



10 May 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, 16 May 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 18.04.16
- (9) Matters arising from Minutes
- (10) Reports of Staff
  - (a) Executive Services
  - (b) Corporate Services
  - (c) Infrastructure Services
  - (d) Planning and Environmental Services
- (11) Delegates Reports
- (12) Questions from Councillors
- (13) Closed Meeting

Yours faithfully

Rebecca Ryan  
**General Manager**

## **Meeting Calendar 2016**

### **May**

<b>Time</b>	<b>Date</b>	<b>Meeting</b>	<b>Location</b>
6.00 pm	16 May 2016	Council Meeting	Community Centre
4.00 pm	17 May 2016	LEMC	Community Centre
5.30 pm	19 May 2016	Sports Council	Community Centre

### **June**

<b>Time</b>	<b>Date</b>	<b>Meeting</b>	<b>Location</b>
4.00pm	6 June 2016	Chifley Local Area Command Community Safety Precinct	Lithgow City Council
6.30pm	6 June 2016	Cultural Centre Working Group	Community Centre
	13 June 2016	Queen's Birthday	
6.00 pm	16 June 2016	Towns and Villages	Community Centre
10.00 am	17 June 2016	Traffic Committee	Community Centre
6.00 pm	20 June 2016	Council Meeting	Community Centre

### **July**

<b>Time</b>	<b>Date</b>	<b>Meeting</b>	<b>Location</b>
6.30pm	4 July 2016	Cultural Centre Working Group	Community Centre
6.00 pm	18 July 2016	Council Meeting	Community Centre
9.00am	20 July 2016	Audit Committee	Community Centre

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**HELD ON MONDAY 16 MAY 2016**

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**01) MINUTES OF THE PREVIOUS MEETING MELD ON MONDAY 18 APRIL 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 18 April 2016, being minute numbers 1604/001 to 1604/018 be confirmed.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING  
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY  
CENTRE, ON 18 APRIL 2016, COMMENCING AT 6.00 PM**

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

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

**ACKNOWLEDGEMENT OF COUNTRY****RECORDING OF MEETING STATEMENT****APOLOGIES**

Cr Geoff Braddon - Leave of Absence approved at the February 2016 Council Meeting (Resolution No. 1602/003).

**DISCLOSURES OF INTEREST**

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

<b>Councillor/ Staff</b>	<b>Interest</b>	<b>Item</b>	<b>Pg</b>	<b>Report</b>	<b>Reason</b>
Cr Somervaille	Non Pecuniary	11	67	Minutes of the Financial Assistance Committee Meeting held 23 March 2016	Member of Rotary Club of Blayney and Social Member of the Blayney Golf Club
Anton Franze	Non Pecuniary	11	67	Minutes of the Financial Assistance Committee Meeting held 23 March 2016	Treasurer of Rotary Club of Blayney and Social Member of the Blayney Golf Club

**PUBLIC FORUM**

Cathy Griffiths representing Carcoar School of Arts Committee Inc. – Agenda Item No. 4 – Carcoar School of Arts

Paul Knight representing Spring Hill and Surrounds Consultative Community Group – Agenda Item No. 15 – Orange City Council – Airport Planning Proposal

John Ireland representing Blayney Trade Centre – Agenda Item No.16 – Employment Lands Study – North Blayney Industrial Lands

**CONFIRMATION OF MINUTES**

**MINUTES OF THE PREVIOUS MEETING HELD ON MONDAY  
21 MARCH 2016**

1604/001

**RESOLVED:**

That the Minutes of the Ordinary Council Meeting held on 21 March 2016, being minute numbers 1603/001 to 1603/025 be confirmed. (Ewin/Oates)

**MATTERS ARISING FROM THE MINUTES**

Nil.

**EXECUTIVE SERVICES REPORTS**

**COUNCIL RESOLUTION REPORT**

1604/002

**RESOLVED:**

That Council notes the Resolution Report from July 2014 to March 2016. (Somerville/Ewin)

**RISK, WORK HEALTH AND SAFETY QUARTERLY REPORT**

1604/003

**RESOLVED:**

That the Risk, Work Health and Safety Report for the quarter January to March 2016 be noted. (Radburn/Oates)

**CARCOAR SCHOOL OF ARTS**

1604/004

**RESOLVED:**

That in determining the best interests for the future of the Carcoar School of Arts, Council will make a commitment to;

1. assist and facilitate in the establishment of an alternative Incorporated Association to be Trustee that is supported by the local Carcoar community; and
2. provide support and recommendations to this Incorporated Association in regards to the governance, budgeting and insurance matters. (Ewin/Somerville)

**STAGE 1 CULTURAL CENTRE**

1604/005

**RESOLVED:**

1. That Council implement Stage 1 of the Cultural Centre Project

at the Blayney Cottage at 97 Adelaide Street and progress the following;

