via the following processes:
 - a Establish a Transition Board with the structure to be reported back to Council for determination, to include representatives from Cabonne and Blayney areas where appropriate.
 - b Task the Transition Board with the preparation of key documentation that a new industry led entity would operate under, including a detailed draft strategic plan based on one brand for regional tourism marketing and focused on driving increased visitation, a draft operational plan including financial modelling and the design and processes/steps to implement a governance structure to form an industry led regional tourism entity.
 - c That the Transition Board present the key documentation to Council to enable the determination to enter into a funding agreement with a new industry led organisation to be resolved.
- 3 That Council allocate from the existing Tourism Services Contract budget \$50,000 to accommodate costs it would incur associated with the work to assess the creation of the new entity.
- 4 That Council work with the Transition Board to assess how funds from Council for regional tourism events might be allocated based on analysis of visitation impacts and value for money of current and future events.
- 5 That the balance of the report on tourism strategy and service delivery be noted.

Yours faithfully



Cr John Davis OAM
MAYOR

05) DEVELOPMENT COORDINATOR PROGRAM

Department: Executive Services

Author: General Manager

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

File No: CR.PL.1

Recommendation:

1. That Council notes the recruitment process and appointment of each individual Development Coordinator, for the Blayney Town Association, the Carmanhurst Villages Association and the Four Villages Association will commence, once the Program Funding Agreements for these clusters have been signed.
2. That Council approves the alternative proposal for the \$25,000 Development Coordinator funding for Millthorpe in 2016/17 as follows;
 - a) allocate up to \$5,000 for reimbursement of insurance and administrative costs of Millthorpe Village Committee; and
 - b) return the \$20,000 balance of the funds to the Village Enhancement Plan for the following;
 - a. \$5,000 for essential work on the Tallwood Hall;
 - b. \$15,000 for Millthorpe related projects identified in the Village Community Plan.

Reason for Report:

To provide Council with an update on the Blayney Shire Development Coordinator Program and seek approval for the proposed amendments to the financial support structure for Millthorpe Village Committee.

Report:

Council approved the establishment of the Blayney Shire Development Coordinator program (**Resolution No 1606/002**) at the June meeting. This provided \$100,000 funding under s356 of the Local Government Act from the Village Enhancement Plan budget to support geographical clusters of the shire Town and Villages volunteers with sourcing of external grants and community events. It was proposed that subject to each of the village associations being in agreement and them signing a Funding Agreement which was approved by Council at the August meeting (**Resolution No 1608/003**), Council would provide \$25,000 each to engage the services of a Development Coordinator.

Over the past few months, the Mayor, General Manager and Councillors have been attending and communicating with the individual town and village community representatives; be they Progress, Village or Hall Trusts associations.

The draft constitution was amended to add some assurance to the members when it might be required for Council to become involved with clarity about these situations given and how this would be communicated to the committee.

Well attended meetings were held in Barry, on the 21 September and Newbridge on 22 September being the inaugural meeting of the Four Villages Association and Carmanhurst Villages Association respectively.

The Four Villages Association encompasses the villages of Barry, Neville, Hobbys Yards and Newbridge. Carmanhurst Villages Association includes Carcoar, Mandurama and Lyndhurst areas.

At each meeting a Public Officer has been appointed, the draft constitution approved and a resolution passed to form the new association with authority given to the Public Officer to complete and lodge the registration application to NSW Fair Trading. Applications were lodged on 28 September and it is anticipated that this will be finalised by the end of October.

When the new incorporated associations are registered, another meeting will be held for each, facilitated by Council to support this process, and members will nominate a committee and elect an executive.

Subject to the Blayney Town Association electing a new President, they have agreed to the Funding Agreement as approved by Council.

The Development Coordinator Funding Agreement as approved by Council will be executed and signed for these 3 associations, after which the recruitment for the Development Coordinators may commence. Council will remain involved at this stage to support each executive with the selection and interview process to appoint their Development Coordinator.

Issues:

The Millthorpe Village Committee have decided that it does not wish to participate in the Development Coordinator Program. They have operated as a very proactive and professional community organisation for many years, drawing on the talents of its volunteer members, and there is a strong concern that introducing a paid position would upset a very effective formula that they have enjoyed to date. The current structure they have has resulted in a track record of successful targeted grant applications, as demonstrated recently with the NSW Club Grant of \$500,000 for Redmond Oval project and NSW Sport and Recreation Grant of \$25,000 for the new Canteen.

It is acknowledged that the one model may not suit all our villages and Council should respect the Millthorpe Village Committee position of wishing to continue its excellent relationship with Council, but not become involved in engaging the services of a Development Coordinator, or setting and enforcing performance targets.

The most need identified for support to the Millthorpe Village Committee however is for public liability insurance and administrative expenses incurred. It is therefore proposed that an alternative proposal for the allocation of the \$25,000 Development Coordinator funding for Millthorpe in 2016/17 be presented to Council for approval.

- c) allocate up to \$5,000 for reimbursement of insurance and administrative costs of Millthorpe Village Committee, payable upon receipt of evidence of payment and certificates of currency for insurance;
- d) return the \$20,000 balance of the funds allocated in the Development Coordinator Program back into the Village Enhancement Plan for the following;
 - a. \$5,000 for essential work on the Tallwood Hall;
 - b. \$15,000 for Millthorpe related projects identified in the Village Community Plan.

There is no need for the constitution of the MVC to be amended, provided it is clear that its objects are to represent the residents of Millthorpe and enhance the amenity of the village, so that it is the official voice of Millthorpe in its dealings with Council.

Budget Implications:

The total budget for the Development Coordinator Program would reduce to \$80,000 allocated as follows;

Blayney Town Association	\$25,000
Carmanhurst Villages Association	\$25,000
Four Villages Association	\$25,000
Millthorpe Village Committee	\$5,000
TOTAL	\$80,000

And total 2016/17 Village Enhancement Plan budget allocation adjusted to \$90,000.

These adjustments would be effected at the first reported Quarterly Budget Review Statement (QBRs) in November 2016.

Whilst the full 4 year funding is not guaranteed in the event of a Council amalgamation, this program is incorporated into the Blayney Shire Council Delivery Program and with a freeze on rate paths and service levels, it is unlikely that it would be changed.

Moving forward Council will prepare the 2017/18 Operational Plan and include the \$5,000 for MVC insurance/administrative costs under the Development Coordinator Program; and allocate \$20,000 under the Village Enhancement Plan to Millthorpe for priority projects as identified in the Village Community Plan.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

**06) MINUTES OF THE BLAYNEY SHIRE TOWNS AND VILLAGES
COMMITTEE MEETING HELD THURSDAY 15 SEPTEMBER 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: GO.ME.1

Recommendation:

That the minutes of the Towns and Villages Committee Meeting, held Thursday 15 September 2016, be received.

**MINUTES OF THE TOWN AND VILLAGES COMMITTEE MEETING
HELD ON THURSDAY 15 SEPTEMBER 2016
AT THE BLAYNEY SHIRE COMMUNITY CENTRE**

Meeting commenced at 6.00 pm.

PRESENT

Cr Allan Ewin (Chair), Rebecca Ryan (General Manager), Alvaro Marques, Bruce Gordon, Elizabeth Russ, Evan Lee, Kerry Adams, Kerry Cook, Richard Bloomfield and Wayne Moore

GUEST

Iris Dorsett (Road Safety Officer)

APOLOGIES

Cr Shane Oates, Cr Kevin Radburn, Judy Belecky, Loretta Kervin, Tamara Miller, Vicki Pulling

DISCLOSURES OF INTEREST

Nil

MINUTES FROM PREVIOUS MEETING – 16 JUNE 2016

Recommended that the minutes from the previous Town and Villages Committee meeting held on 16 June 2016 be adopted

(Kerry Cook / Elizabeth Russ)

BUSINESS ARISING

- Information Billboards – have been fabricated, signs have been designed and printed, now ready for installation
- Blayney Town Community Plan meeting to be held on Tuesday 25 October 2016

COMMUNITY SPEED WATCH

- Iris Dorsett (Council Road Safety Officer) discussed community safety issues and in particular implementation of Speed awareness campaigns
- Speed watch trailer, enforcement
- Traffic counters before and after can see if project modified behaviour
- Counters will capture weight of vehicles and time of day (2-3 weeks)
- Will provide evidence of results and determine if a problem
- Treatments
 - Public education
 - Variable Message Boards
 - Enforcement
 - Post evaluation
- RSO will attend a Town or Village meeting; identify issues and local concerns then develop strategies to implement
- Iris Dorsett's contact details
 - Phone 6333 6517 / Mobile 0407 065 482
 - Email IrisDorsett@bathurst.nsw.gov.au

COUNCIL AMALGAMATION UPDATE

- Cr Ewin provided an update on Merger Proposal for Blayney, Cabonne and Orange
- Council remaining focussed on Business as Usual

IGA COMMUNITY CHEST FUND

- Hobbys Yards Hall Committee have received a Community Chest grant of \$3,195.26 from Bernardi's IGA to be shared between each community hall in the shire
- 10 Halls will received \$319.50 each includes;
 1. Barry School Hall
 2. Carcoar School of Arts
 3. Hobbys Yards Hall
 4. Lyndhurst Memorial Hall
 5. Mandurama Memorial Hall
 6. Millthorpe School of Arts
 7. Neville Memorial Hall
 8. Newbridge Arts and Crafts Hall
 9. Panuara Recreation Hall
 10. Tallwood

Action: Council will provide list of names and contact details of each hall to Hobbys Yard Hall Committee to enable disbursement of grant funds

DEVELOPMENT COORDINATOR VEP UPDATE

- General Manager provided an update on the Village Enhancement Plan Budget expenditure for 2015/16 revoted into the 2016/17 allocation for local community projects
- Will communicate with each Town and Village Association as to 2016/17 projects priorities based on individual Community Plans
- Development Coordinator Program progressing, with new incorporated bodies being registered for geographical clusters (Newbridge, Neville, Barry and Hobbys Yards) and (Lyndhurst, Mandurama and Carcoar)

VISITOR INFORMATION CENTRE UPDATE

- Closed from the long weekend, Visitor Information brochures available from Council and local cafes/coffee shops
- Temporary Closed Notice to include Family History availability at Library
- Public Toilets will remain open
- Anticipated will re-open January 2017
- 20 Years Volunteer Service Luncheon held 17 September 2016

GARAGE SALE TRAIL

- Will be held 22 October 2016
- Blayney Shire has got off to a great start with registered Garage Sales
- A few combined Garage Sales have been registered including;
 - Boot & Ute sale in Blayney Community Centre Carpark
 - Carcoar School of Arts Sale of the Century
 - Hobbys Yards Hall Car Boot Sale and Sausage Sizzle

DELEGATES REPORTS

Millthorpe

- AGM held last month, and changes to Executive including new Secretary, Vice President and Treasurer
- Garden Ramble – 5th and 6th November 2016
- Millthorpe Markets – 4th December 2016
- Millfest – 17th December 2016
- Thanks to Council for Redmond Oval works, completion is delayed due to rain

Tallwood

- David Ewin new president
- Hall to be painted
- Rising damp issue has to be assessed

Hobbys Yards

- Now an incorporated Association
- Medal for long service to RFS was presented to Joseph Brown in Sydney by Governor General, Sir Peter Cosgrove
- Car boot sale and sausage sizzle to be held Garage Sale Trail

Newbridge

- AGM to be held this Sunday
- Successful Winter Solstice, growing in numbers

Kings Plains

- Bushfire Brigade AGM
- New houses being built

Rural

- Wet weather is setting up region for a good spring and summer
- Stock numbers and values holding, Livestock markets remain optimistic

Lyndhurst

- Funding from War Memorial fund to paint façade received
- Market Day – 23 October 2016
- Men's Shed Group meeting in the cafe

Carcoar

- School of Arts meeting has been held and the new Community Hall Association have been approved by the members to be appointed Trustee
- Change in executive and AGM for Carcoar Village Association
- Sub Committee have commenced planning for Australia Day 2017

GENERAL BUSINESS

- Fire Training at Carcoar School of Arts to be held at 11am, Saturday 17th September 2016 – all welcome to attend

NEXT MEETING

Next meeting will be held Thursday 15 December 2016.

MEETING CLOSE

There being no further business the meeting closed at 7.35pm.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

07) REPORT OF COUNCIL INVESTMENTS AS AT 30 SEPTEMBER 2016

Department: Corporate Services

Author: Acting CFO

CSP Link: 6.3 A well-run Council organisation.

File No: FM.IN.1

Recommendation:

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

Reason for Report:

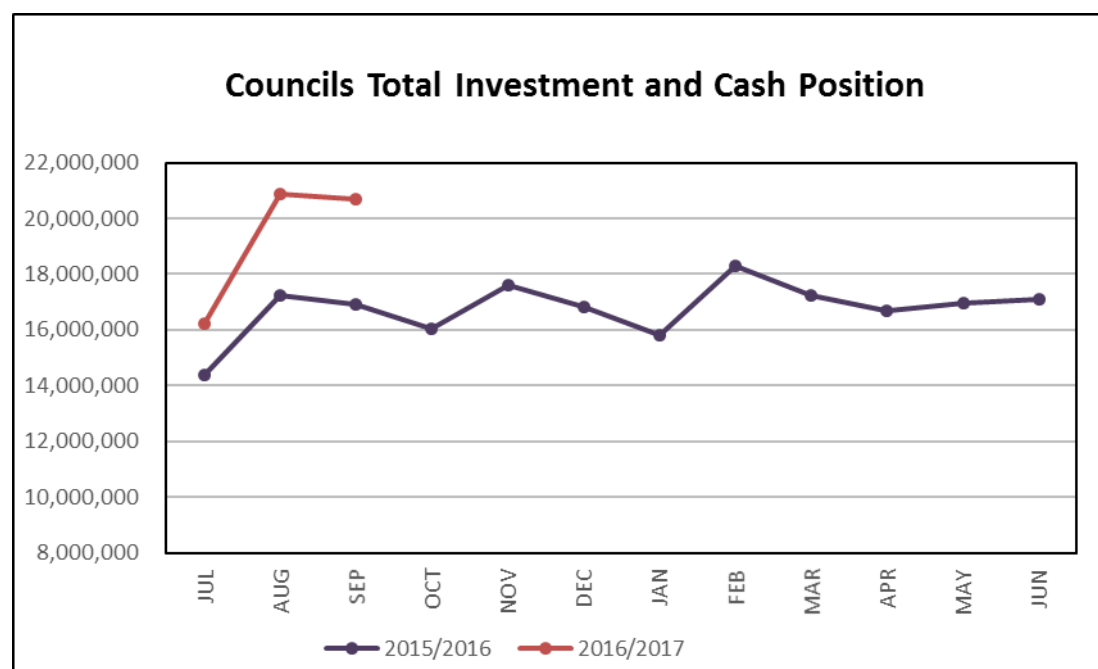
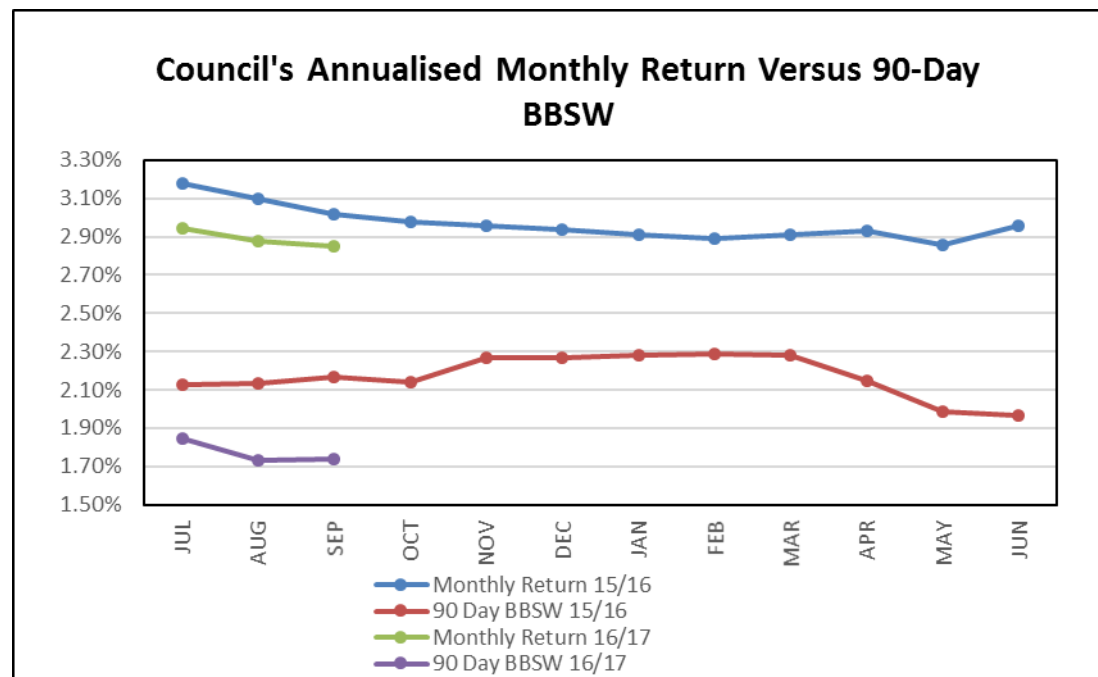
For Council to endorse the Report of Council Investments as at 30 September 2016.

Report:

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

Council's total investment and cash position as at 30 September 2016 is \$20,700,048. Investments earned interest of \$46,123 for the month of September 2016.

Council's monthly net return on Term Deposits annualised for September of 2.85% outperformed the 90 day Bank Bill Swap Rate of 1.740%.



REGISTER OF INVESTMENTS AND CASH AS AT 30 SEPTEMBER 2016				
Institution	Rating	Maturity	Amount \$	Interest Rate
AMP Bank	A1/A+	6/01/2017	500,000	2.850%
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%
AMP Bank	A1/A+	16/08/2017	500,000	2.800%
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-	4/10/2016	500,000	2.950%
Bankwest	A1+/AA-	14/02/2017	500,000	2.850%
Bankwest	A1+/AA-	11/10/2016	500,000	2.800%
Bankwest	A1+/AA-	29/11/2016	500,000	2.800%
Bankwest	A1+/AA-	14/02/2017	500,000	2.500%
Bendigo & Adelaide Bank	A2/A-	22/11/2016	500,000	2.800%
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+	29/11/2016	500,000	2.900%
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-	7/02/2017	500,000	2.680%
NAB	A1+/AA-	29/11/2016	500,000	2.920%
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%
Total Investments **			18,500,000	2.851%
Benchmarks:	BBSW 90 Day Index			1.740%
	RBA Cash Rate			1.500%
Commonwealth Bank - At Call Account			151,028	1.650%
Commonwealth Bank Balance - General **			2,049,021	0.950%
TOTAL INVESTMENTS & CASH			20,700,048	

* % Interest rates as at 30/09/2016

** Councils current cash position has 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 cash flow requirements.

Summary of Investment Movements - September 2016		
Financial Institution	Invst/(Recall) Amount \$	Commentary
IMB Bank	(54,665.75)	Term Deposit Matured 01/09/2016
IMB Bank	500,000.00	Term Deposit Reinvested 01/09/2016
National Australia Bank	(503,691.79)	Term Deposit Matured 06/09/2016
National Australia Bank	500,000.00	Term Deposit Reinvested 06/09/2016
Bankwest	500,000.00	Term Deposit Invested 14/09/2016

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

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

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

Individual Institution Limit	Rating	Policy Maximum	Actual Maximum
AMP Bank	A1/A+	3,000,000	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	2,500,000
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

<u>RESTRICTED CASH, CASH EQUIVALENTS & INVESTMENTS</u>	
	\$ 000's
External Restrictions - Sewer*	4,878
External Restrictions - Unexpended Grants*	1,480
External Restrictions - Other*	1,112
	7,470
Internal Cash Restrictions*	6,444
Unrestricted	6,786
	13,230
TOTAL CASH & INVESTMENTS	20,700

* Restrictions represent balance as at 1 July 2015. Confirmations of these balances at 30 June 2016 will not be known until finalisation of the annual financial statements

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

I, Tiffany 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

08) REVIEW OF STRUCTURE OF COUNCIL POLICIES AND PROCEDURES**Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 6.3 A well-run Council organisation.**File No:** GO.PO.1**Recommendation:**

1. That Council adopt the following structure for its Policy and Procedures Registers:
 - a. Strategic Policies;
 - b. Operational Policies; and
 - c. Procedures
2. That the following policies be repealed and removed from Council's Policy Register:

No.	Policy Name
1D	Communication between Councillors & Staff
3A	Responsible Accounting Officer
3B	Writing off debts
3E	Interest – Private Works
5A	Writing off Rates & Charges
19R	Temporary & Mobile Food Stalls Policy
25K	Removal of Street Trees

Reason for Report:

For Council to consider the adoption of a new structure of Council policies and procedures.

Report:

Following a review of Council's policy requirements and current structure, it is suggested that the Policy Register be divided to better define the various policies and procedures endorsed by Council.

The proposal is that policies/procedures submitted to Council for endorsement be divided into the following categories:

Strategic Policies

These are documents that set strategic direction or are political or statutory in nature and outside of the delegation of the General Manager to approve requiring Council approval for adoption. These would include such items as:

- Payment of Expenses and the Provision of facilities to Mayor and Councillors

- Code of Conduct
- Investment Policy
- Package for Doctors Incentives for Retention Attraction
- Privacy Management Plan

Operational Policies

These are documents that set direction not requiring a resolution of Council and are within the delegation of the General Manager to approve. These would include such items as:

- Categorisation of land as Farmland for rating purposes
- Secondary Employment Policy and Procedure
- Rates and Debtors Recovery

Procedures

These are documents that are operational and articulate a series of steps for undertaking something, or explanatory in nature. These are within the delegation of the General Manager to approve and would include such items as:

- Corporate Uniform Procedure of Council Staff
- Procurement Procedure
- Grazing of Stock on Council Owned Reserves

All policies currently are accessible from Council's website. Access is provided to staff on the Intranet and a hard copy of policies are made available at the Council depot.