- a) Re-allocate funding for Cottage capital works in 2015/16 as detailed in the report;
  - b) Budget \$150,000 in the 2016/17 for refurbishment required, \$130,000 from the Blayney Town Restricted Asset as detailed in the report;
  - c) Lodge a Development Application for a Café/Coffee Shop at the Cottage in Blayney; and
  - d) Seek Expressions of Interest for the operation of a Café/Coffee Shop.
2. That a report be brought back to Council by 30 June 2016 in regards to the implementation of Stage 1. (Kingham/Radburn)

#### **MINUTES OF THE BLAYNEY SHIRE TOWNS AND VILLAGES COMMITTEE MEETING**

1604/006

##### **RESOLVED:**

1. That the minutes of the Blayney Shire towns and Village Committee Meeting, held on 31 March 2016, be received.
2. That Council voice objections to Minister and Local Member to the proposed reduction of service at Blayney Railway Station. (Radburn/Ewin)

#### **MINUTES OF THE CULTURAL CENTRE WORKING GROUP MEETING HELD ON MONDAY 4 APRIL 2016**

1604/007

##### **RESOLVED:**

That the minutes of the Cultural Centre Working Group Meeting, held on Monday 4 April 2016, be received. (Kingham/Oates)

### **CORPORATE SERVICES REPORTS**

#### **REPORT OF COUNCIL INVESTMENTS AS AT 31 MARCH 2016**

1604/008

##### **RESOLVED:**

1. That the report indicating Council's investment position as at 31 March 2016 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted. (Ewin/Somervaille)

#### **DELEGATIONS REGISTER AMENDMENTS**

1604/009

##### **RESOLVED:**

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

#### **VIV KABLE COLLECTION - BLAYNEY LIBRARY**

1604/010

##### **RESOLVED:**

1. That Council receive and note the Viv Kable Collection report.
2. That the Sustainable Collections Program commence the documentation of the collection and upload information and

- images to e-hive for an online presence.
3. That through the Sustainable Collections program, work commence with Council to plan future exhibitions and develop educational resources. (Radburn/Ewin)

Anton Franze, having declared a non-pecuniary actual conflict of interest in the following item, left the Chambers. Cr Somerville having declared a non-pecuniary interest in the following item, remained in the Chambers.

**MINUTES OF THE FINANCIAL ASSISTANCE COMMITTEE**  
**MEETING HELD 23 MARCH 2016**

**1604/011 RESOLVED:**

1. That the minutes of the meeting held 23 March 2016 be received;
2. That the recommendations for 2015/16 - Round 2 of the Community Financial Assistance Program by the Financial Assistance Committee, in the amount of \$37,831, be endorsed;
3. That an additional allocation of \$3,000 to Lyndhurst Team Penning Inc be endorsed, as per additional item 19 in the addendum to the minutes of the Financial Assistance Committee.
4. That the consideration of proposed schedule of 2016/17 annual donations for inclusion into 2016/17 Council's Operational Plan be noted.
5. That the action of the General Manager to approve waste charges donation for the Mandurama School of Arts in the amount of \$370.00 be endorsed.
6. That the action of the General Manager to approve the rates and charges donation for the Lyndhurst Soldiers Memorial Hall in the amount of \$619.70 be endorsed.
7. That a report to Council be prepared proposing amendment of the Financial Assistance Policy to require funds approved by Council be claimed by 30 June of the following financial year of approval.
8. That Tony McPaul be recognised for his contribution towards operation of the Financial Assistance committee and to the wider Blayney Shire community.  
(Somerville/Ewin)

Anton Franze returned to the Chambers.

**INFRASTRUCTURE SERVICES REPORTS**

**DIRECTOR INFRASTRUCTURE SERVICES MONTHLY**  
**REPORT**

**1604/012 RESOLVED:**

That the Director of Infrastructure Services Monthly Report for April 2016 be received and noted. (Ewin/Oates)

**PROPOSED ROAD NAMING - DAVIS ROAD, BROWNS CREEK****1604/013 RESOLVED:**

That Council formally adopt the name Davis Road for the unnamed road at 580 Browns Creek Road. (Ewin/Somervaille)

**CENTRAL WEST COUNCIL'S ENVIRONMENT AND WATERWAYS ALLIANCE****1604/014 RESOLVED:**

That the Central West Council's Environment and Waterways Alliance report be received and noted. (Radburn/Oates)

**PLANNING AND ENVIRONMENTAL SERVICES REPORTS****ORANGE CITY COUNCIL - AIRPORT PLANNING PROPOSAL****1604/015 RESOLVED:**

That Council advise Orange City Council and NSW Department of Planning and Environment;