In this review it is also proposed a number of policies be deleted as follows:

No.	Policy Name	Responsible Officer	Justification
1D	Communication between Councillors & Staff	Director Corporate Services	Not relevant. Covered by Code of Conduct.
3A	Responsible Accounting Officer	Chief Financial Officer	Incorporated into delegations under General Manager delegation.
3B	Writing off debts	Chief Financial Officer	Incorporated into delegations under General Manager delegation.
3E	Interest – Private Works	Chief Financial Officer	Interest not applied to Private Works. Fees & Charges listing if required.
5A	Writing off Rates & Charges	Chief Financial Officer	Incorporation into delegations under General Manager delegation.
19R	Temporary & Mobile Food Stalls Policy	Director Planning & Environmental Services	For deletion State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
25K	Removal of Street Trees	Director Infrastructure	For deletion. Superseded by Policy 25L.

Council's consideration is sought concerning the proposed format for the Policy and Procedure Registers and deletion of policies as listed.

Issues:

Strategic policies will require approval of Council for adoption. Operational policies and procedures will require endorsement of the General Manager for adoption.

Budget Implications:

Nil

Enclosures (following report)

1 Policy and Procedure Database Review Schedule 6 Pages

Attachments (separate document)

Nil

COUNCIL POLICY / PROCEDURE REVIEW 2016

No.	Document Name	Resp. Officer	Current Status	Recommended	Comments / justification
1A	Payment of Expenses and the Provision of facilities to Mayor and Councillors	DCS	Policy	Strategic Policy	
1B	Code of Conduct	DCS	Policy	Strategic Policy	
1C	Code of Meeting Practice	DCS	Policy	Strategic Policy	
2B	Media Spokesperson Policy	DCS	Policy	Strategic Policy	
2C	Complaints Management Policy	GM	Policy	Strategic Policy	
2D	Public Interest Disclosures: Internal Reporting Policy	DCS	Policy	Strategic Policy	
2E	Gifts and Benefits Policy	DCS	Policy	Strategic Policy	
2F	Fraud Control Policy	DCS	Policy	Strategic Policy	
2G	Access to Information Policy	DCS	Policy	Strategic Policy	
2H	Statement of Business Ethics	GM	Policy	Strategic Policy	
2I	Risk Management Policy	RO	Policy	Strategic Policy	
2J	Unreasonable and Unreasonably Persistent Customer Policy	DCS	Policy	Strategic Policy	
3G	Procurement of Goods & Services Policy	DCS	Policy	Strategic Policy	
3H	Community Infrastructure Policy	DCS	Policy	Strategic Policy	
3I	Community Financial Assistance Policy	DCS	Policy	Strategic Policy	

No.	Document Name	Resp. Officer	Current Status	Recommended	Comments / justification
3J	Disposal of Assets	DCS	Policy	Strategic Policy	
3K	Restricted and Unrestricted Cash Policy	CFO	Policy	Strategic Policy	
4B	Investment Policy	CFO	Policy	Strategic Policy	
4C	Corporate Credit Card Policy	CFO	Policy	Strategic Policy	
5E	Pensioner and Hardship Policy	CFO	Policy	Strategic Policy	
6C	Package for Doctors Incentives for Retention Attraction	DCS	Policy	Strategic Policy	
7S	Mobile Device Usage Policy	MIT	Policy	Strategic Policy	
8A	Email and Internet Usage policy	MIT	Policy	Strategic Policy	
8B	Social Media Policy	DCS	Policy	Strategic Policy	
9A	Workplace Health and Safety Policy	RO	Policy	Strategic Policy	
9G	Event Management Policy	DCS	Policy	Strategic Policy	
9I	Community Banner Usage Policy	DCS	Policy	Strategic Policy	
9I	Community Banner Usage Guidelines	DCS	Procedure	Strategic Policy	<i>To be incorporated into policy.</i>
11B	Records Management Policy	DCS	Policy	Strategic Policy	
11C	Privacy Management Plan	DCS	Policy	Strategic Policy	
18C	Waste Collection Policy	DPES	Policy	Strategic Policy	
19C	Use of Footpaths	DPES	Policy	Strategic Policy	
19E	Community Land Management Plan	DIS	Policy	Strategic Policy	

No.	Document Name	Resp. Officer	Current Status	Recommended	Comments / justification
19Q	Enforcement Policy	DPES	Policy	Strategic Policy	
22B	Asset Management Policy	DIS	Policy	Strategic Policy	
25F	Road & Street Names	DIS	Policy	Strategic Policy	
25L	Street Tree Policy	DIS	Policy	Strategic Policy	
25M	Fitness Instructors and Group Trainers Policy	DIS	Policy	Strategic Policy	
26D	Signs as Remote Supervision Policy	RO	Policy	Strategic Policy	
27B	Liquid Trade Waste Policy	DIS	Policy	Strategic Policy	
28A	Vandalism Policy	DIS	Policy	Strategic Policy	
5C	Categorisation of land as Farmland for rating purposes	CFO	Policy	Operational Policy	
6B	Public Liability Insurance – Community Celebrations	DCS	Procedure	Operational Policy	
7F	Equal Employment Opportunity Management Plan	MHR	Procedure	Operational Policy	For review.
7G	Protective Clothing & Equipment Policy for Outdoor Workers	RO	Procedure	Operational Policy	For review by Risk Officer
7L	Employee Development Policy	MHR	Procedure	Operational Policy	For review.
7N	Secondary Employment Policy and Procedure	MHR	Procedure	Operational Policy	For review.
7P	Grievance Handling Policy and Procedure	MHR	Procedure	Operational Policy	For review.
7Q	Working Alone Policy	RO	Procedure	Operational Policy	For review by Risk Officer
7T	Payment of Higher Duties Policy	MHR	Procedure	Operational Policy	

No.	Document Name	Resp. Officer	Current Status	Recommended	Comments / justification
2J	Unreasonable and Unreasonably Persistent Customer	DCS	Procedure	Procedure	
3C	Issuing Receipts	CFO	Procedure	Procedure	
3D	Asset Registration	CFO	Procedure	Procedure	
3G	Procurement Procedure	DCS	Procedure	Procedure	
3L	Contractor Management Procedure	RO	Procedure	Procedure	
4A	Reserve Funds (interest on investments)	CFO	Procedure	Procedure	
5B	End of Year Write off of rates interest	CFO	Procedure	Procedure	
5D	Rates and Debtors Recovery	CFO	Procedure	Procedure	
7H	Corporate Uniform Procedure of Council Staff	MHR	Procedure	Procedure	In need of review. Included in HR Handbook.
7R	Loss of Licence Policy & Procedure	MHR	Procedure	Procedure	For review.
11A	Acknowledgment of Correspondence	DCS	Procedure	Procedure	
20A	Cemetery	DIS	Procedure	Procedure	
24A	Private Works	DIS	Procedure	Procedure	
25F	The Naming of Public Roads & Streets	DIS	Procedure	Procedure	
25I	Grazing of Stock on Council Owned Reserves	DIS	Procedure	Procedure	
1D	<i>Communication between Councillors & Staff</i>	DCS	<i>Policy</i>	<i>For deletion</i>	
3A	<i>Responsible Accounting Officer</i>	CFO	<i>Policy</i>	<i>For deletion</i>	<i>For incorporation into delegations.</i>

No.	Document Name	Resp. Officer	Current Status	Recommended	Comments / justification
3B	<i>Writing off debts</i>	<i>CFO</i>	<i>Policy</i>	<i>For deletion</i>	<i>For incorporation into delegations.</i>
3E	<i>Interest – Private Works</i>	<i>CFO</i>	<i>Policy</i>	<i>For deletion</i>	
5A	<i>Writing off Rates & Charges</i>	<i>CFO</i>	<i>Policy</i>	<i>For deletion</i>	<i>For incorporation into delegations.</i>
6A	<i>Insurance Contributions to Community Organisations</i>	<i>DCS</i>	<i>Procedure</i>	<i>For deletion</i>	<i>Delete. Covered by Community FAP</i>
7A	<i>Recruitment Procedures</i>	<i>MHR</i>	<i>Procedure</i>	<i>For deletion</i>	<i>Delete. Determined by GM</i>
7B	<i>Pre-Employment Medical Assessment</i>	<i>MHR</i>	<i>Procedure</i>	<i>For deletion</i>	<i>Delete</i>
7C	<i>Interview Expenses</i>	<i>MHR</i>	<i>Procedure</i>	<i>For deletion</i>	<i>Delete. Determined by GM</i>
7D	<i>Relocation Expenses</i>	<i>MHR</i>	<i>Procedure</i>	<i>For deletion</i>	<i>Delete. At discretion of GM.</i>
7E	<i>Child Protection Policy and Procedure</i>	<i>MHR</i>	<i>Procedure</i>	<i>For deletion</i>	<i>Delete. Legislative requirement / included in letters of offer and Employee Handbook.</i>
7I	<i>Leave Entitlements and reports</i>	<i>MHR</i>	<i>Procedure</i>	<i>For deletion</i>	<i>Delete.</i>
7J	<i>Sick Leave</i>	<i>MHR</i>	<i>Procedure</i>	<i>For deletion</i>	<i>Delete. SL Bonus not paid and remainder within Award and Employee Handbook</i>
7K	<i>Special Leave</i>	<i>MHR</i>	<i>Procedure</i>	<i>For deletion</i>	<i>Delete. Covered by award and case by case arrangements.</i>
7M	<i>Recognition of Service of Council Employees</i>	<i>MHR</i>	<i>Procedure</i>	<i>For deletion</i>	<i>Delete. Covered by Employee Handbook.</i>
7O	<i>Return to Work Policy</i>	<i>MHR</i>	<i>Procedure</i>	<i>For deletion</i>	<i>Delete. Legislative requirement.</i>
8A	<i>Email and internet policy</i>	<i>MIT</i>	<i>Procedure</i>	<i>For deletion</i>	<i>Duplication.</i>
9A	<i>Occupational Health and Safety Procedure</i>	<i>MHR</i>	<i>Procedure</i>	<i>For deletion</i>	<i>Incorporated into WHS / Risk Management intranet portal</i>
9B	<i>Drug and Alcohol Policy</i>	<i>MHR</i>	<i>Procedure</i>	<i>For deletion</i>	<i>Deletion. In employee handbook.</i>

No.	Document Name	Resp. Officer	Current Status	Recommended	Comments / justification
9C	<i>Smoke Free Workplace Policy</i>	<i>MHR</i>	<i>Procedure</i>	<i>For deletion</i>	<i>Deletion. In employee handbook.</i>
9F	<i>Emergency Procedures</i>	<i>MHR</i>	<i>Procedure</i>	<i>For deletion</i>	<i>Incorporated into WHS / Risk Management intranet portal</i>
13A	<i>Tender Procedures</i>	<i>DCS</i>	<i>Procedure</i>	<i>For deletion</i>	<i>For deletion Covered by Procurement policy & procedure</i>
19R	<i>Temporary & Mobile Food Stalls Policy</i>	<i>DPES</i>	<i>Policy</i>	<i>For deletion</i>	<i>For deletion State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>
23A	<i>Motor Vehicles – ABS Braking and airbags</i>	<i>SF</i>	<i>Procedure</i>	<i>For deletion</i>	<i>For deletion. To be incorporated into one document.</i>
23B	<i>Air Conditioning</i>	<i>SF</i>	<i>Procedure</i>	<i>For deletion</i>	<i>For deletion. To be incorporated into one document.</i>
23C	<i>Purchase of Motor Vehicles & Plant</i>	<i>SF</i>	<i>Procedure</i>	<i>For deletion</i>	<i>For deletion. To be incorporated into one document.</i>
23D	<i>Motor Vehicle Replacements</i>	<i>SF</i>	<i>Procedure</i>	<i>For deletion</i>	<i>For deletion. To be incorporated into one document.</i>
23E	<i>Plant and Equipment Use</i>	<i>SF</i>	<i>Procedure</i>	<i>For deletion</i>	<i>For deletion. To be incorporated into one document.</i>
23F	<i>Plant Account Financial Operation</i>	<i>DIS</i>	<i>Procedure</i>	<i>For deletion</i>	<i>For deletion. To be incorporated into one document.</i>
25E	<i>Rural Road Maintenance Strategy</i>	<i>DIS</i>	<i>Procedure</i>	<i>For deletion</i>	<i>For deletion Integrated into a new dedicated Operational Policy entitled, Roads Policy.</i>
25K	<i>Removal of Street Trees</i>	<i>DIS</i>	<i>Policy</i>	<i>For deletion</i>	<i>For deletion. Superseded by Policy 25L.</i>

09) DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 6.3 A well-run Council organisation.

File No: PE.DI.1

Recommendation:

That the “Disclosures by Councillors and Designated Persons” Returns for the period ending 30 June 2016, as tabled be received.

Reason for Report:

For Council to fulfil its “*Disclosure of Interests in Written Returns*” obligations under Division 2 of the Local Government Act for maintaining a register and tabling of returns.

Report:

In accordance with Sect 450A of the Local Government Act 1993, all returns disclosing interests of Councillors and designated persons, for the period 1 July 2015 to 30 June 2016, must be tabled at the first meeting of Council following the last day for lodgement of the returns. This date was 30 September 2016.

Accordingly, a copy of the returns will be tabled at this meeting for each Councillor, who held office at 30 June 2016, and the following designated persons as determined by the General Manager:

- General Manager
- Director Corporate Services
- Director Planning & Environmental Services
- Director Infrastructure Services
- Acting Chief Financial Officer
- Operations Manager
- Senior Town Planner

Issues:

Nil

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

10) CODE OF CONDUCT COMPLAINTS FOR PERIOD 1 OCTOBER 2015 TO 30 SEPTEMBER 2016

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 6.3 A well-run Council organisation.

File No: GO.RP.1

Recommendation:

That the report on Code of Conduct complaints for the period 1 October 2015 to 30 September 2016 be received.

Reason for Report:

For Council to satisfy its obligations regarding annual reporting on Code of Conduct complaints.

Report:

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

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

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

The following statistics are provided for Council's information:

Detail	No.
Total number of complaints made about Councillors and the General Manager under the code of conduct in the period to 30 September, 2016	0
Number of code of conduct complaints referred to a conduct reviewer	0
Number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage and the outcome of those complaints	0
Number of code of conduct complaints investigated by a conduct reviewer	0
Number of code of conduct complaints investigated by a conduct review committee	0
Number of matter reviewed by the Office of Local Government	0
Total cost of dealing with code of conduct complaints made about Councillors and the General manager in the year to September, including staff costs	0

Issues:

Nil.

Budget Implications:

Nil.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

11) REQUEST FOR REFUND OF RATES 48 HILL STREET, BLAYNEY

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 6.3 A well-run Council organisation.

File No: WM.SP.4

Recommendation:

That Council approve a refund of Domestic Waste Management Charges to the property owner of 48 Hill Street (Lot 2 DP 770972) for period 21 December 2015 to 11 August 2016 in the amount of \$237.

Reason for Report:

For Council to consider a request for refund of the Domestic Waste Management Charges for period June 2013 to June 2016.

Report:

Council is in receipt of a request from the property owner of 48 Hill Street, Blayney (Lot 2 DP 770972) requesting the refund of Domestic Waste Management Charges for period June 2013 to June 2016.

The request was lodged by the ratepayer citing that no service was available at the property as there were no bins and the property has been vacant since October 2012.

The only record Council has is a report by the property on 21 December 2015 that the bins were missing. Councils' contractor was advised to provide replacement bins but the contractor has no record of replacing the bins, therefore it is assumed no replacement bins were provided in December 2015.

Subsequently in March 2016, with commencement of a new Waste Collection Contract, all premises within the Blayney LGA were provided with new bins. (However as per the contract, new bins were not left at any residence where there were no occupants residing at time of delivery.)

Bins were delivered to the property on 11 August 2016 upon notification that renovations were complete and occupants would be moving in.

Council's contractor has confirmed that no bins were in existence at the property for the period December 2015 to August 2016. The contractor however is unable to confirm whether bins were in existence during the period prior to the above period or if the service was being utilised, relying on residents to report missing bins.

Section 496 of the Local Government Act requires Council to make and levy an annual charge for the provision of domestic waste management services for each parcel of rateable land for which the service is available. As an annual charge it is levied and payable by the property owner regardless of whether the resident chooses to utilise the service similar to sewer services. As the property is not vacant land, a Domestic Waste Charge – Vacant Land Charge is unable to be levied upon the property.

Annual Domestic Waste Management Charges levied over the said period are as follows:

2013/14 year	\$ 310
2014/15 year	\$ 340
2015/16 year	\$ 400

Council officers have attempted to negotiate a resolution with the property owner without success and have tabled this report at the request of the property owner.

In consideration of this matter Council would be within its rights to decline this request as the charge levied under section 496 is an annual charge not a service charge. However, in the interest of compromise and given bins were not delivered it is recommended that a pro-rata refund be granted for the period December 2015 to August 2016 based on the annual Domestic Waste Management charges levied.

Issues:

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

Budget Implications:

Any refund approved will reduce income derived from Domestic Waste Management Charges.

Enclosures (following report)

- | | | |
|---|--|---------|
| 1 | Request for refund of Waste Management Charges | |
| | 48 Hill Street | 4 Pages |

Attachments (separate document)

Nil

From: Rebecca Ryan
Sent: Friday, September 16, 2016 5:51 PM
To: [REDACTED]
Subject: RE: IEM/26896 - Fw: IEM/26848 - Fw: review of overpaid rates ATT: Rebecca Ryan

[REDACTED]

Thank you for your email and whilst I appreciate your frustration, the refund request of 3 years of Domestic Waste Collection charge is outside my delegation of \$1,000.

I will organise a report to be presented to Council for their consideration detailing the situation you have explained. Please call me if you have questions, I will ensure you are contacted if we need any more information.

I do suggest that you organise payment of at least your Council Rates part in the meantime.

Regards

Rebecca

Rebecca Ryan
General Manager
Blayney Shire Council
PO Box 62 Blayney NSW 2799
p - 02 6368 2104 | w - www.blayney.nsw.gov.au



[REDACTED]

Sent: Friday, 16 September 2016 9:56 AM
To: Blayney Shire Council

Subject: IEM/26896 - Fw: IEM/26848 - Fw: review of over paid rates ATT: Rebecca Ryan

Does this message need to be registered in the corporate recordkeeping system ?

Good morning Rebecca,
assuming you are the general manager that Mark refers to -
I have contacted the ombudsman's office and been advised that although in Sydney metro there is no separation of domestic waste fees from the total amount of land rates, whilst it separated on Blayney Shires rate notice and the policy clearly states that whilst a service is being used it must be paid for - I am well within my right to seek a refund of the amount paid whilst NOT receiving the service.

Again I re-iterate that the property was last lived in in October 2012. I assume that shortly thereafter the contracted service provider for rubbish removal picked the bin up due to the property being unoccupied (and quite derelict looking if I might add) as there was definitely no bin there for me to dispose of anything between that time and when I moved back to Sydney in June 2103.

I understand that bins were since provided to me in August this year however I went to a great deal of trouble requesting these.

I notice that there is a 'vacant land rate' applicable on the policy - I wish to have this considered further by either waiving 3 yrs (June 2013 to June 2016) of \$400 fee for unused service (by way of discounting my rates rather than refunding any actual money) or by applying the vacant land rate at the very least and discounting my rates by the difference in that amount and what I have paid.

I await your response otherwise the ombudsman's office have advised that they will deal with this for me

Regards,

[REDACTED]

From: Mark Dicker
Sent: Thursday, 15 September 2016 2:38 PM
To: [REDACTED]
Cc: Planning and Environmental Services Records
Subject: RE: IEM/26848 - Fw: review of over paid rates

Dear [REDACTED],

I have discussed the matter with Councils General Manager and can advise the following.

Councils new waste collection contract commenced in April 2016, which saw JR Richards deliver new bins to all residents in March 2016.

It is noted that between March and August 2016 a Domestic Waste Collection service has not been available to 48 Hill Street Blayney, because as per the contract with JR Richards a residence needs to be occupied to have new bins delivered.

As this equates to approximately 6 months, Council is proposing to credit 6 months of the current 2016/17 Domestic Waste Collection fee (this is a credit of \$200).

Anytime the residence at 48 Hill Street Blayney was unoccupied prior to April 2016 was at the discretion of the owner and Council will not consider any refund prior to April 2016.

Regards,

Mark Dicker
Director Planning and Environmental Services
Blayney Shire Council

From: [REDACTED]
Sent: Thursday, 15 September 2016 9:11 AM
To: Mark Dicker
Subject: Re: IEM/26848 - Fw: review of over paid rates

Does this message need to be registered in the corporate recordkeeping system ?

Hi Mark,
Thanks for getting back to me promptly (this time)
May I point out (sec 1.2) that whilst there is an enforcement to utilize the services I couldn't even get council to deliver a bin so that I could whilst I was renovating the property to move tenants in! (I phoned MANY times and was always met with the same reply - we cannot deliver bins to a unoccupied residence, but u CAN charge the fee for one!.....)
Sec 2.1b where the service is provided the fee is payable - the service has NOT been provided since Oct 2012.....

Plz review your decision or I will be forced to make enquiries and lodge a formal complaint

Regards
[REDACTED]

Sent from my iPhone

On 15 Sep 2016, at 8:09 AM, Mark Dicker wrote:
Dear [REDACTED],

Thank you for your email and firstly I apologise it has taken me 3 weeks to respond to your initial email.

Waste Collection services are provided in accordance with a policy which has been endorsed by Council.

Policy 18C Waste Collection Services is the relevant policy which can be found at <http://www.blayney.nsw.gov.au/your-council/council-policies>. Additionally Council also has a contract with JR Richards for the collection of Domestic Waste.

Having considered the contents of your email, against Policy 18C and the Domestic Waste Collection contract, I can advise of the following;

- 48 Hill Street Blayney has contained a residential dwelling for many years, as such in accordance with 2.1(a) and (b) the full waste charge is to be applied.
- Unfortunately the policy does allow for a discount, suspension or refund of the Domestic Waste Charge, if the residential dwelling is vacant (irrespective of the reason) as occupancy of a dwelling is something not within Councils control.

Therefore I am sorry to advise unfortunately Council cannot refund or credit you for the Domestic Waste Charge component of your rates for any of the years requested.

If you would like to discuss this further please don't hesitate to contact me on 6368 2104 should.

Regards,

Mark Dicker

**Director Planning and Environmental Services
Blayney Shire Council**

From: [REDACTED]
Sent: Wednesday, 14 September 2016 12:11 PM
To: Blayney Shire Council <council@blayney.nsw.gov.au>
Subject: IEM/26848 - Fw: review of over paid rates

Does this message need to be registered in the corporate recordkeeping system ?

Hello,
plz see below and note that it has been 3wks since this was sent with no reply
I have recently received a rate reminder (seems it's easy to keep abreast of money that is owed TO council.....)
I expect a response to whether I will be reimbursed for the rubbish removal fee that I have paid but not utilised for 4yrs (yes 4 - I initially stated that there hadn't been a bin on premises since Oct 2013 but it was in fact Oct 2012 that the last tenant vacated)
I will not pay my current rate notice until someone contacts me about whether I will be reimbursed \$1600 (4yrs at \$400 per year)

If emailing a reply is not in your best interest, I may be contacted by telephone on: [REDACTED]
[REDACTED]

Regards,
[REDACTED]

From: [REDACTED]
Sent: Monday, 22 August 2016 2:45 PM
To: council@blayney.nsw.gov.au
Subject: review of over paid rates

Good afternoon,
I am the owner of 48 Hill St Blayney and recently had an incredible amount of trouble requesting garbage bins for my property
Being that the property has been vacant and I've had none for the past 3yrs (since Oct 2013) - I would like a review of the rates I've paid since then as there is a 'waste disposal' charge of \$400 per annum that I have not utilising
Would someone plz look into this at the earliest and provide me with a response otherwise I may be inclined to seek further advice as to my rights regarding a refund

Thankyou kindly,
[REDACTED]

Assessment number: [REDACTED]

12) REDUCTION OF RATING INCOME FOLLOWING EXPIRY OF 2008/09 SPECIAL RATE VARIATION

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 6.3 A well-run Council organisation.

File No: RV.PO.2

Recommendation:

1. That Council receive the report on the Reduction of Rating Income following expiry of the 2008/09 Special Rate Variation.
2. That Council note that it has levied rates beyond its 2016/17 General Permissible Income resulting in a reduction of \$209,250 to the 2017/18 General Permissible Income.
3. That the reduction to the 2017/18 General Permissible Income be applied as follows:

2012/13 Mining SRV	\$127,803
2014-16 Roads, Bridges and Footpaths Renewals SRV	\$ 23,727
General operations	\$ 57,720

Reason for Report:

To report to Council the reduction to rating income (General Permissible income) following the expiry of the 2008/09 Special Rate Variation for the Community Centre.

Report:

In February 2016 Council received a report advising the pending expiry of the 2008/09 Special Rate Variation (SRV) for the Blayney Shire Community Centre project. The increase approved for commencement in 2008/09 to general income was \$275,415.

Over the life of the special rate variation, Council resolved not to apply annual percentage increases to this amount as part of a community undertaking that the ratepayer contribution to this project would remain fixed. This resulted in Council not taking the maximum rate peg amount or the maximum permissible amount annually.

When Council levied its 2016/17 rates a reduction by \$275,415 to its general permissible income was effected in good faith to ensure Council generates what was considered the correct level of rate revenue.

Council has received notification from the Office of Local Government (OLG) that a reduction to permissible general income by \$484,685 should have been effected. This was on the basis that the Instrument of Approval issued for the 2008/09 SRV references reduction of Permissible General Income upon expiry by annual increases to Council's general income over its duration. This has equated to a reduction of the full rate peg amount and any special rate variation applied annually to Council's general income over the life of the SRV regardless of what increase Council had resolved or purpose increases were to be applied to, in the case of a SRV.

The table below compares increases allowable to those adopted by the Council since 2008/09:

	Rate Peg	SRV / Other adjustment approved	Total Increase applied to expiring SRV	Council approved increase to General Income
2009/10	3.5%	4.22% ⁽¹⁾	4.22%	3.25%
2010/11	2.6%		2.6%	2.42%
2011/12	2.8%		2.8%	2.61%
2012/13	3.6%	40.7%	40.7%	40.7%⁽²⁾
2013/14	3.4%		3.4%	3.324%
2014/15	2.3%	4.69%	4.69%	4.69%⁽³⁾
2015/16	2.4%	5.11%	5.11%	5.11%⁽⁴⁾

(1) Interim Crown Lands Adjustment

(2) Mining SRV 37.4% + General Increase 3.3%

(3) Year 1 of 6% SRV increase excluding Community Centre and Mining SRV's for funding towards Roads, Bridges and Footpaths Renewals Program

(4) Year 2 of 6% SRV increase excluding Community Centre and Mining SRV's for funding towards Roads, Bridges and Footpaths Renewals Program

Objection to the fairness of the proposed reduction to income was raised with OLG in light of the fact that Council did not increase its income by the amounts stated nor was it permitted to increase the Community Centre SRV by the amounts approved for other SRV's. The OLG have advised that as Council did not have the Community Centre SRV as a special rate that was distinct and separate it was unable to demonstrate through its Annual Rating Returns that the increases were not effected. They further advised that the application of the reduction to income to include SRV increases after 2008/09 has been raised with the Independent Pricing and Regulatory Tribunal, responsible for approval of SRV's, who have concurred with the philosophy.

Council has sought clarification as to whether it may reduce approved special rate variation programs approved after 2008/09 as the increased income were for specific purposes and not able to be applied to the Community Centre SRV project, so as to not reduce Council's general revenue.

The OLG has confirmed that Council may reduce these programs so as to not penalise income for general operations however Council will be required to disclose in its Annual Report that these programs will take longer to deliver.

As a consequence, this will result in a reduction to Council's Permissible General Income of \$209,250 in 2017/18 to bring the total adjustment for the Community Centre SRV to \$484,685 and will impact upon Council's operating result by the same amount. Council will however reduce the SRV programs approved over the period so as to minimise its impact on Council's general operations as follows:

- | | |
|---|-----------|
| • 2012/13 Mining SRV | \$127,803 |
| • 2014–2016 Roads, Bridges and Footpaths Renewals SRV | \$ 23,727 |
| • General operations | \$ 57,720 |

A further outcome of this event is that it will be reported in Council's 2015/16 Annual Financial Statements (Special Schedule 8) that Council has levied rates in excess of its permissible amount.

Issues:

Council has levied rates beyond its General Permissible income by an amount of \$209,250. This amount must be reduced from its rate levy in the following year.

Budget Implications:

A reduction to Council's rates income in General Purpose Revenues of \$209,250 will be effected in 2017/18. As indicated in the report it is recommended that Council reduce its rating income for SRV programs resulting in these programs taking a longer period to deliver.

Enclosures (following report)

- | | | |
|---|---|---------|
| 1 | 2008/09 Special Rate Variation Instrument Of Approval | 2 Pages |
| 2 | OLG Response To Concern As To The Fairness Of The Proposed Reducation To Income | 1 Page |
| 3 | Expiring Special Rate Variation Calculation Worksheet | 1 Page |
| 4 | Draft 2015/16 Special Schedule 8 (2015/16 Annual Financial Statements) | 1 Page |

Attachments (separate document)

Nil



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

OUR REFERENCE
YOUR REFERENCE
CONTACT

Doc ID: A142609

Sarah Gubb
02 4428 4142

BLAYNEY SHIRE
COUNCIL
JUL 23 2008

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

22 JUL 2009

Dear Mr Roach

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

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

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

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

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

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

Yours sincerely


Garry Payne AM
Director General

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



LOCAL GOVERNMENT ACT 1993
INSTRUMENT UNDER SECTION 508(2)


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

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

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

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

Dated this 27th day of June, 2008.


The Hon Paul Lynch MP
Minister for Local Government

Anton Franze

From: Office of Local Government Response <OLGResponse@olg.nsw.gov.au>
Sent: Thursday, 13 October 2016 12:56 PM
To: Anton Franze
Subject: Reply from the Office of Local Government - (Our Ref: A512552) - JS

Does this message need to be registered in the corporate recordkeeping system ?

Doc ID: A512552

Contact: Helen Pearce
Phone: 02 4428 4131

Mr Anton Franze
Director Corporate Services
Blayney Shire Council

AFranze@blayney.nsw.gov.au

Dear Mr Franze

Thank you for your email of 26 August 2016, about the calculation of Council's early expiring special rate variation (SRV) of 2008-09.

I appreciate that Council is concerned about the difference between its calculation of the expiring SRV and that of the Office of Local Government (OLG). The OLG has reviewed the methodology for its calculation as requested by Council. In doing so it has consulted with the Independent Pricing and Regulatory Tribunal who have agreed with the calculation by the OLG.

The expiring SRV was part of the rate-base when other increases for SRVs, rate-peg and Crown land income adjustments were made to Council's general income. Therefore, to comply with the instrument for the 2008-09 SRV, the effects of these annual increases on the 2008-09 additional SRV funds must also be decreased. In conducting the review the OLG did find an adjustment resulting in a reduction in the total amount of the expiring SRV to \$484,685. A copy of the calculation has been emailed separately to Council.

I trust this clarifies the matter.

Yours sincerely

Mark Hely
Manager, Performance
Office of Local Government



**Office of
Local Government**

Locked Bag 3015, Nowra NSW 2541

e: olg@olg.nsw.gov.au | p: 4428 4100 | f: 4428 4199 | <http://www.olg.nsw.gov.au>

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Blayney

EXPIRING SPECIAL RATE VARIATION CALCULATION

Initial Amount \$ 275,415

Year	Ratepeg Increase	Interim Special Variations	Interim Crown Land Adj. (includes ratepeg)	Expiring Special Variations*
2008/09	3.2%			\$ 275,415
2009/10	3.5%		4.22%	\$ 287,049
2010/11	2.6%			\$ 294,512
2011/12	2.8%			\$ 302,758
2012/13	3.6%	40.70%		\$ 425,981
2013/14	3.4%			\$ 440,464
2014/15	2.3%	4.69%		\$ 461,122
2015/16	2.4%	5.11%		\$ 484,685
2016/17	N/A	Total to reduce by		\$ 484,685

* Calculation from initial amount

Applicable adjustment percentages are highlighted in bold and yellow. As there were no expiring SRVs the highest percentage applies.

Blayney Shire Council

Special Schedule 8 – Permissible Income Calculation
for the year ended 30 June 2017

\$'000		Calculation 2015/16	Calculation 2016/17
Notional general income calculation ⁽¹⁾			
Last year notional general income yield	a	8,130	8,566
Plus or minus adjustments ⁽²⁾	b	15	79
Notional general income	c = (a + b)	8,145	8,645
Permissible income calculation			
Special variation percentage ⁽³⁾	d	5.11%	0.00%
Or rate peg percentage	e	2.40%	1.80%
Or crown land adjustment (incl. rate peg percentage)	f	0.00%	0.00%
Less expiring special variation amount	g	—	(485)
Plus special variation amount	h = d x (c - g)	416	—
Or plus rate peg amount	i = c x e	—	147
Or plus Crown land adjustment and rate peg amount	j = c x f	—	—
Sub-total	k = (c + g + h + i + j)	8,562	8,307
Plus (or minus) last year's carry forward total	l	20	16
Less valuation objections claimed in the previous year	m	—	—
Sub-total	n = (l + m)	20	16
Total permissible income	o = k + n	8,582	8,323
Less notional general income yield	p	8,566	8,532
Catch-up or (excess) result	q = o - p	16	(209)
Plus income lost due to valuation objections claimed ⁽⁴⁾	r	—	1
Less unused catch-up ⁽⁵⁾	s	—	—
Carry forward to next year	t = q + r - s	16	(208)

Notes

- (1) The notional general income will not reconcile with rate income in the financial statements in the corresponding year. The statements are reported on an accrual accounting basis which include amounts that relate to prior years' rates income.
- (2) Adjustments account for changes in the number of assessments and any increase or decrease in land value occurring during the year. The adjustments are called 'supplementary valuations' as defined in the *Valuation of Land Act 1916*.
- (3) The 'special variation percentage' is inclusive of the rate peg percentage and where applicable Crown land adjustment.
- (4) Valuation objections are unexpected changes in land values as a result of land owners successfully objecting to the land value issued by the Valuer-General. Councils can claim the value of the income lost due to valuation objections in any single year.
- (5) Unused catch-up amounts will be deducted if they are not caught up within 2 years. Usually councils will have a nominal carry forward figure. These amounts can be adjusted for in setting the rates in a future year.
- (6) Carry forward amounts which are in excess (an amount that exceeds the permissible income) require ministerial approval by order published in the *NSW Government Gazette* in accordance with section 512 of the *Local Government Act 1993*. The OLG will extract these amounts from Council's Special Schedule 8 in the financial data return (FDR) to administer this process.

**13) MINUTES OF THE FINANCIAL ASSISTANCE COMMITTEE MEETING
HELD 22 SEPTEMBER 2016**

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 5.1 A diverse and sustainable population in our communities and villages.

File No: CR.SD.2

Recommendation:

1. That the minutes of the meeting held 22 September 2016 be received.
2. That the recommendations for 2016/17 - Round 1 of the Community Financial Assistance Program by the Financial Assistance Committee, in the amount of \$18,440, be approved.
3. That the action of the General Manager to approve additional amounts for insurance, sewer and rates in the amount of \$842.21 be endorsed.

Reason for Report:

For Council to approve the minutes of the Financial Assistance Committee meeting held 22 September 2016.

Report:

The first round of the Community Financial Assistance Program applications for 2016/17 was considered by the Financial Assistance Committee at its meeting held 22 September 2016.

An amount of \$23,000 in financial assistance was available for Round 1. There were 17 applications with a total value of \$576,863 in works or programs seeking \$80,002 in financial assistance.

The Financial Assistance Committee recommended \$18,440 be allocated to 9 projects. Recommendations are pursuant to the criteria stipulated in the Community Financial Assistance Program guidelines.

**MINUTES OF THE MEETING OF BLAYNEY SHIRE FINANCIAL
ASSISTANCE COMMITTEE
HELD ON THURSDAY 22 SEPTEMBER 2016
AT BLAYNEY SHIRE COMMUNITY CENTRE**

The meeting commenced at 5:25pm.

Present

G.Summerson D.Kennedy; Clr. Somerville;
A.Franze (Secretariat) N. Burns (Cadia)

Apologies

P. Sharpe (Cadia)

That the apologies tendered be noted and accepted.

1. Foreshadowed General Business

Nil

2. Declarations of Interest

Nil

3. Consideration of Round 1: 2016/17 Community Financial Assistance Program

That the applications in the cumulative amount of \$18,440 be recommended for approval by Council as disclosed in the attached schedule.

4. Approval for Insurance, Rates & Charges donations approved by GM

That the following additional amounts approved by General Manager between meetings totalling \$842.21 be endorsed:

Recipient	Year	Purpose	Approved	Payable	Additional amount
Newbridge Progress Association	2015/16	Insurance	\$1,000.00	\$,1634.00	\$634.00
Millthorpe School of Arts	2016/17	Rates/ Sewer	\$1,730.00	\$1,776.99	\$46.99
Millthorpe & District Historical Society	2016/17	Rates/ Sewer	\$4,160.00	\$4321.22	\$161.22
Total					\$842.21

5. General Business

Nil.

6. Future Agenda Items

Nil.

Next Meeting

The next meeting is scheduled for 22 March 2017

There being no further business the meeting closed at 6:33pm.

±

BLAYNEY SHIRE COUNCIL
FINANCIAL ASSISTANCE GRANTS: ROUND 1 - 2016/17

No	Applicant	Project	Total cost	Grant sought	Grant approved	Comments and feedback
1	Blayney Bears Junior Rugby League	Reimbursement of bain marie kit, electrical work & dry court fees	2,614	2,614	420	Purchase of bain marie \$2,194 not approved under this policy, to be referred to Council for funding. Reimbursement of Centrepont fee (dry court for training) recommended as a one-off approval.
2	Millthorpe & District Historical Society	Installation of solar power system	5,836	2,918	2,918	Sensible, energy efficient improvement to museum building. Will save running costs. Grant is 50% of cost, balance is to be sourced from society's funds.
3	Millthorpe Junior Soccer Club	Refund seasonal hire fees for Napier Oval & Blayney Show Ground	985	985	362	Difference between Redmond Oval Hire fee and Napier Oval / Blayney Showground fee approved.
4	Carcoar PA & H Society	Carcoar Showgrounds - Show Day - Bins	780	780	780	Mowing already covered in approved 2016/17 Operation Plan donations. Bins recommended for approval and for inclusion in Operational Plan in future years.
5	Raise Foundation	Empowering Young Women - Centrepont Fees	1,500	1,500	0	An excellent program but not generally available to the community. Also queries about structure of applicant and financial arrangements.

6	Country Womens Association Carcoar- Mandurama	Asbestos removal from roof	35,000	10,000	0	Essentially a private asset, although is used by some community groups. Main government funding not yet committed. Offer to match Cadia grant (\$1,500) if other main funding achieved.
7	Lyndhurst Soldiers Memorial Hall & Village Committee Inc	Replacing exit lights above exterior doors	850	425	425	Upgrade of exit lights to comply with current standards. Important improvement to a community facility well managed by village committee.
8	Millthorpe Arts Collective	150 year anniversary of the local school and town - Millfest	77,160	9,910	0	No detail on finances or structure of project or what grant would be used for. Not the necessary broad community benefit to fit within purposes of community financial assistance policy.
9	Textures Of One	Art & Craft Exhibition	14,000	1,500	0	An excellent and growing local event. Funding request appears to be to cover anticipated loss on exhibition. Council support already in form of waiver of hire fees and \$1,000 acquisitive prize.
10	Millthorpe Village Committee	Millthorpe Stone Wall - Entry, signage & plaque	20,835	20,835	0	No co-contribution proposed from the village committee. Approximately one half (\$10,000) to be covered by Village Enhancement Program funds.
11	Hobbys Yards Community Association Inc	Purchase of hall tables	758	490	490	Incorporation costs covered by Development Coordinator Program. Request for funding for tables (\$490) is recommended.

12	Blayney Junior & Senior Cricket Clubs	Dakers Oval Pickett Fence	24,000	10,000	0	Excellent project and funding from cricket clubs will be very important. However, fencing should not be installed without considering its overall ultimate fit with master plan for Dakers Oval. To be referred to Council and resubmitted.
13	Carcoar & District Historical Society Inc	Correction of rainwater drainage	2,145	2,145	2,145	An important and overdue improvement for an iconic asset in the village and shire. Will stop deterioration and remove a safety hazard. Recommend 100% funding.
14	Blayney High School	Bush tucker garden & outdoor learning space	4,000	2,000	0	An excellent concept but would be on Education Dept land and not generally available to the community.
15	Blayney Shire Community Mens Shed	Building a New Men's Shed Blayney Oldham Place	135,000	10,000	10,000	An important community facility. Unclear how council funding would fit into overall costing and whether balance of funding is secured. Suggest approval in principle, subject to negotiation and signing of a funding agreement.
16	Blayney Town Association	Skate Park - design and consultation	250,000	3,000	0	This needs to be a council initiated and supported project. No point in starting design work unless the concept is properly considered at council level first.

17	Carcoar School of Arts	Upgrade fire equipment of Carcoar Schools Arts Hall	1,400	900	900	This is one of many required upgrades to the Carcoar School of Arts, now under the management of a local committee. A worthy project to support.
			576,863	80,002	18,440	

SUMMARY:

Annual FAP budget 2015/16	100,000
Unspent budget from prior years	
Less claims for prior year rounds in 2015/16	
Less Funding allocated but not yet claimed from prior years	
Less 2015/16 Operational Plan Approved	
Donations (Rates, insurance and events)	-54,000
Total Available for Distribution 2016/17	46,000
Funds Available for Distribution in Round 1 (assumes 50% each round):	23,000

Issues:

The recommendations for funding are as recommended by the Financial Assistance Committee and are assessed against the Community Financial Assistance Program guidelines.

Budget Implications:

Council has an amount of \$100,000 allocated in 2016/17 for this purpose.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

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

Recommendation:

That the Director of Infrastructure Services Monthly report for October 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

Mandurama Rural Fire Station

Following the Sale by Public Tender, Council has received a successful bid for the removal of the fire shed. Work is required to be completed by 21 October, subject to weather.

Blayney Shire Men's Shed

Council has now resolved issues associated with correspondence to Crown Lands in respect to this matter and a formal letter of request has been sent to the correct officer, seeking Crown Lands advice on the most suitable way forward to addressing the land matters associated with the project.

Funding Applications

Council has recently submitted two funding environmental improvement funding applications.

- The NSW Government Environmental Trust program to undertake further riparian rehabilitation works along the Belubula River upstream of Pound Flat on land adjoining the Carcoar Showground and Danvers Street. The proposal is an extension upon the successful Revive! Pound Flat Project, and includes the removal of non-native trees and debris that are choking the stream bed, placement of snags to support fish habitat, install new fencing to control livestock access to the river bank and planting of endemic native trees, shrubs and riparian species.
- The NSW Government Fish Habitat Action Program to commence work on the Belubula River in Blayney immediately upstream and downstream of Newbridge Road at the Glassons Bridges.

The proposal is to remove non-native trees, weed and debris that are choking the stream bed, placement of snags to support fish habitat, install new fencing, planting of endemic native trees, shrubs and riparian species. This work is intended to be a precursor to the development of a link between Heritage Park and Dakers Oval, as identified in the Blayney Active Movement Strategy and the Blayney Main Street Plan.

Council was able to obtain letters of support from various landholders adjoining the sites to further support its application.

Council staff have assisted in the preparation and submission of a funding application under the NSW Government Fixing Country Truck Washes program for the upgrade of the Central Tablelands Livestock Exchange Truck Wash, to improve its capacity and environmental performance. Council is not committing any funds to this project, but believes it would have a positive impact on the environment on the Blayney Shire road network.

Wet weather impacts

Council staff are busy utilising the break in the weather to undertake repairs to some of the worst sections of failed road across the Shire. Works are focused on high traffic volume and higher speed roads. Work to address failings on the road network in Urban (low speed) areas will be programmed when higher risk areas are addressed. It is becoming apparent that the significant proportion of failures are a result of natural springs, that once they have “broken ground” cause rapid deterioration to road pavements and surfaces.

Disaster Recovery

The Blayney Shire received a Natural Disaster declaration, on 27 September as a result of wind and storm events from July 2016.

Council will now liaise with NSW Roads and Maritime Services on the damage assessment to the road network that Council has undertaken, to finalise the scope of works.

Council recently received notification from the NSW Government that it would be directing an additional \$500,000 in funds to Council in recognition of the extent of the road damage caused by road closures, that have resulted in diverted traffic flows, across the region.

There are a number of schemes available to those in areas declared Natural Disasters, including personal hardship, small business and primary producers. Further information is available from <https://www.emergency.nsw.gov.au/for-the-community/disaster-assistance/index.html>

Sporting Ovals

Access to playing fields continues to be a problem. Council has been limited in its ability to prepare grounds for play due to the highly saturated nature of the playing surfaces. Once moisture levels recede, Council will be able to undertake mowing and line marking type activities.

Sewerage Treatment

Flows through the Sewerage Treatment Plant continue to be high, however flows continue to decline with the reduction in wet days. Discharges to the

Belubula River have now ceased, however it should be recognised that with the pond system at capacity, once rain occurs, flows are expected to commence. Staff will continue to report on the quality of these flows should they occur, in accordance with our EPA license requirements.

The infiltration through our gravity pipe network during wet weather is the most likely cause of these high flow events. With Treatment Staff suitably trained, work will commence shortly on the undertaking of cleaning, CCTV and enhanced mapping of the network

Major Works

As a result of the weather, Council staff remain primarily focused on road damage repairs, associated with the extensive wet weather, and this is now directly impacting upon projects identified for completion in the 2016/17 financial year.

Staff are currently developing options to enable Council to deliver works on an accelerated program. These include the engagement of contractors and an additional, temporary roads construction crew.

Major Contracts

Redmond Oval Canteen Fitout

Council has placed orders with various suppliers for the kitchen fitout, and will project manage installation using internal resources, plumbing and electrical contractors where required.

Redmond Oval Upgrade

- Works on Redmond Oval still remain on hold.
- Staff recently endeavored to commence work to construct the new internal access road however it was quickly identified that the ground would not sustain heavy machinery, and work was deferred.
- We continue to communicate via attendance at monthly meetings of the Redmond Oval Committee and work through issues such as staging of the Millthorpe Markets in December, identification of an official opening date, and reactivation of the facility.

Blayney Showground Equestrian Centre

Following an establishment of a working group to develop plans for the Blayney Showground equestrian facility earlier this year, and the subsequent preparation of options, Council recently undertook a Request for Quotation.

Works identified included the construction of a dressage competition and training arena, and further options to enhance or construct a new showjumping arena.

Council undertook a Request for Quotation process for these works, and recently held a working group meeting to determine the preferred course of action, and identify any additional funding that may be available.

Council staff continue to liaise with working group stakeholders, and anticipate finalisation of a design solution and clarification of funding in coming months.

Building Maintenance Works

- Works on the Redmond Oval Rotunda have commenced. A qualified contractor has removed the existing kiosk and ceiling lining of the rotunda, with Council staff undertaking renewal works including paint removal and repainting, and the installation of new light fixtures.
- Works have also commenced on renewal works to the Redmond Oval amenities building, and completion is being timed to suit wet weather days, in order to minimise disruption to outdoor works.

Wastewater**Treatment Plant Inlet By-pass**

Council is preparing to address Hydrogen Sulphide issues within the inlet works at the Treatment Plant. In order to undertake the work, the inlet channel required a bypass be installed to enable flows to be redirected within the plant. Contractors have previously precast an inlet bypass channel, and this has recently been installed. Work can now be programmed to enable repairs to be undertaken to the inlet works.

Chambers Hill

Following the completion of work to address the poor flow capacity at the rising main discharge chamber at Chambers Hill on Orange Road, and the recent break in weather, Council has been able to undertake improvements at this location. Works have included construction of a retaining wall and hard stand to enable operators to get safely off the road when undertaking repairs and maintenance at this location.

Assets

Council staff are working closely with finance staff to finalise the revaluation of the parks and gardens assets as at 30 June 2016. The project has been complicated by the migration of data from the previous asset management system to AssetFinda and the sheer volume of works undertaken in the parks and gardens area, since the last revaluation in 2011.

Asset staff are working closely with Sewer staff to progress the revaluation of the Sewer network as at the 30 June 2017. This will involve the CCTV assessment of between 10 and 15 percent of the pipe network.

Heavy Plant and Fleet

- Council staff are continuing to work with Volvo to resolve the issue with the payload for the recently purchased truck. Volvo has acknowledged the issue and is working with the truck body builder to resolve the matter.
- Council has recently taken delivery of two new operations utes and has ordered a front deck mower.
- Various older, retired items of plant (caravans, fuel trailer, road broom) extraneous to Council use have been delivered to Pickles Auctions for “sale by auction”.

Issues:

Nil

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

15) 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

Recommendation:

That Council:

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.

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, the next phase in the Floodplain Risk Management Process is to undertake a Floodplain Risk Management Study and development of a Draft Floodplain Risk Management Plan.

The purpose of this report is to seek Council's approval to release the Floodplain Risk Management Study and Draft Floodplain Risk Management Plan for Blayney for public exhibition.

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).

Figure 2.1 (*NSW Government Floodplain Development Manual*) below describes the floodplain risk management process.

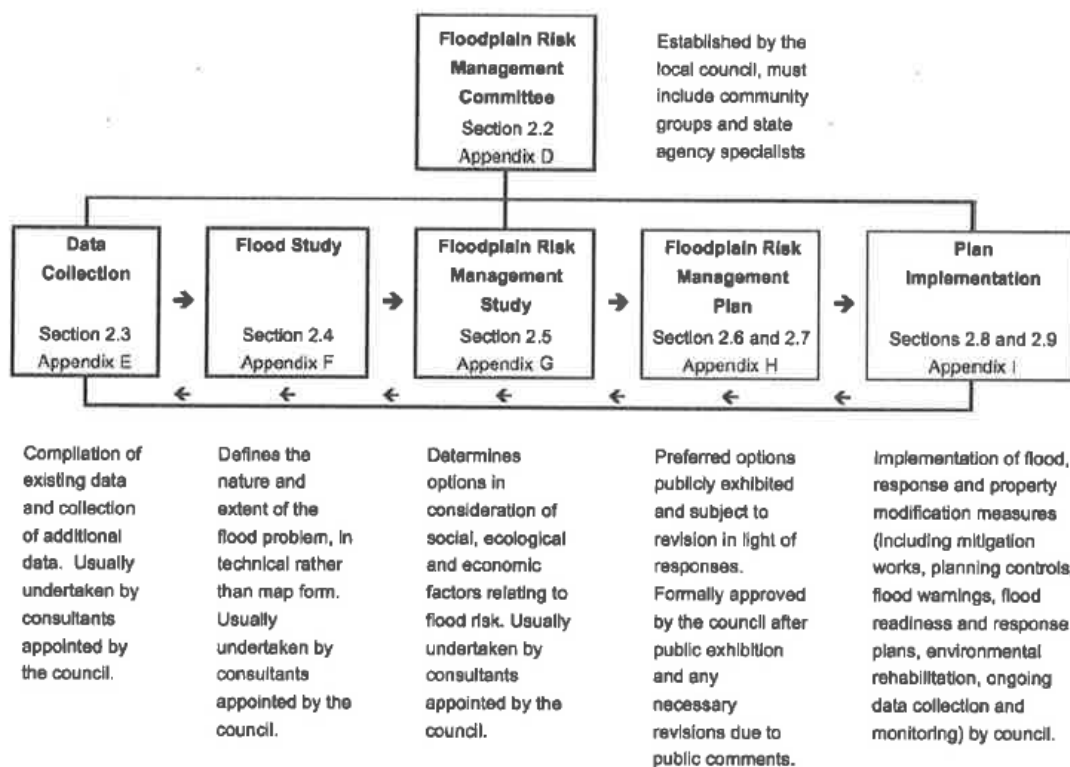


FIGURE 2.1 - The Floodplain Risk Management Process

At an extraordinary meeting of Council in May 2015, Council resolved to adopt the Town of Blayney Flood Study and approved the commencement of work on the undertaking of the Floodplain Risk Management Study and development of a Floodplain Risk Management Plan for the Town of Blayney. (Resolution No. 1505/E001)

Council's Consultant, Jacob's Group has now undertaken the Floodplain Risk Management Study (FRMS) (**Attached**). The preparation of the FRMS is a multi-disciplinary process involving engineering, planning, social and environmental science, economics and emergency management. It considers flood behaviour, danger and damage, community costs of flooding, future land use, the environmental needs of the river, a range of flood risk management measures, and the environmental and cultural impacts of these.

The FRMS is integrally linked to the Floodplain Risk Management Plan (FRMP), with the study identifying and assessing issues for input into the decision making process, that ultimately results in the development, and formal adoption of the FRMP.

The following timeline is proposed in order to complete the project by the end of the calendar year.

- Commence Public Exhibition – 25 October
- Community Forum – 7 November
- Public Exhibition Closes – 21 November
- Consultant responds to submissions – 1 December
(Consultant provides responses to submissions and a revised report and plan to FRMC).
- Floodplain Risk Management Committee meeting – 7 December
(FRMC consider Consultant responses to submissions and provides revised report and plan).
(FRMC recommend to Council that it adopt the Floodplain Risk Management Study and Plan).
- Council Meeting - 19 December
(Council formally adopts the Floodplain Risk Management Study and Plan).

At the recommendation of the Floodplain Risk Management Committee, it is recommended that Council, accept the Floodplain Risk Management Study and Draft Floodplain Risk Management Plan for Blayney, and 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.

Issues:

In accordance with the NSW Government's Floodplain Development Manual the report identifies social and economic impacts of flooding in Blayney. The report identifies both structural and non-structural measures for floodplain risk management.

A set of floodplain management measures is recommended for consideration by council and other stakeholders, these include: -

- Updating the Local Flood Plan for Blayney.
- Implementing controls over future residential development/re-development in flood prone areas 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. Restrictions will also be imposed upon development within the "Floodway" and "Major Overland Flowpaths" (Figure 5-1, p23), most notably impacting the Blayney Abattoir site.

These measures may create discomfort within parts of the community, and Council will need to carefully consider the implementation of these through a future Planning Proposal for the Blayney Local Environment Plan 2012 (LEP) and the future Development Control Plan (DCP) for Blayney. Such matters will include further engagement with Council as work is progressed to deliver them in 2017.

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 Draft Plan 83 Pages

16) ROAD FUNDING ALLOCATIONS**Department:** Infrastructure Services**Author:** Manager Operations**CSP Link:** 4.1 Adequate provision of transport, roads, rail, information and communication technologies and community social assets.**File No:** RD.MT.1**Recommendation:**

That Council:

1. Receive and note the proposed work locations for resealing, heavy patching, drainage works, and footpath renewals,
2. Vote additional expenditure in the amount of \$1,280,000 being \$530,000 for heavy patching, and \$750,000 for drainage maintenance,
3. Vote income in the amount of \$500,000 from the NSW Government, and \$780,000 from the Asset Replacement Reserve.

Reason for Report:

To provide Councillors with information on allocation of funding across Council's infrastructure.

Report:

The location of reseals, heavy patching, and footpath renewals has been determined for the 2016/17 financial year within the funding allocations.

Resealing

The resealing budget for 2016/17 is \$524,331. Council has approximately 90kms of seal in very poor condition. It is proposed to reseal 28.2kms of very poor condition seal this financial year.

Road	From	To	Length	Cost
Carbine Road	2.75km from Long Swamp Road	3.50km from Long Swamp Road	0.75km	\$12,252
Naylor Street	Start of Seal Mount Macquarie Road	Eulamore Street	0.70km	\$21,726
Moorilda Road	50 zone @ Barry	Kurangia Road	7.78km	\$126,441
Barry Road	50 zone @ Barry	0.9km from 50 zone @ Barry	0.90km	\$14,511

Barry Road	4.17km from Hobbys Yards Road	6.18km from Hobbys Yards Road	2.00km	\$48,694
Errowanbang Road	Panuara Road	Tallwood Road	8.34km	\$135,493
Carcoar Road	Browns Creek Road	2.24km from Browns Creek Road	2.24km	\$46,683
Long Swamp Road	Forest Reefs	Carbine Road	1.35km	\$32,641
Forest Reefs Road	Forest Reefs	Shire Boundary	4.14km	\$84,302
Total			28.2km	\$522,743

Heavy Patching

The heavy patching budget for 2016/2017 is \$544,774. Works are required to be undertaken on some of the reseal sections to ensure that the road is in suitable condition for resealing.

Road	From	To	Length	Cost
Errowanbang Road	4.1km from Panuara Road	5.3km from Panuara Road	1.2km	\$111,000
Forest Reefs Road	2.1km Forest Reefs	Shire Boundary	2km	\$233,000
Moorilda Road	3.8km from Barry	4.4km from Barry	0.6km	\$55,500
Guyong Road	Bentleys Lane	Shire Boundary	Various Patches	\$129,000
Total			~4.8km	\$528,500

Further, with the recent wet weather, there are a large number of roads that are showing distress that require heavy patching works. These roads are not currently able to be funded within the current funding allocation, and are as follows:

Road	From	To	Length	Cost
Newry Downs Road	Mid Western Highway	Belubula Way	2.4km	\$255,000
Ewin Street	Palmer Street	Tucker Street	Shoulder Work ~500m	\$84,000
Carcoar Road	Forest Reefs Road	Kinghams Lane	1.8km	\$202,500
Total			~4.7km	\$541,500

These works are to repair badly failed sections of road across the network. Works are continuing on fixing isolated 'bog holes' as they occur, with this funding coming from Council's current maintenance budget.

NSW Government Additional Funding

The NSW Government announced additional support for flood affected communities on Thursday, 6 October 2016. Blayney Shire Council is identified within this additional funding, and will receive \$500,000 of funding to put towards its roads to repair its damaged roads.

It is proposed to utilise this funding on drainage works to improve the resilience of the network against further storm events.

Given the recent wet weather, the culvert and drainage channels along the road network have suffered from sediment build up, and vegetation and other debris that has been transported by high stormwater flows.

Works have been undertaken within Council's maintenance allocation in the first quarter, with 42% of Council's maintenance budget expended in the first quarter.

It is therefore recommended to include an additional \$250,000 from reserves to undertake spot maintenance across the network to improve isolated drainage restrictions throughout the network.

Road	From	To	Length	Cost
Barry Road	Barry	Neville	8.2km	\$205,000
Forest Reefs Road	Forest Reefs	Shire Boundary	4.14km	\$102,500
Mandurama Road	Neville Road	Hilton Lane	6.4km	\$160,000
Burnt Yards Road	Bakers Road	1260 Burnt Yards Road	2.8km	\$70,000
Spot drainage repairs across the network				\$212,500
Total			~21.5km	\$750,000

Footpath Renewals

The footpath renewals budget for 2016/17 is \$42,025. It is proposed to complete approximately 210m of renewal across the footpath network:

These works will take place on:

- Adelaide Street
- Corner of Carcoar & Ogilvy Street
- Corner of Osman and Water Street
- Corner of Frape and Palmer Street
- Terragong Street

Issues:

The heavy patching works are identified as at 14 October 2016, and could change into the future dependant on the prevailing weather conditions. Council Officers will re-prioritise works within the budget as needed.

Budget Implications:

An additional \$1,280,000 of expenditure is required, this will be funded from the Asset Replacement Reserve (\$780,000) and the NSW State Government Grant (\$500,000)

Enclosures (following report)

Nil

Attachments (separate document)

Nil

17) PLANT HIRE TENDER 2016-18

Department: Infrastructure Services

Author: Manager Operations

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

File No: PS.TE.14

Recommendation:

That Council adopt the Plant Hire Tender list from Cabonne Council in accordance with the Local Government Regulation (General) 2005 Clause 169 (8).

Reason for Report:

To adopt a list of preferred plant hire contractors to assist Council in the delivery of its works.

Report:

Blayney Shire Council and Cabonne Council have worked together over the past 4 years on undertaking a tender for the hire of plant for both shires.

Cabonne undertook the tender process in accordance with *Clauses 166 and 168 of the Local Government (General) Regulation 2005* to develop a list of recognised contractors for works within the Cabonne Council and Blayney Shire Council. This list will be utilised by Council staff to invite quotations to undertake works within Council's program.

Contractors that have provided a schedule of rates for various items are shown in the enclosed report and recommended for acceptance.

As part of the submission, Council requested detailed information regarding the contractor's insurances and Work Health and Safety (WH&S) policies and procedures. The contractors were then ranked on their compliance with the questionnaire to enable Council officers to see at a glance the WH&S systems that the contractor has in place. This information will assist in streamlining the procurement process, and provides assurances to Council that it is able to meet its WH&S obligations.

The successful tenderers will have their details entered into a spreadsheet that Council staff will utilise to determine suitable contractors to undertake works.

Issues:

This list of contractors is critical for enabling Council to deliver its works effectively and efficiently.

Budget Implications:

All works are undertaken within existing budget allocations.

Enclosures (following report)

1 Plant Hire Tender List

1 Page

Attachments (separate document)

Nil

Tenderer

Aaron Howarth
Accurate Asphalt & Road Repairs
ADTC Civil Earthmoving
Aussie Digger Bobcat Specialists Pty Ltd
B & L Morrison Earthmoving
Bowman Devegetation & Civil Pty Ltd
Carman
Central West Civil Pty Ltd
Central West Earthworks
Central West Hydro Vac Services
Coates Hire Operations Pty Ltd
Colemans Earth Moving & Plant Repairs Pty Ltd
Complete Crushing Services Pty Ltd
Connolly Sand Pty Ltd
Connor Earthmoving Orange Pty Ltd
Conplant Pty Ltd
CPB Excavations
D & D Wilton Pty Ltd
Denrith Pty Ltd
Downer EDI Works Pty Ltd
Earth Plant Hire
EMS Equipment Hire
Ezyquip Hire Pty Ltd
Hadlow Earthmoving
Hamcon Civil Pty Ltd
Inco Group Pty Ltd
JH & MJ Trinade Pty Ltd
JR Richards and Sons
Kennards Hire Pty Ltd
Kerway Asphaltting Pty Ltd
Lockinda Pty Ltd
Matrix Agriculture
P & R Earthmoving
Paul Culverson Earthmoving Pty LTD
PremiAir Hire
Rob Rubie
Rollers Australia Pty Ltd
Sharpe Bros (Australia) Pty Ltd
Spicer Constructions Pty Ltd
SRS Excavations and Earthworks
Stabilcorp Pty Ltd
Stabilised Pavements of Australia
TG Hire
Townsend's Earthmoving
Toxfree Aust. Pty Ltd formally Barry Bros Pty Ltd
Universal Mobile Tower Hire
Western Plant Hire Pty Ltd

18) MINUTES OF THE EXTRAORDINARY BLAYNEY TRAFFIC COMMITTEE MEETING HELD 29 SEPTEMBER 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

Recommendation:

That the Minutes of the Blayney Traffic Committee Meeting held on Thursday, 29 September 2016, be received and noted.

MINUTES OF THE EXTRAORDINARY BLAYNEY TRAFFIC COMMITTEE MEETING HELD ON THURSDAY 29 SEPTEMBER 2016 ON-SITE AT 2 GEORGE STREET MILLTHORPE

Meeting commenced at 10.00am.

PRESENT

Cr Kevin Radburn (Chair), Reg Rendall (Paul Toole Representative), Iris Dorsett (Roads Safety Officer), Geoff Paton (Blayney Shire Council), Ian Evans, (Blayney Shire Council), Mark Dicker (Blayney Shire Council).

APOLOGIES

Peter Foran (NSW Police) & Jackie Barry (Roads & Maritime Services), Karl Hutchings (NSW Police – Local), Cr David Kingham (Blayney Shire Council).

GUEST SPEAKER

Mark Logan – Resident of George Street, Millthorpe was guest speaker at the Traffic Committee Meeting.

GENERAL BUSINESS

20160929:01 – Child Care Centre – 2 George Street, Millthorpe

The Local Traffic Committee suggests council consider:

- Installing “No Stopping” signs in accordance with the Australian Standards on both sides of George Street in the vicinity of the proposed development.
- Installing a continuity line across Pitt Street at the intersection with George Street.

FUTURE MEETING DATES - 2016

- Friday 21 October 2016
- Friday 9 December 2016

MEETING CLOSED

The meeting closed at 10.40am.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

19) MINUTES OF THE BLAYNEY SHIRE COUNCIL FLOODPLAIN RISK MANAGEMENT COMMITTEE HELD 30 SEPTEMBER 2016

Department: Infrastructure Services

Author: Director Infrastructure Services

CSP Link: 6.4 A safe community.

File No: EM.PL.2

Recommendation:

That the Minutes of the Blayney Shire Council Floodplain Risk Management Committee, held on Friday, 30 September 2016, be received and noted.

MINUTES OF THE BLAYNEY SHIRE COUNCIL FLOODPLAIN RISK MANAGEMENT COMMITTEE MEETING HELD ON FRIDAY 30 SEPTEMBER 2016 IN THE COUNCIL CHAMBERS

Meeting commenced at 11.00am.

PRESENT

Cr Kevin Radburn (Blayney Shire Council), Grant Baker (Blayney Shire Council), Michael Reeves (Jacobs Group [Australia] Pty Ltd), Akhter Hossain (Jacobs Group [Australia] Pty Ltd), Reg Rendall (SES), Kris Grbevski (Office of Environment & Heritage).

APOLOGIES

Diana Kureen (LLS – Central Tablelands), Craig Ronan (SES – Central West).

DISCLOSURE OF INTEREST

Nil.

CONFIRMATION OF MINUTES

RESOLVED: The minutes of the previous Floodplain Risk Management Committee Meeting held on Thursday, 13 November 2014 were confirmed to be a true and accurate record.

(Reg Rendall / Grant Baker)

REVIEW OF DRAFT FLOOD RISK MANAGEMENT STUDY REPORT

Jacobs Group worked through the draft document with Floodplain Risk Management Committee members.

The Committee then accepted the Draft Floodplain Risk Management Study and Draft Floodplain Risk Management Plan for Blayney, and referred it to Council by separate report, for placement on public exhibition seeking public comment, for a period of no less than 28 days.

GENERAL BUSINESS

Terms of Reference

Deferred to next meeting.

Future Floodplain Grants

Council is awaiting further advice on its application to the NSW Governments Floodplain Management Grants program 2016-17 to undertake a Flood Study and development of a Floodplain Risk Management Study/Plan for the Village of Carcoar.

FUTURE MEETING DATES

7 December 2016.

Meeting closed at 2.11pm.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

20) DEVELOPMENT APPLICATION NO. 60/2016 – CHILD CARE CENTRE - LOT 1 DP 575622 - 2 GEORGE STREET AND LOT 7 DP 929595, 60 VICTORIA STREET, MILLTHORPE

Department: Planning and Environmental Services

Author: Senior Town Planner

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

File No: DA.AB.1002

Recommendation:

That Council approve Development Application 60/2016 for a child care centre at Lot 1 DP 575622, 2 George Street and Lot 7 DP 929595, 60 Victoria Street, Millthorpe, subject to the conditions at Enclosure 5.

Reason for Report:

For Council to consider and determine Development Application 60/2016 for a child care centre at Lot 1 DP 575622, 2 George Street, and Lot 7 DP 929595, 60 Victoria Street, Millthorpe as submissions were received during the notification of the proposed development.

This development application was placed before the Ordinary Council Meeting of 15 August 2016 for consideration and determination. Council chose to defer the matter pending a site inspection. This site inspection was undertaken on 1 September 2016.

Report:

Application Number:	DA60/2016
Development:	Child Care Centre
Applicant:	J Smith
Owner:	J Smith
Lodgment date:	9 June 2016
Land:	Lot 1 DP 575622, 2 George Street, and Lot 7 DP 929595, 60 Victoria Street, Millthorpe
Local Environmental Plan:	Blayney LEP 2012
Zoning:	RU5 Village

The proposed development seeks consent to utilise an existing dwelling for a child care centre.

The building is located within a residential area some 450m from the centre of the Millthorpe village.

The building on Lot 1 is a three bedroom dwelling constructed in the 1950s, mainly of timber cladding and floor with a steel roof and a small front porch, and is located to the centre south of the allotment. The building is located on brick footings.

A carport is located on the northern side of the dwelling. The site contains some large shrubs front and back, is fenced on three sides and is some 787.84sqm in area. It has a slight slope away from the road to the north west of the property.

The adjoining land at Lot 7 contains a dwelling and the rear yard is occupied by a number of motor vehicles. The rear yard is to be utilised by the child care centre operator for the purposes of a car parking area as part of this development, specifically for the proposed child care centre.

The site is surrounded by residential development, dwellings and associated outbuildings in landscaped gardens.

The site is accessed off George Street, near the corner of Pitt Street. George Street is a sealed road with kerb and gutter along the western side of the street. The eastern side has a wide grassed verge.

The Millthorpe Public School and Redmond Oval are located about 200m to the north west of the site across Victoria Street.

A sewer line runs through the rear of the property, and the dwelling is connected. The location of the former septic tanks site has been identified, along the southern boundary of the rear yard. A water line runs past the front of the site in George Street.

Description of proposal

The use of the premises as a child care centre will involve considerable extensions to the northern side of the dwelling, a rear deck, creation of concrete paths around the building, and an outdoor play area, incorporating all of the rear yard being 381.9sqm. A front setback of 8m would be retained from George Street.

The altered building would be reclad in weathertex in muted colours, with a steel roof, and aluminium framed windows, and the carport would be removed. The building would contain an office, entry foyer, activities rooms, play area, kitchen, bathrooms and laundry, entrance ramp. and a rear deck with ramp.

The centre would contain a maximum child capacity of 38, plus 6-7 staff. The hours of operation would be 6.30am to 6pm, Monday to Friday.

The developer advises the following attendance times for staff:

Staff member 1 – 6.30am to 2.30pm
Staff member 2 – 6.30am to 2.30pm
Staff member 3 – 8am to 4pm
Staff member 4 – 9am to 5pm
Staff member 5 – 10am to 6pm
Staff member 6 – 10am to 6pm
Staff member 7 – 8.30am to 4pm (2 days only)

This would result in 4.5 hours when all 6-7 cars would be using the car parking area, being outside peak drop off/pick up times.

Given that the drop off time is from 6.30am to 9am, the number of staff parking spaces occupied in that time would be 3, leaving 7 spaces free for parents/carers. On two days a week another staff member would be there for half an hour from 8.30am to 9am.

If the pickup time is from 2.30pm to 6pm, the number of staff parking spaces occupied in that time would be 4, leaving 6 spaces free for parents/carers. On two days a week another staff member would also be there from 2.30pm to 4pm.

Some business signage would be erected at the front of the centre.

The original proposal stated that pedestrian access is available to the site, but parking (for parents/carers, and staff) would be on the street, and on the grass verge opposite. This parking was to accommodate 4 parallel spaces in front of the centre, 8 spaces opposite in a formed and sealed car parking area, and one accessible space on site.

As a result of consideration by the developer and the Council's Traffic Committee, the site meeting by Councillors, and the submissions received, a new car parking area has been proposed. The adjoining rear yard of No. 60 Victoria Street to the north is now proposed as a dedicated parking area.

This would provide 8 parking spaces off the street, including the required accessible space. 2 car spaces would remain on the street.

Site landscaping would be retained where possible, paving minimised, and lighting provided for access and security.

This development proposal was placed before the Ordinary Council Meeting of 15 August for consideration and determination. Council chose to defer the matter pending a site inspection. This site inspection was undertaken on 1 September 2016.

The matter was also referred to Council's Traffic Committee, who met on site on 29 September 2016.

Section 79C Evaluation - matters for consideration

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

1. State Environmental Planning Policies

There are no State Environmental Planning Policies relevant to this development.

2. Regional Environmental Planning Policies

There are no Regional Environmental Planning Policies relevant to this development.

3. Local Environmental Plans

The land is zoned RU5 Village under the Blayney Local Environmental Plan 2012, and the development is permissible in the zone with consent.

The objectives of the zone are considered as follows:

- To provide for a range of landuses, services and facilities that are associated with a rural village.
Comment: The proposal seeks to promote child care services within the village.
- To minimize conflict between land uses within this zone and land uses within adjoining zones
Comment: Adjoining development is largely residential. Conflict is perceived according to the submissions received, and the main issues relate to traffic and parking, and amenity. The issues are considered later in this report.
- To encourage and provide opportunities for population and local employment growth commensurate with available services
Comment: The development is expected to increase opportunities for employment and growth, through employment of staff, and increased child care facilities in the village.
- To minimize the impact of non-residential uses and ensure those uses are in character and compatible with the surrounding residential development.
Comment: This development seeks to promote child care services in the village. The issues raised in the submissions must be addressed before the impact can be considered compatible with adjoining development.

Clause 5.10 Heritage conservation

The subject building is located within the historic Millthorpe Heritage Conservation Area precinct, and the building is not heritage listed.

The building is constructed of timber and iron. The visual impact of the use of the building is expected to be improved with recladding and painting, with no significant impact on the heritage significance of the central precinct, due to location.

Council's Heritage Advisor provided comments relating to landscaping, colours, roof form and windows, which the developer has taken on board.

The visual impact of the proposed facility would be compatible with the variety of residential building designs and colour schemes already located in the vicinity.

4. Guidelines and policies

The proposal was originally notified to adjoining landowners. 10 submissions and a short petition were received, which are considered later in this report.

The proposed development was renotified upon receipt of a new car parking plan relating to Lot 2 DP 929595, 60 Victoria Street as part of the proposed development. Submissions were once again received, and are considered later in this report.

4.1 Blayney Shire Council Access Strategy

The Strategy was raised in the submissions received. It is a document designed to guide decisions of Council and to facilitate the operation of Council's Access Advisory Committee (AAC) toward consideration of matters in the wider community. It is not a document for the developer to have regard for.

The objectives of the Strategy are considered as follows:

Objective 1: Council and the wider community are to be more aware and informed relating to access.

Provisions have been incorporated into Council's through corporate plans, asset operations, staff training, communication of awareness, contact with service providers, advocacy and funding.

Objective 2: To advise Council on provision of access for all members of the community to Council facilities, infrastructure and buildings and to encourage the community to address access issues also.

This objective allows for consideration of community issues, Council asset management, corporate plans, Council awareness, promotional material, improvement programs for Council assets, service provider engagement, funding and service improvement.

Objective 3: This Committee will strive to assist Council to provide services that are accessible to all of the community.

This objective enables Council to audit facilities and people with disabilities, and develop priorities following community consultation, referral of DAs for public buildings and facilities to the AAC, encourage accessible and residential development, ensure accessibility standards and legislative requirements are met, ensure accessible parking audits.

Objective 4: This Committee will strive to improve community transport options available to all residents and in particular people with disabilities within the Blayney Shire.

The objective ensures collaboration with service providers, audit transport needs, survey the community, increase awareness.

Comment: The proposed child care centre has been conditioned to comply with accessibility with regards to the Building Code of Australia to be considered as part of the Construction Certificate. Site accessibility has been addressed right through the car park design process.

However, it would appear as though a wider problem has been identified here, in the lack of a footpath in George Street, along with numerous other streets in the rural villages. Where this issue has been identified as creating difficulties of safety the matter should be referred to the Council's Access Advisory Committee as a separate concern, for consideration and prioritization within Council's works program for asset management, as provided for in the AAC.

4.2 Millthorpe Village Enhancement Plan

Village Enhancement Plans have been prepared by Council and based upon information provided in consultation with village committees and individuals proactive in undertaking improvements in their part of the shire. The draft plans allow for further consultation at a village level and where agreed, adjustment to what has been proposed to ensure that future projects are supported by their communities, and allow for repairs and maintenance upgrades to roads, parks and gardens, bridges and general service areas which also support the Village Enhancement Plan.

A VEP is not a landuse planning document. The VEP is drawn up to support Council's Community Strategic Plan.

Comment: The VEP for Millthorpe has identified possible areas in Elliott Street for future retail development (not community facilities). However, one of these areas has since been developed for residential purposes, and the other is a heritage precinct which has minimal redevelopment potential. Therefore there is little potential for location of a child care centre in this location, as suggested in submissions.

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

There are no such proposed instruments relevant to this development.

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

The Millthorpe Development Control Plan No. 2 is relevant to the proposed development.

The aims of this DCP are considered as follows:

- Providing design guidelines for buildings that should be considered when planning new development.

Comment: The guidelines as outlined within this DCP are examined below with respect to the proposed development.

- Outlining significant streetscape elements and building styles for individual streets that should be taken into account when designing new development in the vicinity.

Comment: Streetscape elements and building styles for George Street are not specified. The site is within the Heritage Conservation Area, although development along the street and in the vicinity in Pitt Street is quite variable, with a mix of residential development, old and new. Development of the land for residential development has resulted in maintenance of an attractive streetscape.

Together with a sympathetic colour scheme and landscaping the child care centre is expected to complement the existing visual character of the neighbourhood.

- Requiring submission of Council's "good neighbour" policy with any development application submitted for work in the area that this plan applies to.

Comment: Assessment of the development's relationship to neighbouring properties presents issues relating to parking, traffic and amenity. Adjoining owners were notified by Council, and 10 submissions and a short petition were received, which are considered later in this report.

The provisions of the DCP are examined as follows:

Scale – the proposed development is compatible with the largely residential nature of the streetscape in terms of bulk and scale. With careful choice of landscaping and colour scheme, visual impacts would be minimised.

Materials and colours – the child care centre would be clad in Weathertex with an iron roof. The developer has shown preference for a Shale Grey roof, and agrees with the Heritage Advisor's recommendation for a Newport style profile cladding in Dulux Paperbark.

Roofs – the roof is to be steel, in Shale Grey.

Windows – side and rear windows would be aluminium frame, and the front windows timber frame double hung in agreement with the Heritage Advisor's recommendations.

Setbacks – the building is set back from the street by 8m and with the extensions this will be maintained. The southern side boundary setback of about 2m would be maintained. The additions would take place on the northern side of the building, maintaining a setback of 3.6m - 3.8m.

Garages, carports and sheds – an existing carport on the land would be demolished.

Fencing – no particular front fencing is nominated for this development. The rear and side boundaries would undertake colorbond fencing as recommended by the Heritage Advisor.

Landscaping – as much existing landscaping as possible will be retained, including large shrubs and mature trees.

Utility/service structures – no additional utility/servicing structures are required for the development. The dwelling has been connected to water, sewer, power and telephone.

Commercial development – the development is for a child care centre, that comprising a community facility, not a commercial premises, by definition under the BLEP 2012.

Rural Residential Development – not applicable.

Demolition – the development does not involve demolition, beyond removal of the carport. Any asbestos removal would be undertaken in accordance with Australian Standard AS2601-1991: The Demolition of Structures, and NSW WorkCover requirements.

79C (a)(iia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, that 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

Some fire safety upgrading requirements have been applied as conditions of consent in regard to Section J compliance, fire extinguishers, air conditioning, floor coverings, access for people with a disability compliance, and fire rating of the southern wall of the building.

It should be noted that this development involves a change of building classification from a Class 1a dwelling to a Class 9b child care centre under the BCA. The existing dwelling portion of the building on the south side is setback less than 3 metres from the boundary and will have to be upgraded to achieve a minimum Fire Resistance Level of 60/60/60 to achieve fire separation from the adjoining property boundary. There are existing windows in the southern wall to a bathroom, WC and Activities Room which would have to be fire-protected to fully comply with the BCA. However, given the relatively low fire risk of the proposed use of the building, and that two of the subject windows are into wet area rooms, it is not considered warranted to require a full BCA upgrade in this instance.

The building is required to be accessible and is to be provided with an accessible sanitary facility in accordance with the Access Premises Standards and the BCA and an accessible car parking space will be provided on the property. A continuous accessible path of travel from the accessible car parking space to and within the building will have to be provided in compliance with Australian Standard AS1428.1-2009.

The plans will have to be amended at CC stage to indicate full compliance with these requirements.

The developer has indicated that they will ensure compliance with all fire/BCA requirements and disabled access requirements to be detailed with the Construction Certificate submission, and acknowledge that the change of use triggers this compliance.

There are no other 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

A child care centre is an important community service, and not commercial development, which contributes to the positive development and growth of children and should operate with minimal impact on the locality.

The proposed development seeks to provide for the provision of child care services within the village of Millthorpe. The site is surrounded by a mix of residential development of different ages, materials and styles, and the proposal would be visually compatible. The use is also compatible with the heritage conservation area and there are no heritage items nearby.

Anecdotal evidence from other local government areas suggests that parents' expectations for a child care centre are that it is within a residential area, has proximity to public transport, and complementary uses such as schools and parks, a location with no significant heavy vehicle movements, noise or toxic emissions, and a safe distance from electro-magnetic radiation.

Providers, however, appear to be preferring larger sites such as in industrial areas, but which are subject to traffic, parking, health and safety, and child care centre amenity issues.

The amenity issues raised in the submissions from residents relating to neighbourhood amenity, context and setting, include operation of a supposed commercial operation in a residential area, traffic and parking issues, heritage impact. These matters are considered separately below, as is the matter of safe distance from the NBN tower near the railway station.

Therefore, a balance is to be weighed up between the criteria used by the applicant in the choice of site, the parents' requirements for a suitable centre for their child, and the residents' amenity and traffic issues.

The use is permissible in the zone, subject to merit assessment and consent from Council. Although Council does not hold a particular policy with regard to child care centres, child care centres are highly regulated at State and national level, and any consent issued by Council would require compliance with those regulations.

However, in consideration of this proposal, Council did refer to other local government areas, and in particular Sutherland Shire, where there are many (85) child care centres present, and a recent review has been undertaken by them of their own policies.

Access, transport and traffic

The site is currently accessed via an existing entrance off George Street. An existing layback provides access into private parking in a carport. The developer proposes to demolish the carport, and extend the child care centre out across that part of the site.

There is expected to be an increase in traffic volume and frequency as a result of the development. Originally the developer's expectation was that visitors and staff would park on the streets in parallel parking. Across the front of the site would have accommodate 5 vehicles, and the proposal was that other vehicles utilize the grass verge opposite the property. This grassed area was to be constructed as a formal parking area for 8 vehicles. One accessible space would have been provided on site. The developer suggested that U turns can legally occur at the top of George Street, and vehicles move down to park in front of the site. The developer did not see an issue with the short sight distance to the north, as the site is on a slight bend.

Peak periods are seen as 6.30am to 9am during the drop off time, when parents would incorporate the drop off with multipurpose trips to work, shopping or a gym, and 2.30pm to 6pm pick up in the afternoon.

Council's Engineer has required a footpath be constructed along the western side of the street in front of the child care centre, which provides access for prams off the road across the kerb.

The developer has requested Council to consider that he not undertake this construction, as he believes that the cost versus benefit of such an installation is broad and cannot specifically be tied to this development, and that it creates liability and maintenance issues.

At present a condition of consent has been formulated to require the footpath, and Council must consider the wider benefit of a footpath in the vicinity of the child care centre, against consideration of a footpath along the whole of George Street as a separate matter.

As a result of consideration by the developer and the Council's Traffic Committee, the site meeting by Councillors, and the submissions received from the second notification, a new car parking area has been proposed. The adjoining rear yard of No. 60 Victoria Street to the north is now considered for a new parking area.

This would provide 8 parking spaces off the street, including the accessible space, and two would remain on the street. "No parking" signs would be erected opposite the child care centre to prevent parking on the grass verge within 20m of the Pitt Street intersection.

The entrance into the car park has been relocated further to the south, approximately in the vicinity of the original entrance into the existing dwelling.

Council must balance the amenity of a neighbourhood with the need to provide sufficient parking, also considering general pedestrian safety, and traffic conflict.

A traffic study is not triggered unless the centre is a much larger centre or the site is along a main road or at a busy intersection.

Generally, Council adopts the standards set down by the RTA's *Guidelines for Traffic Generating Development* for on-site car parking requirements. That document suggests 1 space for every 4 children. In this instance that would equate to 9.5 spaces. Ten spaces are to be provided in all, which includes one accessible space.

The submissions received have raised a number of issues relating to traffic and parking. This includes concern for the lack of street parking and the lack of kerb and gutter on the eastern side, safety of pedestrians going to and from the centre as well as those walking past the centre and the potential for traffic conflict, the use of George Street and other entrances for turning and the congestion of intersections in the vicinity, particularly in peak periods, and the need for signage.

The developer has agreed to the construction of the car park, together with associated signage to indicate child/pedestrian safety areas.

Services/utilities

Water supply, power, sewer and telephone are available to the site. No additional services or utilities are required for the development. Council's Engineer advises that the reticulated system has been designed to allow for village expansion. Given that the North Millthorpe subdivision did not eventuate, there is more capacity than expected that would be able to cater for the development.

Site design, internal design and construction

There is construction work required for this development.

The building comprises a three bedroom dwelling constructed in the 1950s, mainly of timber cladding and floor with a steel roof and a small front porch, and is located to the centre south of the allotment. The building is located on brick footings, and a carport is located on the northern side of the dwelling.

The establishment of the child care facility would entail extensive additions and alterations to the building, extensions to the northern side of the dwelling, a rear deck, creation of concrete paths around the building, and an outdoor play area. The carport would be demolished.

Landscaping should provide privacy and visual screening along the street frontage and side and rear boundaries, at the same time of maintaining local character and amenity. A plan is required to demonstrate this.

The building works would be undertaken in compliance with the Building Code of Australia, Australian Standards relating to fire protection and safety and disability access.

The site and the centre should be designed in accordance with the *Education and Care Services National Law Act 2010* ('National Law') and the *Education and Care Services National Regulations 2011* ('National Regulations'), and the requirements of NSW Community Services, and the *Children and Young Persons (Care and Protection) Act 1998*.

The developer has indicated that they will ensure compliance with all fire/BCA requirements imposed by Council and disability access requirements to be detailed with the Construction Certificate submission, and acknowledge that the change of use triggers this compliance.

Hazards – technological, natural

There are a number of hazards which should be considered in the establishment of the child care centre, as follows:

- Possible asbestos within the existing building, which should be removed and disposed of at an approved waste facility, and potential for Naturally Occurring Asbestos (NOA) on the site generally. The process of demolition and asbestos removal is addressed in the conditions of consent. A Clearance Certificate should be provided from a competent, independent Asbestos Assessor in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos, verifying that there is no presence of asbestos in the building, no NOA in the outdoor playground areas of the child care centre, and confirming that no fill has been placed in the playground area which may contain asbestos.
- Possibility of exposure to electro-magnetic waves from the nearby NBN tower at the railway station.

There may be perceived concerns in regard to electromagnetic radiation exposure from the existing NBN facility at the railway station.

The Australian Communications and Media Authority advise regulatory arrangements with respect to electromagnetic radiation exposure, and the facility complies with this advice. All installations are designed and certified in accordance with relevant Australian Standards, and should not result in any increase in the level of risk to the public. Mandatory standards for human exposure were applied and the site is secured to prevent public access. An electromagnetic energy (EME) report was previously provided to Council when the facility was installed which shows that the maximum cumulative EME level at 1.5m above ground level is estimated to be 0.016% of the (Australian Radiation Protection and Nuclear Safety Agency) ARPANSA public exposure limits.

The Department of Education objects to wireless towers being closer than 500m to a school. The existing tower would be 600m from the proposed day care centre.

- The former septic tank on the site has been removed and the site connected to the reticulated sewer system. However, evidence should be provided that remediation occurred in accordance with legislation and that the site is safe, and confirming the nature of any fill which may have been placed in the playground area. This is required as a condition of consent.

There are no other particular known hazards relating to the development.

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

There are no matters arising from this development which might affect flora or fauna, as the site is a highly disturbed urban property. No other land resources are affected. Air pollution is minimized, and existing mitigation measures would continue to prevent environmental impact.

Water

There are no particular additional water requirements for the development. The facility is connected to the existing reticulated system.

Waste

Business and domestic waste is to be collected, stored and removed off site for disposal at an approved waste facility.

The building is already connected to the existing reticulated sewer system. The additional bathroom facilities would also be catered for by the reticulated system. Council's Engineer advises that the system was designed to cater for village expansion.

Heritage

The subject building is located within the Millthorpe Heritage Conservation Area and is not a heritage listed building.

There are no listed heritage items in the immediate vicinity of the site, whose significance might be affected by the proposal.

The visual impact of the use of the building is expected to be minimal, with no significant impact on the heritage significance of the precinct or the conservation area, due to fencing and landscaping.

Visual amenity

The use of the extended building would be suitable for the purpose, and compliant with the Building Code of Australia. It is unlikely to impinge upon the heritage significance of heritage listed buildings elsewhere in the village or the amenity of the wider Heritage Conservation Area. Fencing on the side and rear boundaries will assist with privacy considerations, and existing landscaping would be retained and enhanced. Colour schemes would be compatible with the neighborhood, which comprises a mix of old and new development, building materials and styles.

Noise & vibration

Potential noise impacts from the centre has been identified in submissions. The setbacks from boundaries are acceptable, and the rear yard would be fenced securely to address both privacy amenity for adjoining properties and for protection of the children.

Although the Millthorpe Primary School is located only 200m to the north west, the playground hours for the school and the child care centre are different, with the potential for more extensive hours outside at the child care centre.

However, development controls can only address excessive noise against accredited standards. Noise levels should not exceed 5dba above the background levels. This may still not be acceptable to some residents, can be quite personal and varies between individuals. Therefore, this matter cannot be addressed within the planning framework, and a condition would be placed on any consent to address the maximum allowable level.

There are no known external sources of noise which might impact upon the health and wellbeing of the children at the centre. There are no other particular matters relating to noise and vibration which might apply to this development.

Safety, Security and Crime Prevention

The developer will have a security system in place to enable site security, safety and crime prevention.

Economic impact

The economic impacts from this development may include employment opportunities, and increased use and support of local businesses.

A child care centre already exists in Millthorpe, approved by Council under DA 136/2004. It was notified to adjoining owners at the time and no submissions were received. It was approved for 20 places, is located on a double block and in a different character precinct with regards to traffic, although minimal parking is provided on site.

Although the impact of the proposed development on the existing child care centre in Elliott Street has been flagged in submissions, business decisions by either the old centre or the proposed centre are commercial matters not to be taken into consideration in development assessment.

Demand for child care centres varies by location, demographics, the state of the economy and housing supply. Research by Sutherland Shire shows that a minimum of 30 child care places is required to sustain a child care business in the current economic climate.

Social Impact

The social impacts relate to the effective operation of a local business, which can work with the local community on a number of different levels. It relates to the positive and negative impacts on individuals, groups and communities resulting from changes arising from development.

The child care centre business would provide employment and the environment is managed and protected, with minimal adverse impact on amenity, upon adherence to the conditions of consent, the solutions and strategies provided by the developer in the additional information provided.

A business decision has been made by the developer to provide a centre for Millthorpe and the wider community. Land values are not a matter that falls under a Section 79C assessment, and the development does not, by definition, comprise commercial development.

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

Cumulative Impact

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

It is unlikely that this development would create a precedent, as there is already one other child care centre in Millthorpe. As far as development within a residential area is concerned, home businesses and home occupations are also permitted in the residential areas and would be assessed on their merits.

Climate Change

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

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

Ecologically Sustainable Development

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

Other

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

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

Comment: The site is suitable for the development of a child care centre utilising the existing building, with alterations and additions, in keeping with the residential character of the precinct, and the significance of the Heritage Conservation Area, only if it is established and managed in accordance with the information provided by the applicant, and addendum, and any conditions of consent which might be applied by Council.

The facility must also comply with the national *Education and Care Services National Law*, and the *Education and Care Services National Regulations 2011*. It should have regard for the requirements of NSW Community Services, and the *Children and Young Persons (Care and Protection) Act 1998*.

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

Comment: The sequence of this application regarding notification and amended plans is as follows;

Notification #1 – 14 days from 14 June 2016. 10 submissions were received, and one short petition (this was proposing all car parking to be within the George Street road reserve).

Council Meeting 15 August 2016 – Decision deferred pending onsite inspection by Council (this was proposing a child care centre with 1 car space onsite and the remainder to be within the George Street road reserve).

1 September 2016 – Onsite meeting by held by Council, applicant and residents.

Between Notification #1 and Notification #2 - 5 submissions were received in this time (outside the notification period) even though received outside a notification period these submissions have still been taken into consideration in the assessment.

22 September 2016 – Amended plans were received from the applicant (child care centre proposing an 8 car carpark on adjoining land at 60 Victoria Street Millthorpe, new car park entrance off George Street Millthorpe and 2 car spaces onsite at 2 George Street Millthorpe).

Notification #2 - 23 September 2016 – 14 days from 23 September 2016. Amended plans were received from the applicant and these were notified as the changes were considered significant from the original proposed development as it now incorporating another property (child care centre proposing an 8 car carpark on adjoining land at 60 Victoria Street Millthorpe, new car park entrance off George Street Millthorpe and 2 car spaces onsite at 2 George Street Millthorpe).

Persons notified were advised any original submissions made in Notification #1, still stand and will be considered in the assessment unless they are formally withdrawn. No submissions from the first notification were formally withdrawn.

29 September 2016 – Extraordinary Traffic Committee Meeting regarding the proposed development applicant (child care centre proposing an 8 car carpark on adjoining land at 60 Victoria Street Millthorpe, new car park entrance off George Street Millthorpe and 2 car spaces onsite at 2 George Street Millthorpe).

29 September 2016 – Council advised the applicant the current proposal applicant (child care centre proposing an 8 car carpark on adjoining land at 60 Victoria Street Millthorpe, new car park entrance off George Street Millthorpe and 2 car spaces onsite at 2 George Street Millthorpe) entrance location appears to be in non-compliance with Australian Standard 2890.1:2004.

9 October 2016 - Amended plans were received from the applicant (child care centre proposing an 8 car carpark on adjoining land at 60 Victoria Street Millthorpe using an existing (extended) layback to 2 George Street Millthorpe and 2 car spaces in front (within the George St Road Reserve) of the proposed development at 2 George Street Millthorpe). These are the current plans being considered by Council.

The latest plans were not re-notified to persons that had made previous submissions as the amendment was not considered a significant change, issues regarding the utilisation of the George Street Road Reserve for 2 car spaces were to be considered in the report as they had been previously raised in submissions of Notification #1 and the change in car park entrance was made so the proposed development could comply with Australian Standard 2890.1:2004.

The issues raised are considered as follows:

Notification #1

Parking & traffic impact

1. *No onsite parking, the plans are inconsistent: there is kerb and guttering on one side of the street only, so all parking (staff, parents, carers) will be on grassed verges in narrow streets, concentrated on the pickup/drop-off times.*

Developer response: The developer has consulted with Council's Engineer to provide a sealed, kerb and guttered area for parking opposite the site.

Council comment: The developer has discussed arrangements for parking of 13 vehicles to cater for the centre, five in front of the centre and eight opposite, in a sealed and kerbed parking area, and associated signage. One accessible space would be provided on site.

2. *It is proposed to paint the kerb yellow, to prevent cars parking on an area for prams and wheelchairs. This limits street parking.*

Developer response: We have focused on the pickup/drop off nature of traffic movements with the opportunity for 5 vehicles to park adjacent to the existing kerb.

Council comment: 5 vehicles can be catered for in front of the centre. Another 8 will park opposite in a sealed parking area, where there are no residential properties seeking access onto the street. One accessible space would be provided on site. Parking elsewhere in the street will not be impacted upon. Council's Engineer has required a footpath would be constructed along in front of the centre to cater for the centre and for passing pedestrian and wheelchair traffic, which Council must consider.

3. *Complete kerb and gutter is needed in the street.*

Developer Response: A sealed and kerbed area will assist in managing the area opposite the proposed centre.

Council comment: The area opposite the centre will be sealed and kerbed to form a parking area to cater for 8 vehicles. It is not the developer's responsibility to seal the whole street.

4. *Parking on the opposite verge suggests that people should walk or carry small children across the road.*

Developer response: Signage can be installed in both directions to identify a children safety area.

Council comment: A formal sealed car park would be constructed opposite the centre, and signage installed to indicate pedestrian and children activity in the precinct.

5. *Even with kerbs, kerbside parking by parents/carers and staff would not allow cars to pass in George Street.*

Developer response: There is ample width of 10m to allow vehicles to pass in both directions. It has been proven that narrower streets encourage drivers to slow down.

Council comment: The sealed width of George Street is only 6m. However, parking in front of the centre, and the offset parking area on the opposite side will still allow cars to pass safely.

6. *Good signage need to direct people where to park.*

Developer response: Signage can be installed in both directions to identify a children safety area.

Council comment: The developer agrees to any signage relevant to enable the safety of vehicular and pedestrian traffic in the vicinity of the proposed centre. This would include clear signage and pavement delineation of parking areas.

7. *Many of these verges are maintained by residents. Council will now need to monitor these verges to check on degradation and erosion.*

Developer response: The developer has discussed opportunities for parking opposite the property in the grass verge area, allowing for safe sight distance in both directions for approximately 8 vehicles. This will result in a sealed and kerbed area to assist in managing the area opposite the development site.

Council comment: Part of the verge opposite the centre is to be formed into a sealed and kerbed parking area, at cost to the developer, thus minimizing upkeep by Council.

8. *Council may incur costs for road upgrades which ratepayers should not have to carry.*

Developer response: The developer has discussed opportunities with Council in regard to parking, to be carried out at cost to the developer.

Council comment: Any road upgrades relevant to the proposal would be at cost to the developer.

9. *Stormwater from uphill in Pitt and George Streets would flow down to the grassed parking areas, which already become boggy. In summer the verges are a dust bowl.*

Developer response: The works as discussed with Council's Engineer will ensure the sealed and kerbed area will assist in managing this area opposite the subject area.

Council comment: The verge area opposite the site is to be sealed as a car parking area. Stormwater in Pitt Street is not a concern for this development. Stormwater from further up George Street would be directed past the site down to the existing stormwater system in lower George Street and on to Victoria Street.

10. *Council does not have car parking requirements for child care centres, and adopt Road and Maritime Services rates for development. Calculated on the RMS rate of 1 space per 4 children, peak periods would generate 9-10 cars, plus staff parking, all in the street in front of residences.*

Developer response: Car parking would be provided at 8 spaces opposite the centre and 5 spaces in front of the centre at the existing kerb, with one accessible space on site.

Council comment: 10 spaces would be provided by the centre on the street, as provided in consultation with Council, and this would cater for the centre at 38 child places.

11. Traffic generation in George and William Streets will amount to an increase in the order of 30 vehicle trips per day in peak periods, and traffic will bank up in George Street.

Developer response: It is envisaged that vehicles will travel past the child care centre up the hill and return to allow parking next to the kerb. Given the short drop off period of 3-5 minutes we consider that there will be ample parking for the 2 higher volume periods. In the middle of the day and after 4pm the level of traffic will reduce significantly. We also noted that most residential movements are at 8am to 8.30am and after 5pm as parents come home from work. We therefore consider the traffic impact will blend with existing residential vehicle patterns.

Council comment: With the provision for 12 parking spaces in front of the centre, and one accessible space on site, and the short drop off/pick up times, it is not expected that traffic will bank up.

12. Pickup/drop-off times will be more than 3 minutes, as suggested.

Developer response: The short drop off period is expected to be 3-5 minutes.

Council comment: Pickup/drop off times would be quite variable. The proposed parking areas would enable short and long term parking as required. Signage could reinforce parking times.

13. Vehicles will need to U turn to leave George Street as the access at the south western end of George Street is not suitable to most vehicles, rocky and steep at the Blake Street end.

Developer response: We envisage that vehicles will travel past the child care centre up the hill and return to allow parking next to the kerb.

Council comment: It is expected that most traffic will enter and leave George Street at the northern end. However, with the provision of an 8 space car park the majority of turns would occur into and out of the car park, and not further up George Street.

14. The slight bend in George Street will limit driver visibility.

Developer response: As vehicles travel past the child care centre up the hill and return to allow parking next to the kerb, this will ensure safe sight distance at the curve in George Street. Notes with invoices/emails to parents and the like can educate users to manage the local traffic environment.

Council comment: The bend is only slight and verges are wide and unencumbered by vegetation or fencing. Sight distance is expected to be sufficient to enable the safe passage of traffic in the locality.

15. U turning on verges, at the intersection or 3 point turns in existing driveways is not acceptable.

Developer response: No comment.

Council comment: The majority of turning would occur into and out of the proposed car parking area.

16. Such vehicular traffic will also impact on the safety of children walking on the already uneven verges down to the primary school, or residents walking along the street in general. The road surface is currently the only hard surface.

Developer response: Signage can be installed in both directions to identify a children safety area.

Council comment: Council's Engineer has required a footpath would be constructed along the frontage of the centre to cater for both visitors to the centre and for passing pedestrian and wheelchair traffic. Council must decide on the benefits of such a small stretch of footpath, and signage would assist with pedestrian safety. Safe pedestrian areas along the remainder of George Street are not a matter for this application.

17. It will impact on residents wanting to drive out of their properties during peak periods.

Developer response: Signage can be installed in both directions to identify a children safety area.

Council comment: With the construction of a dedicated car parking area, traffic parking further along George Street would be minimised.

18. Stop sign required at the George Street/Victoria Street intersection for safety reasons.

Developer response: Discussions with Council's Engineer have considered opportunities for traffic and parking management, which would include signage where relevant.

Council comment: Signage would be provided in accordance with *WBC Guidelines for Engineering Works*, as determined by Council's Engineer.

19. The Victoria/Kingham/George Street intersection and the Boomerang Road/Victoria Street intersection are already precarious. Increased traffic will make this worse.

Developer response: Discussions with Council's Engineer have discussed opportunities for traffic and parking management, which would include signage where relevant.

Council comment: Signage for safety would be provided in accordance with *WBC Guidelines for Engineering Works*, as determined by Council's Engineer.

20. The school now achieves access off Boomerang Road. Adding to this will increase traffic, increasing disruption to residents and risk the safety of pedestrians and drivers in this precinct.

Developer response: Discussions with Council's Engineer have discussed opportunities for traffic and parking management, which would include signage where relevant. In addition, signage can be installed in both directions to identify a children safety area.

Council comment: Signage for safety would be provided in accordance with *WBC Guidelines for Engineering Works*, as determined by Council Engineer.

21. Their traffic management does not deal with the pickup/drop-off times.

Developer response: We consider that the traffic management measures discussed with Council will enable traffic impact to blend with existing residential vehicle patterns.

Council comment: Traffic management has been addressed through the proposal for a parking area on the eastern side of George Street to address the various traffic matters which arise during peak periods.

Amenity impact

22. Increase in traffic and activity in a residential area, impacting on tranquility and safety of residents.

Developer response: Our traffic and parking management plan will ensure the safety of pedestrians. Peak periods of traffic apply, not impacting the overall tranquility of the street. Noise from children will be dependent on weather conditions and seasons with children outside for a maximum of 3 hours causing minimal noise pollution to the residents.

Council comment: The developer has undertaken discussions with Council's Engineer to discuss the matters of traffic and parking. The resolutions reached are documents in points 1-21 above.

23. Development such as this should be in a commercial area, not a residential area.

Developer response: The majority of existing child care centres in Blayney, Millthorpe and Orange are in residential areas. This is encouraged to provide ease of access to families and to allow parents to return to work, improving and strengthening the economy of the area. A current council guideline for an appropriate sized centre within a residential area in NSW is considered to be 49. This centre will be 38, well below this requirement.

Council comment: Location in a commercial area presents other issues of safety, health and wellbeing for the children. Council must strike a balance in its assessment. The development is permissible in the zone with consent and must be assessed on its merits.

24. The village has had a heritage feel and reputation due to keeping commercial development out of residential area.

Developer response: See 25 below.

Council comment: The principle part of the heritage precinct in Millthorpe is the commercial centre. There are no heritage listed properties in the immediate vicinity of the development site, although the site is within the Heritage Conservation Area, it is unlikely that the heritage feel of the village would be affected by the development.

25. This proposal would set a precedent.

Developer response: We have worked with the Heritage Advisor to ensure the child care centre will be in keeping with the heritage feel of Millthorpe. Furthermore, Millthorpe already has a number of commercial buildings in residential areas already. Millthorpe also offers many forms of accommodation in residential areas. We do not feel as though the proposed centre would affect the heritage feel or reputation of Millthorpe or set a precedent.

Council comment: It is unlikely that another child care centre would seek establishment in Millthorpe.

However, given that this might occur, both a child care centre and any other business which is permissible in the zone, would be considered on its merits.

26. Impact on the local sewerage system and the reticulated water supply, with an increase in loads and demand for water.

Developer response: The existing infrastructure for water and sewer allows for village expansion, and increases in water or sewer demand. Water saving toilets will ensure water minimization practices. We consider that the centre will have a minimal increase on demand for water and sewer.

Council comment: The reticulated systems cater for village expansion, and given that the north Millthorpe proposal did not eventuate, the centre can be adequately catered for.

27. Being adjoining a child care centre is different from “background noise” from the school down the road. It cannot be compared.

Developer response: See point 32 below.

Council comment: The child care centre would have different outdoor play times than the school, longer hours. However, the children would be under the control of staff where noise could be minimised. Noise should not exceed 5dba above normal levels, and any consent would be conditioned to this effect. It is noted that the main school is some 200m away.

28. Outdoor play times are different with the school and a day care centre. Much longer hours for the centre.

Developer response: As point 32 below.

Council comment: The child care centre would have different outdoor play times than the school, longer hours. However, the children would be under the control of staff and be in small groups where noise could be minimised. It is noted that the main school is some 200m away.

29. Loss of privacy, and peaceful and quiet areas of adjoining gardens.

Developer response: As point 32 below.

Council comment: This issue is a subjective and personal one, relating to perceived impact, and one over which Council has little control.

However, the property would be securely fenced to minimise loss of privacy, landscaping would also assist with visual impact and noise limited to no higher than 5dba above normal. It should be noted that any noise from the existing primary school some 200m away would be factored into normal noise level readings for the location, although would have a low effect on noise levels.

30. No information is available about the height of the boundary fences for the child care centre.

Developer response: No comment.

Council comment: The developer indicates that the fence would be a standard 1.8m high colorbond fence.

31. No information is available with regard to a playground plan.

Developer response: As point 32 below.

Council comment: A total of 381.9sqm is to be provided. This equates to the 7sqm required by the National Regulation. No actual plan of the playground layout has been provided.

32. Opening hours and noise disturbance for residents from 6.30am to 6pm.

Developer response: Outdoor play times will be between 9.30am-11.30am and 3.30pm-4.30pm, dependent on the seasons and weather conditions. While they are different to the school break hours of 11am-11.25am and 1pm-1.50pm, the proposed centre will have significantly less children contributing to background noise. The school currently has approximately 240 students on their playground while the proposed centre will contain a maximum of 38, eight of whom would be infants. In addition, the children would be divided into three age groups and may not all be accessing the outdoor area at one time. Furthermore, the proposed centre adheres to the current Education and Care Services National Regulations 108 which states that each child requires 7sqm of unencumbered outdoor space. This allows noise contribution to be distributed appropriately and safely within the space.

Council comment: It is unlikely that noise will be continuous during this time. The peak time is suggested to be 6.30am to 8.45am, with variable times during the afternoon as parents collect their children at different times. Playground times will also vary, with use by the children in small groups. However, although the main school has some 240 students, they are located much further away (200m) from the child care centre site, and cannot be compared effectively with regard to noise.

Social & economic impact

33. Federal Community Support programs for child care centres in rural and regional areas will be phased out over the next 2 years, placing financial pressure on both the existing and a new centre. Millthorpe may lose both services. Current waiting lists at the existing centre stand at 12.

Developer response: The proposed centre will not be reliant on government funding.

Council comments: Family day care centres (which are an approved form of child care that is provided in the family day care educators own home) are concerned for the scaling back of the Federal Government's Community Support Program is. Long day care centres such as the proposed, fall under *Early Childhood and Child Care* and do have other funding options.

34. There is already an existing centre in town. Is this centre required in Millthorpe?

Developer response: This is an economic argument beyond Council's role as an approval authority. Competition with an existing child care centre is not reasonable grounds for refusal.

Council comment: The business decision to seek establishment of another child care centre in the village is not a matter for the Section 79C assessment.

35. Against the interests of the people of Millthorpe and the wider area.

Developer response: The proposed facility is considered to provide an essential service for a family oriented village such as Millthorpe. The proposed centre therefore provides a service that is both economically and socially sustainable.

Our business research finds that there is a current shortage of childcare available in Millthorpe, Blayney and the wider area, especially for children under 3 years. Existing centres are often unable to cater for under 3's. A child care centre is very much in the interests of the people of Millthorpe and the wider area.

Council comment: This report examines the issues raised in the submissions, and has considered possible solutions to address community concern. In such consideration it has been found that most issues can be managed for minimal impact, or should be dealt with outside the bounds of this development application.

Site Meeting: Upon consideration and deferral of the original S79C report at the Ordinary Council Meeting of 15 August 2016, a site meeting was undertaken on 1 September 2016 at 2 George Street, attended by Councillors and staff, and a number of local residents. As a result of the meeting a further car parking plan for the adjoining land was lodged and additional information submitted by the applicant to assist with the assessment.

A car parking area was then considered by the applicant for the adjoining land.

Traffic Committee: The matter was referred to Council's Traffic Committee, who attended the site on 29 September 2016.

Resident Mr Mark Logan attended the site meeting, providing a report from Terraffix P/L. Two other options for parking were suggested by Mr Logan.

The Committee commented on the proposed car park, and they noted that any new car park entrance would have to have regard for the existing power pole in George Street on the bend, as well as compliance with the Australian Standards, and for confirmation regarding the distance of the entrance to the intersection with Pitt Street.

The Committee considered the options and made the following suggestions:

- Installing “No Stopping” signs in accordance with the Australian Standards on both sides of George Street in the vicinity of the proposed development.
- Installing a continuous line across Pitt Street at the intersection with George Street.

Notification #2

The modified application was then notified to residents, who included the same list of people from the first round of notifications, as well as those who made submissions the first time around, for 14 days from 23 September 2016.

5 additional submissions were received after the first notification period had finished, and just prior to the second notification. 8 submissions were received, as a result of the second notification. All submissions have been considered in this report.

Where an issue was raised in the first round of notifications, no further comment is offered. The issues raised are considered as follows:

Parking & traffic impact

1. *New car park layout unsafe. Illegal to leave other children in car while dropping off, so all children would be accessing the centre.*

Comment: This is a parental management matter, and not for assessment under S79C.

2. *No drive through access so reversing in and out increases risk.*

Comment: The configuration of the car park should comply with manoeuvring area requirements. Signage would be provided to alert pedestrians of vehicle movement areas. Vehicle drivers are parents as well, and would observe clear areas prior to reversing out of a parking space, just as in a shopping centre car park. Beyond this, pedestrian behaviour is partially the responsibility of the pedestrian, and children should be under parental control.

Council is able to condition any consent that all vehicles should enter and leave the site in a forward direction.

3. *If staff numbers are 7 and there is only 1 car parking space allocated, the others will utilize the main car park, which is a traffic concern.*

Comment: The staff employment hours now provided show that at least 6 spaces will be available to parents/carers during the drop off/pick up peak times.

4. *Poor visibility heading up the hill, no footpath, posing danger to drivers and pedestrians.*

Comment: No further comment.

5. *Implications for a local wheelchair user who uses the roadway due to lack of footpath.*

Comment: It may be for Council to consider a footpath along the full length of George Street as a wider matter than as relates just to this development application.

6. *Parking on both sides of the road in front of the facility reduces the road to one lane, and introduces conflict between pedestrians and drivers.*

Comment: No further comment.

7. *The parking does not allow enough spaces outside the centre in peak periods. Parking opposite is also a hazard.*

Comment: No further comment.

8. *Increase the risk of road accidents due to large numbers of vehicles, no footpaths and U turns.*

Comment: No further comment.

9. *Even with additional parking with a secure tenure, the increased traffic flow onto George and Pitts Streets will increase the risk of accidents so close to an intersection.*

Comment: Signage should ensure safety of traffic movement at all times.

10. *Traffic problems have not been addressed in the second submission by the applicant.*

Comment: No further comment.

11. *What happens after the 3 year lease is up on the car park?*

Comment: The decision to lease the land for the car park is a business decision made by the developer, and not a matter for this assessment.

12. *Is the new car park for staff? Or for parents to use for drop off and pickup purposes?*

Comment: The new car park would accommodate both staff and parents/carers. Due to the varying times of staff attendance, and the specific drop off pickup times, the car park and associated street parking should cater effectively for the centre.

13. *If it is for staff it does not help the dangerous traffic conditions in George Street – traffic congestion, u turns and 3 point turns.*

Comment: The new car park and associated two street parking spaces would accommodate both staff and parents/carers. Vehicles can legally turn around at the end of George Street.

14. A Road Safety brochure by the RMS says “avoid dangerous manoeuvres such as u turns and three point turns” near schools. This would include child care centres.

Comment: Vehicles can legally turn around at the end of George Street.

15. If the car park is for parents, where do staff park? On the street – back to square one.

Comment: The new car park in association with street parking for two vehicles, would accommodate both staff and parents/carers.

16. The proposed entrance driveway will be less than 10m from the Pitt Street intersection, the hazardous dog leg in George Street, the pedestrian entrance to the centre, and the 2 car parking bay (which would be backed out of). This new car park would create more problems than it solves.

Comment: The entrance to the new car park has now been moved further away from the intersection. The entrance to the car park would now be in the vicinity of the entrance that applies to the existing dwelling.

17. The Boomerang Street/Kingham Street/ George Street/Victoria Street intersection must be addressed.

Comment: The traffic matters relating to this intersection should be referred to Council’s Traffic Committee as a separate issue, not specifically as a result of this application. There are greater issues here relating more significantly to traffic generation from the north along Boomerang Street from both the public school and Redmond Oval.

18. Potential 200 vehicle movements per day would be generated by the centre – a lot of traffic in a quiet residential street.

Comment: No further comment.

19. The new Boomerang Street entrance/exit to Millthorpe Public School will exacerbate traffic numbers at the Victoria Street entrance intersection.

Comment: The traffic matters relating to this intersection should be referred to Council’s Traffic Committee as a separate issue, not specifically as a result of this application. There are greater issues here relating more significantly to traffic generation from the north along Boomerang Street from both the public school and Redmond Oval.

20. The development is not conducive to a street with no logical parking solutions, a narrow street without footpaths, a street with curb and guttering on only one side, and where the only access via a main road is at a notoriously dangerous 5 way intersection.

Comment: No further comment.

21. The carpark layout may comply with the Australian Standards, but the driveway does not comply as it is a prohibited location for access driveways.

Comment: The entrance to the new car park has now been moved further away from the intersection. The entrance to the car park would now be in the vicinity of the entrance that applies to the existing dwelling.

22. Buildup of traffic at the intersection during peak times, may leave parents queued in the car park waiting to enter or leave.

Comment: Due to short and staggered drop off times, a significant buildup is not expected. Signage would ensure safety of traffic movement at all times.

23. Waiting cars will still use the verge on George Street and nearby driveways as turning and parking areas.

Comment: “No parking” signs would be erected opposite the child care centre to prevent parking on the verge.

24. Clear dimensions should be provided on future drafts of the parking plan so property impact can be seen by residents.

Comment: No further comment.

25. Poor visibility on the bend in George Street due to the cars/vehicles/caravan being kept on the corner block.

Comment: No further comment.

26. The development should seek to comply with the objectives and goals of Council’s Access Strategy.

Comment: This document is not for use by the developer, but for the facilitation of Council’s Access Advisory Committee.

27. The car park opposite did not meet SAA Design Rules and would have compounded traffic problems. Potential litigation for Council for a substandard car parking area.

Comment: No further comment.

28. Blake Street is not a suitable access alternative.

Comment: No further comment.

29. Use of valuable residential land for staff parking in an expanding sought after village in which there is already insufficient land appropriately zoned is another issue.

Comment: Although the land at 60 Victoria Street has subdivision potential (1,097sqm) the landowner has not chosen to take up this option.

30. Insufficient lighting and no footpath in George Street makes it dangerous for pedestrians even now.

Comment: This matter should be referred to Council’s wider works program as an issue above and beyond the consideration of this development application.

Amenity impact:

31. Vast impact on day to day activities in the street. Does not comply with the objectives of the zone re impact.

Comment: No further comment.

32. Buying in a rural village to get away from traffic, noise and commercial development.

Comment: No further comment.

33. Disturb the local peace and quiet.

Comment: No further comment.

34. Additional parking for staff and visitors would create additional noise, pollution and safety hazards.

Comment: No further comment.

35. Other places in Millthorpe are more suited to this development.

Comment: No further comment.

36. Creates a precedent for further deleterious developments in other quiet streets of Millthorpe.

Comment: No further comment.

37. Blayney Resource 4A [Blayney Settlement Strategy] says large community uses should be located in the proposed business area of Millthorpe, and the Millthorpe Draft Village Enhancement Plan shows ample room for commercial development along the Railway Precinct Concept Plan.

Comment: The Settlement Strategy states in Section 4.1.8 that "it would assist if larger community uses (which includes schools) are located along Park Street or in the proposed business core, where possible, to strengthen the streetscape and co-locate with other community and business uses".

However, given the narrow streets in the CBD area of Millthorpe, the relocation of the child care centre to the centre of Millthorpe would create more traffic and safety issues than it resolves. Section 4.11.5 of the Strategy highlights a parking problem already for the village, as raised by the community, which included pickup/dropoff times for the public school. There are limited sites available for parking in the village.

38. The development is not conducive to a small historic village, a residential area.

Comment: No further comment.

Social & economic impact:

39. *The new centre will cater for people beyond Millthorpe. Why should Millthorpe cater for the needs of people who do not live in Millthorpe? A supply and demand study should be done.*

Comment: The business decision to locate the centre in Millthorpe is not a matter for this assessment. Similarly, who the centre caters for is not a part of a S79C assessment.

40. *This is a financial decision only, based on avoiding legal action by the applicant on Council. Legal advice given pre purchase was bad, and not on a duty to represent the Millthorpe community.*

Comment: No further comment.

41. *Orange real estate agent has advised values would be reduced as a result of commercial development next door.*

Comment: No further comment.

42. *Council's lack of guidelines in this regard is lamentable, and there are many examples of guidelines to refer to, and these should have been used.*

Comment: No further comment.

43. *No consultation by the applicant with the community. No thought at planning stage does not bode well for operation of the centre, ie. re the neighbours.*

Comment: No further comment.

44. *Council should develop Guidelines like other Councils.*

Comment: With the small number of child care centres in Blayney Shire to date, a specific policy has not been warranted. The industry is heavily regulated by State and National legislation already.

45. *This is about sensible business practices and the continuation of services for Millthorpe, not about competition.*

Comment: No further comment.

46. *The population of the village and the demographics of the region cannot support another childcare centre.*

Comment: No further comment.

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

79C (e) The public interest

Comment: A variety of matters have been raised which demonstrate community concerns with regard to the proposal. In consideration of the public interest, Council must weigh the factors in favour of the proposed child care centre and the community's need for it, against unfavorable public interest factors, the expectations of local residents for quality local amenity.

This report examines the issues raised, and considers possible solutions to address concerns. In such consideration, most issues can be managed for minimal impact, or should be dealt with outside the bounds of this development application.

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

Conclusion:

It is generally accepted that where uncertainty exists concerning the nature or scope of environmental impact, decision makers should be cautious. In this instance the matters raised by the submissions received have been examined in this report. The applicant has provided solutions to address issues and concerns raised and Council is able to condition any consent to address outstanding matters.

The above assessment illustrates that the development has proven suitable for the site, provides for establishment of a local business in accordance with industry guidelines in the protection of heritage and the environment, and compliance with appropriate legislative requirements.

Issues:

Nil

Budget Implications:

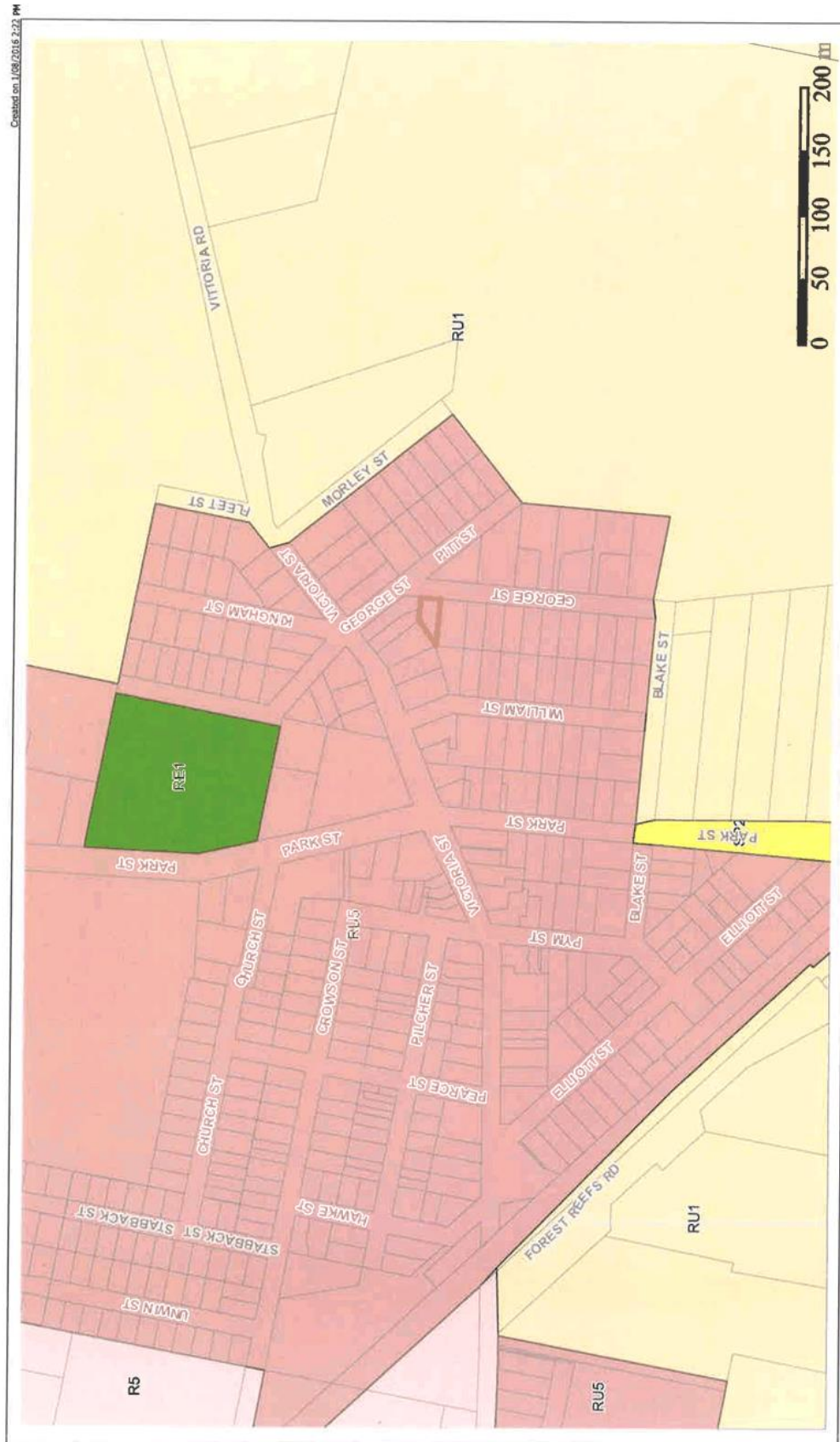
Nil

Enclosures (following report)

1	Location & Zoning Plan	1 Page
2	Site Plans	2 Pages
3	Building Plans	4 Pages
4	Car Parking Plan	1 Page
5	Conditions of Consent	8 Pages

Attachments (separate document)

Nil



Project: GDA94 / MGA zone 55

Date: 1/08/2016

Created By: Patsy Moppett

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GENERAL NOTES:

1. All dimensions are in metres unless otherwise stated.
 2. All dimensions are to the centre of the road unless otherwise stated.
 3. All dimensions are to the centre of the road unless otherwise stated.
 4. All dimensions are to the centre of the road unless otherwise stated.
 5. All dimensions are to the centre of the road unless otherwise stated.
 6. All dimensions are to the centre of the road unless otherwise stated.
 7. All dimensions are to the centre of the road unless otherwise stated.
 8. All dimensions are to the centre of the road unless otherwise stated.
 9. All dimensions are to the centre of the road unless otherwise stated.
 10. All dimensions are to the centre of the road unless otherwise stated.

SITE CALCULATIONS:

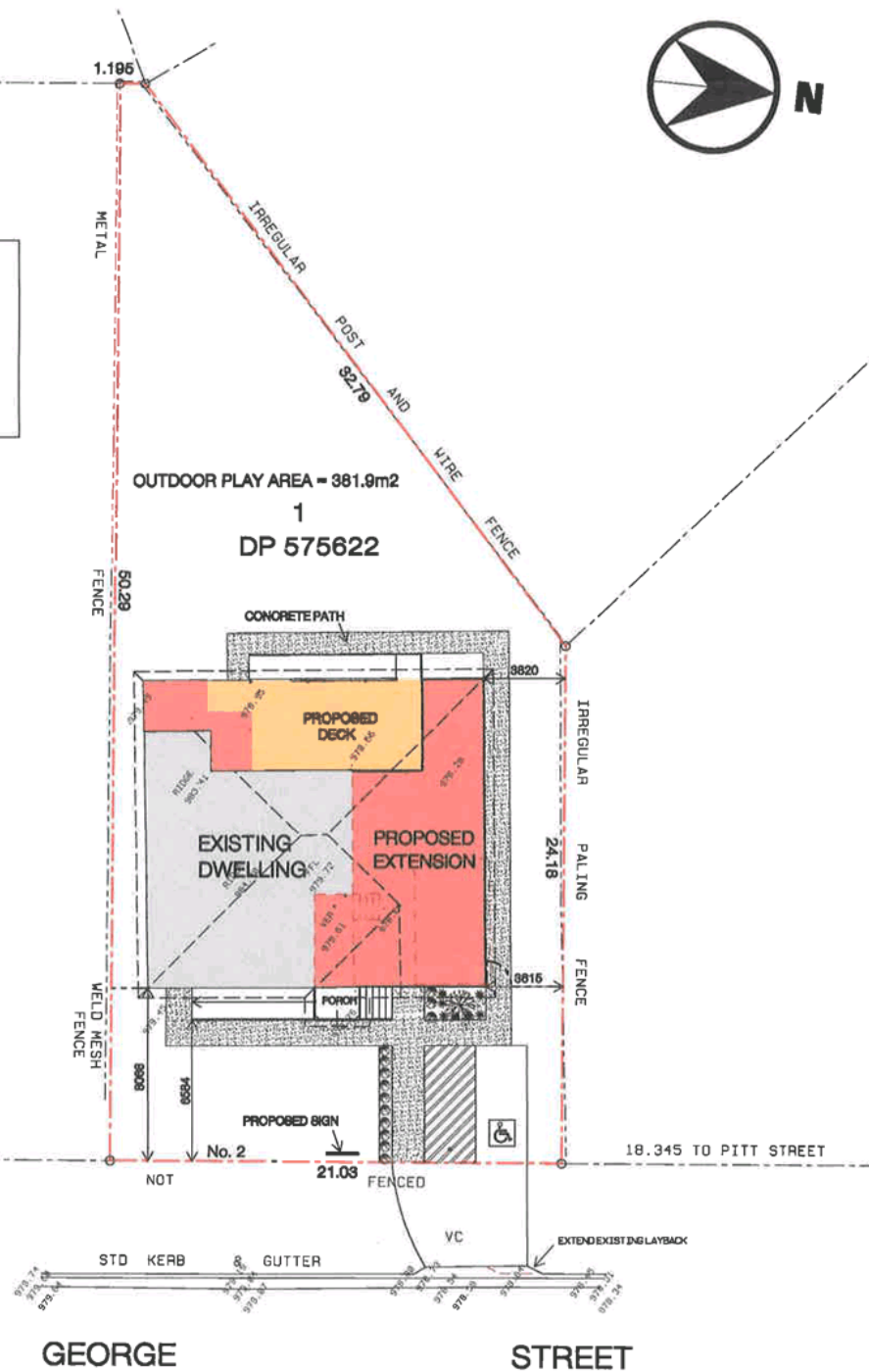
PROPOSED CHILDCARE CENTRE
 at lot 1 (DP.575622)
 No.2 GEORGE STREET
 MILLTHORPE N.S.W.

SITE AREA = 798.0 sqm
 CHILDCARE BUILDING
 INCLUDING DECK & PORCH = 229.4 sqm
 SITE COVERAGE = 28.7 %



SIGN DETAIL
 SCALE 1:50

No. 4
 FIBRO STYLE
 RESIDENCE
 METAL ROOF



PROPOSED SITE PLAN
 SCALE 1:200

NOTE: EXISTING SITE PLAN FROM DETAIL SURVEY
 PROVIDED BY MPF SURVEYING PTY LTD.

Project:		PROPOSED EXTENSION TO EXISTING RESIDENCE AT No.2 GEORGE STREET MILLTHORPE, NSW	
C	ACCESSIBLE CAR SPACES ADDED	04.08.18	
B	AMENDED FOR HERITAGE REPORT	19.07.18	
A	RAMP LENGTH EXTENDED	14.08.18	
No. 1	Description	Site	
Drawn by:		M. J. SMITH	
Drawn:	T.B.B.	Drawn:	04.08.18
Drawn:	04.08.18	Drawn:	04.08.18
Project:		18-029	
Drawing:		DA5 C	
Drawing:		05	
Drawing:		05	



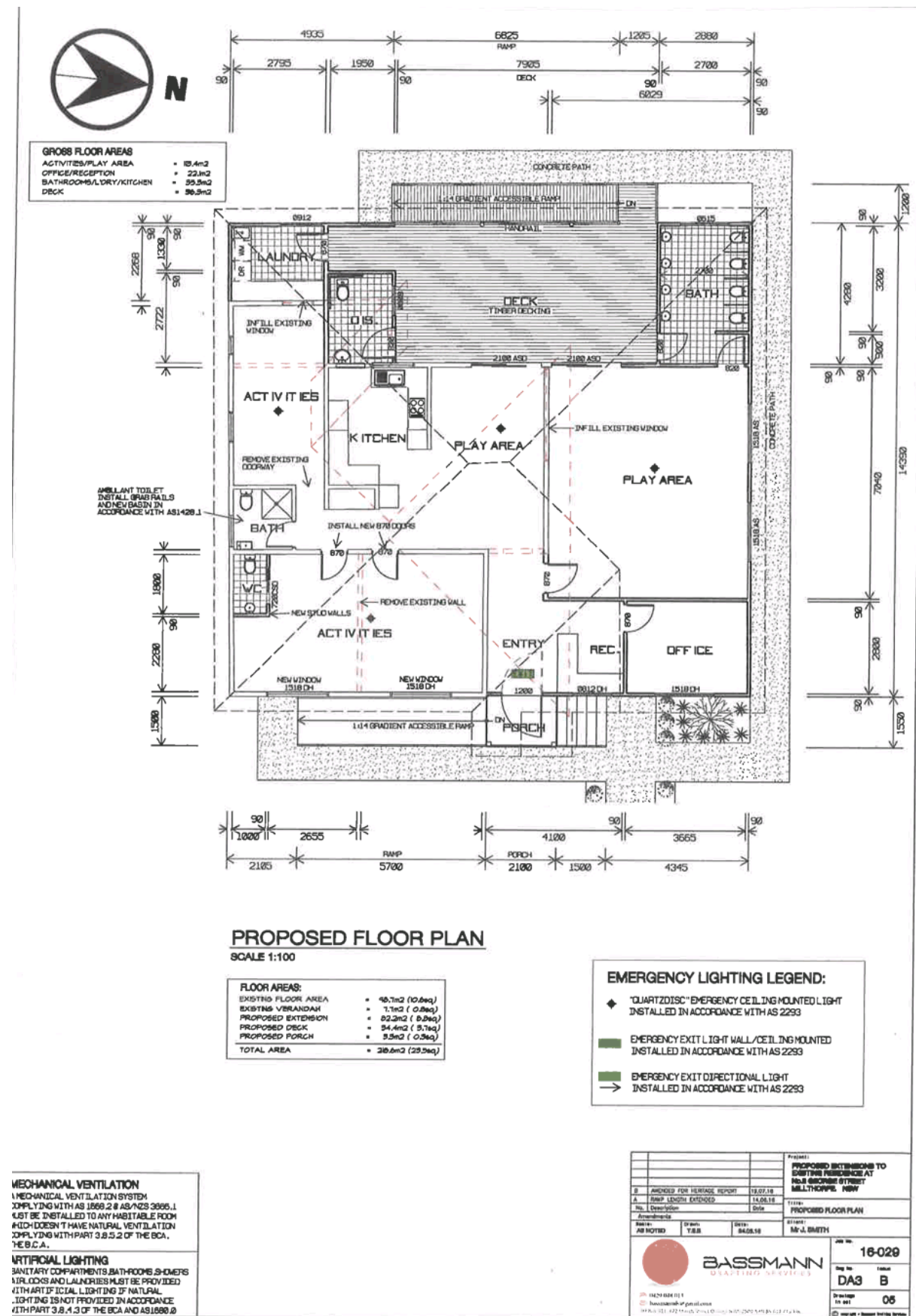
BASSMANN
 DRAFTING SERVICES

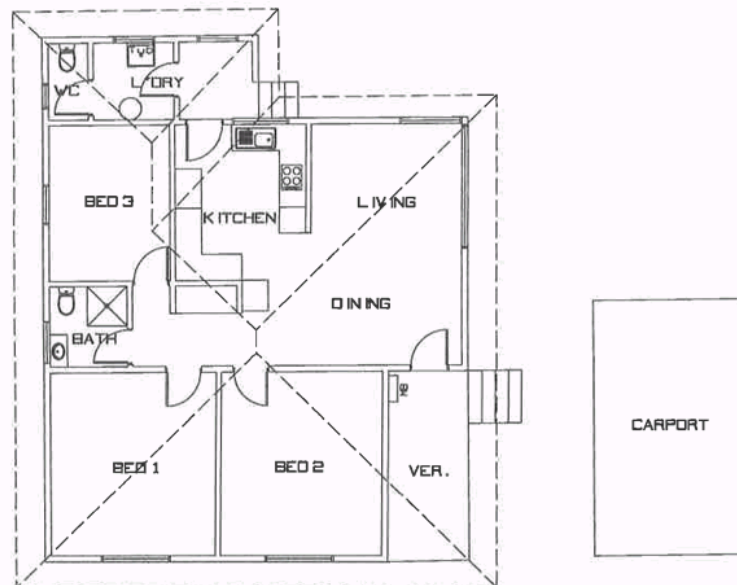
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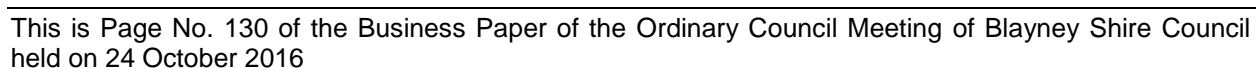


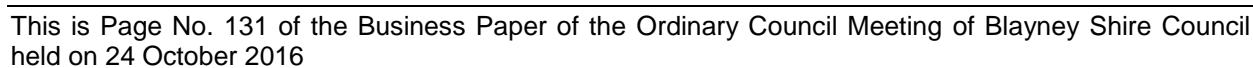


EXISTING FLOOR PLAN
SCALE 1:100

[illegible]

[illegible]





SCHEDULE A
CONDITIONS ISSUED WITH DEVELOPMENT APPLICATION NO. 60/2016

STATUTORY**REASON: Statutory requirement**

1. Development is to take place in accordance with the attached stamped plans (Ref No. DA 60/2016), documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent.

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

2. The building shall be constructed and maintained in accordance with the requirements of the Building Code of Australia. In this regard the following must be indicated on the plans submitted with the Construction Certificate application in accordance with the Building Code of Australia (Volume 1):

- a. facilities listed in Clause F2.3(g);
- b. details to indicate compliance with the energy efficiency provisions of Section J;
- c. portable fire extinguishers and a fire blanket must be provided in accordance with Australian Standard AS2444-2001;
- d. should ducted air-conditioning be provided in the building, automatic shutdown of the system shall be provided in accordance with NSW Table E2.2b of the Building Code of Australia (Volume 1);
- e. floor coverings and carpets must comply with the Fire Hazard Properties of Specification C1.10; and
- f. access for people with a disability in accordance with Part D3 and Australian Standard AS1428.1-2009.
 - i. An accessible carparking space complying with AS/NZS2890.6 shall be provided on the property in accordance with Clause D3.5. The carparking space and shared areas shall be identified and delineated in accordance with Section 3 of AS/NZS 2890.6. A bollard shall be provided to ensure that the shared space at the side of the carparking space remains unobstructed.
 - ii. A continuous accessible path of travel shall be provided from the carparking space and from the pedestrian entry to the property to the entry of the building via walkways, ramps and landings that comply with AS1428.1-2009.
 - iii. All doors in the building shall have a clear opening width of 850mm with D-type lever handles located between 900mm and 1 metre above the floor and have a luminance contrast of 30% to the adjacent walls.
 - iv. The accessible sanitary facility must comply with Clause 15 of AS1428.1 and the access door be provided with signage in

accordance with Clause D3.6. The other toilet must be an ambulant sanitary compartment in accordance with Clause F2.4(c) complying with Clause 16 of AS1428.1-2009, and the access door be provided with signage in accordance with Clause D3.6.

- v. Circulation spaces at the entry porch and within the building must comply with AS1428.1-2009.
- vi. The rear sliding glass is not accessible due to the tracks and must be changed to a door with a level threshold.
- vii. Tactile indicators are required in accordance with Clause D3.8.

3. In accordance with Clause 94 of the Environmental Planning and Assessment Regulation 2000, the following upgrading work shall be carried out to the building prior to the issue of an Occupation Certificate:

- The south wall of the building that is less than 3 metres from the side boundary shall be clad with a lightweight fire wall system to achieve a Fire Resistance Level of 60/60/60 when measured from the outside. Details of the proposed wall system to be utilized shall be submitted with the Construction Certificate application.

4. The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, a notice of commencement of building or subdivision works and Appointment of Principal Certifying Authority (PCA).

5. The developer is to provide a clearly visible sign to the site stating:

- a) Unauthorised entry to the worksite is prohibited;
- b) Street number or lot number;
- c) Principal contractor's name and licence number; or owner builders permit number;
- d) Principal contractor's contact telephone number/after-hours number;
- e) Identification of Principal Certifying Authority, together with name, address & telephone number.

Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

6. A legal agreement must be in place at all times between the owner of 2 George Street, Millthorpe and the owner of 60 Victoria Street Millthorpe for the Child Care Centre to operate. A copy of the first agreement must be provided to Council prior to an Occupation Certificate being obtained for the development. Any subsequent agreements must be provided to Council within 7 days of execution.

Should the Child Care Centre at 2 George Street, Millthorpe, for any reason, not be entitled to exclusive use of the carpark on part of 60 Victoria Street, Millthorpe the use of the Child Care Centre at 2 George Street, Millthorpe is to cease until such time as adequate off street car parking can be provided to the satisfaction of Council.

7. Prior to the occupation or use of the building an Occupation Certificate is to be obtained and where Council is not the PCA a copy is submitted to Council.

8. The applicant is to show evidence of compliance with their obligations as a service provider under the *Education and Care Services National Law Act 2010* ('National Law') and the *Education and Care Services National Regulations 2011* ('National Regulations'), prior to issue of the Occupation Certificate.

CONSTRUCTION

REASON: Statutory requirement

9. All excavation and backfilling associated with the erection/demolition of the building must:

- a) be executed safely and in accordance with appropriate professional standards, and
- b) be properly guarded and protected to prevent them from being dangerous to life or property.

10. The developer is to submit a soil and water management plan for the site in accordance with *WBC Guidelines for Engineering Work*. No building, Engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as; the plan has been approved by Council and the measures detailed in the plan are in place prior to works commencing. The measures detailed in the plan are to remain in place until all landscaping is completed.

11. The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to carparking and drainage in conditions 16 & 17. Further, the works are to comply with *WBC Guidelines for Engineering Works*.

12. The applicant is to prepare and implement a Traffic Management Plan that provides necessary direction to traffic or pedestrian movement through or past the work site. The Traffic Management Plan is to be prepared by a suitably qualified person in accordance with the provisions of the relevant Australian Standards and is to be submitted to Council for approval PRIOR to its implementation.

13. Prior to the commencement of any works on Council or Roads and Maritime Services controlled land including a public road, the applicant is to affect Public Liability Insurance to the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate or final inspection report for the works. Documentary evidence of the currency of the cover is to be provided to Council prior to the issuing of a Construction Certificate.

14. The applicant is to obtain a Construction Certificate, for the engineering work required by conditions 16 & 17.

The Construction Certificate is to be obtained prior to works commencing for the works associated with conditions 16 & 17.

The carpark is to be designed to capture all surface storm water which is then to be conveyed to the gutter in George Street to the satisfaction of Council. In this regard, If Blayney Shire Council is not the Principle Certifying Authority, Councils Design Engineer is to approve the design of the carpark and stormwater disposal prior to works commencing on the carpark.

In this regard the design shall be in accordance with *WBC Guidelines for Engineering Works*.

Note: Where Council is the Certifying Authority in relation to engineering works fees will be payable in accordance with Council's Revenue Policy.

15. Prior to the issue of Construction Certificate, the developer is to make a payment to Council for the provision of each street sign. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made. Parking signs (to be approved through Council's Traffic Committee) would include:

- Two (2) "Warning Children" signs.
- Disabled parking sign.
- No stopping" signs on both sides of George Street in the vicinity of the Child care center.
- A continuity line across Pitt Street at the George Street intersection.

16. Car parking shall be provided for the development in accordance with Council's relevant Development Control Plan and/or *Australian Standard AS 2890.1 – 1993 Car Parking*:

- a) Provision shall be made for 8 parking vehicle spaces, each to be of minimum dimensions 5.5 x 2.5 metres, separately and clearly delineated.
- b) Provision shall be made in front of the site for 2 parallel parking vehicle spaces, each to be of minimum dimensions 5.5 x 2.5 metres, separately and clearly delineated.
- c) All car parking spaces and manoeuvring areas are to be sealed with a hard standing all weather material and maintained at all times in accordance with *WBC Guidelines for Engineering Works*.

17. One off-street accessible parking space is to be included on site in accordance with AS/NZS2890.6.

18. All parking and/or loading bays shall be permanently marked out on the pavement surface with loading bays and visitor parking facilities being clearly indicated by means of appropriate signs to facilitate the orderly and efficient use of on-site parking and loading/unloading facilities.

Note: If other hard standing, dust free and weather proof surfaces are proposed other than concrete, written approval is to be obtained from Council that the proposed alternative is acceptable.

19. All vehicles entering or leaving the subject property must do so in a forward direction.

20. A 2.5 metre wide, 100 mm thick concrete footpath is to be constructed from the existing kerb fronting No. 2 George Street to the property boundary, and perambulator laybacks are to be constructed in that that kerb all in accordance with *WBC Guidelines for Engineering Works*.

21. The applicant is to arrange an inspection of the development/subdivision works by Council's Engineering Department, at the following stages of the development. This condition applies notwithstanding any private certification of the Engineering works.

	COLUMN 1	COLUMN 2
A	Road Construction	<ul style="list-style-type: none"> * Following site regrading, and prior to installation of footway services; * Excavation and trimming of subgrade; * After compaction of sub-base; * After compaction of base, and prior to sealing; * Establishment of line and level for kerb and gutter placement; * Subsoil Drainage; * Road pavement surfacing; * Pavement test results (compaction, strength).
B	Concrete Footway Crossings	<ul style="list-style-type: none"> * After placing of formwork and reinforcement, and prior to concrete placement;
C	Road Openings	<ul style="list-style-type: none"> * Upon completion of works.

22. All road and inter allotment drainage is to be conveyed to the gutter in George Street in accordance with *WBC Guidelines for Engineering Works*.

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

24. The developer is to lodge a bond with Council equal to 5% of the total civil construction costs at practical completion of the works within the George Street Road Reserve, to be held by Council for a minimum period of twelve (12) months. The bond must be lodged with Council prior to the issue of the Subdivision Certificate.

DEMOLITION & ASBESTOS

REASON: To comply with Council's statutory requirements.

25. Demolition work shall be carried out in accordance with Australian Standard AS2601-1991: The Demolition of Structures, and NSW WorkCover requirements.

26. Precautions shall be taken in accordance with the requirements of WorkSafe NSW in respect of;

- a) Protection of site workers and the public.
- b) Asbestos handling and disposal where applicable.

27. Suitable measures shall be taken to ensure that there is no adverse effect to occupants of adjoining buildings and the public by the generation of dust and/or noise during demolition.

28. Should there be any asbestos present in the building, it shall all be removed as part of the alterations and additions to convert the dwelling to the child care centre.

29. **Fourteen (14) days prior to the commencement of any demolition works involving asbestos**, all immediate neighbours should be notified in writing of the intention to carry out asbestos demolition works. Copies of these written notifications should be retained and provided to Council.

30. Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover Demolition Licence.

31. A Clearance Certificate from a competent, independent Asbestos Assessor in accordance with the National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos is to be obtained and submitted to Council for the removal of any asbestos sheeting (even if asbestos sheeting is under 10m²), also verifying that there is no presence of asbestos materials or Naturally Occurring Asbestos (NOA) in the outdoor playground areas of the child care centre, and no fill has been placed in the playground area which might contain asbestos.

32. Documentary evidence in the form of receipts from an approved Waste Management Facility shall be provided to Council at the completion of demolition works confirming the asbestos has been disposed of at a licensed waste facility.

ENVIRONMENTAL

REASON: To comply with Council's statutory requirements.

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

34. All rubbish and debris associated with the development, including that which can be windblown, must be contained on site in a suitable container at all times. The container shall be placed on the development site prior to commencement of operations. Materials or machinery to be used in association with the development must be stored

and stacked wholly within the building outside of the hours of operation unless otherwise approved by Council.

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

Note 2: Offenders are liable for prosecution without further warning.

35. There shall be no burning of waste material, felled trees or other material on the site.

36. Noise generating construction activities are to be restricted to the hours of:

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

37. Evidence shall be provided that the original septic tank and trench were appropriately removed and the site remediated, and the nature of any fill which might have been placed in the playground area, prior to the issue of the Occupation Certificate.

AMENITY

REASON: To comply with Council's statutory requirements

38. Noise levels (measured at any point on the boundary of the site between the proposed development and adjoining property), should not exceed 5dba above the L90 background level during the hours of operation.

39. A landscaping plan is required to be lodged with Council which demonstrates the provision of privacy and visual screening along the street frontage and side and rear boundaries, at the same time of maintaining local character and amenity, prior to issue of the Construction Certificate.

SECTION 94A CONTRIBUTIONS (TYPE C - OTHER)

REASON: To comply with Council's statutory requirements

40. Contributions are to be paid to Council under the *Blayney Local Infrastructure Contributions Plan 2013*. The contribution equates to 0.5% of the development cost. In this regard a cost summary report or the signed building contract confirming the total cost of the development is to be provided with the Construction Certificate to calculate the contribution payable.

Evidence of payment of the contributions is to be provided to the Principle Certifying Authority prior to the issue of the Construction Certificate.

SECTION 68

REASON: To comply with Council's statutory requirements

41. All drainage and plumbing work is to be carried out in accordance with the current *Plumbing and Drainage Code of Practice* by a licensed plumber and drainer.

42. A works as executed plan drawn to the scale of 1 in 200 of drainage is to be submitted to Council at the time of inspection.

43. A separate trade waste application is to be submitted and approved by Council prior to issue of the Construction Certificate.

ADVICE AND NOTES

Inspection Schedule

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

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

- a. Internal and external sanitary drainage.
- b. Slab/footing inspection when steel is laid prior to the pouring of concrete.
- c. Frame inspection
- d. Hot and cold water prior to internal lining.
- e. Waterproofing prior to tiling.
- f. Final/stormwater inspection at time of completion of all works.

Notice of Commencement.

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

Reference to the Building Code of Australia

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

21) QUESTION WITH NOTICE**File No:** RV.VL.3

Cr Kingham – Rating of Windfarm Properties**Question:**

What steps is the Blayney Shire Council taking to redress the situation at Errowanbang and Flyers Creek whereby land owners are being charged excessive rates because of the potential that a wind farm could be built in that area?

Ratepayers are being charged excessive rates up to 200% higher than last year because of a discrepancy in the land valuations, including land titles that have no connection to the proposed building of wind towers.

Response:

Council has received two objections to the rates levied on properties with Windfarm leases in the Errowanbang and Flyers Creek area. One of the objections is on behalf of all affected property owners holding leases. NSW Land and Property Information has informed Council that objections have been received by the Valuer General (VG) against the January 2016 supplementary land valuations attributed to these properties. Determination of these objections is anticipated by the end of October.

Council is awaiting the outcome of the determination of these objections before determining the outcome of objections to rates and resolving this matter as the VG determination may have implications on how Council determines this matter. Also, should Council be required to issue amended rate notices it would be prudent to do this only once.

In dealing with this matter Council has undertaken the following actions:

- Met with various ratepayers affected by the leases on their properties. Gathered further information from them to assist with objection process undertaken and other peripheral matters.
- Meeting with Infigen Energy representatives to address issues with a view to resolution and formation of an ongoing working relationship to move forward.
- Coordination with Infigen of authorities to receive rating and valuation information for affected properties.
- Extension of time for payment of the first instalment to 30 September 2016.
- No interest is being charged on outstanding rates of affected rate assessments pending resolution of this matter (27 properties). Debt recovery has also been stalled pending resolution.

An adjustment to rates will be made when the VG assessment process is completed and property owners will be informed thereafter.

- Working with the VG over the objections who extended time period for objection and for supply of further information not supplied with the initial valuation objection process.
- Advocating on behalf of affected property owners to have leases removed from properties.

It is important to note that land value increases from the 2015 General Revaluation of Land effective 1 January 2016 (previously 1 January 2012) have contributed to rate increases that have occurred as has the change of rating category from Farmland to Business Ordinary for affected properties.

Council's approach to this matter has been consistent with its treatment of the Carcoar Windfarm. Council's handling of this matter must be transparent, ensure fairness and equity to all ratepayers and be compliant with the relevant legislation.

Subject to finalisation of legal processes around leases that are to be removed, it is anticipated that this process will be finalised in December 2016.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

Matters to be dealt with in closed committee

In accordance with the Local Government Act (1993) and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

22) EOI 3/2016 - SALE OF INDUSTRIAL LAND AT 1 MARIA STREET, BLAYNEY

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

23) PURCHASE OF 2 X 4 WHEEL DRIVE TRACTORS

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