1. Council does not support the Orange City Council Planning Proposal including proposed addendum to the 2008 Blayney Cabonne Orange Sub-Regional Rural and Industrial Land Use Strategy for the rezoning of land from rural land surrounding the Orange Airport at Spring Hill to accommodate future industrial development,
2. Council supports a joint review to be undertaken by Blayney, Cabonne and Orange Councils of the 2008 Blayney Cabonne Orange Sub-Regional Rural and Industrial Land Use Strategy in its entirety. (Ewin/Oates)

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

**FOR****AGAINST**

Councillor Ewin  
Councillor Oates  
Councillor Kingham  
Councillor Somervaille  
Councillor Ferguson  
Councillor Radburn

**Total (6)****Total (0)****EMPLOYMENT LANDS STUDY - NORTH BLAYNEY INDUSTRIAL LANDS****1604/016 RESOLVED:**

That Council;

1. Adopt the Employment Lands Study – North Blayney Industrial Lands,
2. Retains the study area as a priority for employment and supporting industry (in preference to rezoning for residential



growth) for the next 5-7 years. (Radburn/Ewin)

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

<b>FOR</b>	<b>AGAINST</b>
Councillor Ewin	Councillor Kingham
Councillor Oates	
Councillor Somerville	
Councillor Ferguson	
Councillor Radburn	
<b>Total (5)</b>	<b>Total (1)</b>

- 1604/017** **NEVILLE LANDFILL**  
**RESOLVED:**  
That Council undertake the community consultation detailed within this report regarding the recommended closure of Neville Landfill. (Ewin/Oates)

#### **DELEGATES REPORTS**

- 1604/018** **WBC ALLIANCE EXECUTIVE OFFICER REPORT**  
**RESOLVED:**  
That the report from the WBC Alliance Executive Officer to April 2016 meeting be received. (Ewin/Oates)

There being no further business, the meeting concluded at 7.29pm.

The Minute Numbers 1604/001 to 1604/018 were confirmed on 16 May 2016 and are a full and accurate record of proceedings of the Ordinary Meeting held on 18 April 2016.

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Cr S Ferguson  
**MAYOR**

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Mrs R Ryan  
**GENERAL MANAGER**

## **02) MILLTHORPE RAILWAY STATION OVERFLOW CAR PARK**

**Department:** Executive Services

**Author:** General Manager

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

**File No:** PM.AD.6

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### **Recommendation:**

That Council agree to the terms and conditions of the proposed Licence Agreement with Transport for NSW for the land being part of Lot 14 Section C DP/1713 for the purposes of a car park and authorise the Mayor and General Manager to affix the Council seal to the Licence Agreement.

### **Reason for Report:**

To inform Council of progress made in regards to a proposed lease with Transport for NSW (TfNSW) for railway land adjacent to the Millthorpe Railway Station.

To seek Council approval to proceed with entering into a new Licence Agreement, subject to TfNSW consent as per the terms and conditions proposed by John Holland Rail (JHR).

### **Report:**

A review and discussion with the Millthorpe Village Association was held last year which questioned the need for an allocation of \$30,000 from the Village Enhancement Plant (VEP) budget for a Heritage Study. A preferred project was to address the limited and regular car parking issues that restricts access to Pym Street and Millthorpe over busy weekends and on special events such as the Millthorpe Markets and MillFest.

It was agreed to retain the VEP funding and investigate the possibility of utilising the vacant land to the eastern side adjacent to the Millthorpe Railway Station for the purposes of a car park.

The proposal will realise an additional 44 nose in car parking places and 2 Bus Parking areas with room for a turning bay as demonstrated on the following plan enclosed for information. The base is solid and would require a light grade and roll to maintain the hard road stand area intact for a car park.

Following an onsite meeting between Council staff and JHR personnel, an Application for New Licence was completed and submitted by Council in October 2015.

Council has an existing Licence Agreement for the Toilet block and car park area at Millthorpe Railway Station, at a cost of \$500 per annum which will expire in 2024.

At the request of JHR; an Independent Preliminary Environmental Site Investigation and an Asbestos Audit was undertaken and comments sought from Council's Heritage Advisor.

JHR have agreed and recommended the proposal with the following terms and conditions, subject to TfNSW consent:

- A new Licence Agreement be entered into rather than a Deed of Variation to vary the existing Licence Agreement over the adjacent Station car park and amenities building, as the existing Licence Agreement includes special conditions relating just to that particular licensed area;
- A term of 8 years be considered to coincide with the term of the existing licence which expires in 2024;
- A commencing annual rent of \$550 (inc GST) plus an annual escalation of 3%;
- Public liability insurance inclusive of indemnity of \$250 million;
- Public liability insurance with TfNSW and JHR as named insureds on Council's policy.

With the following special conditions

- A rural fence, to match the existing, is required to be constructed on the eastern and southern boundaries inclusive of a gate on the eastern boundary to permit JHR vehicular access to the rail corridor;
- Wheel bump stops are to be installed around the perimeter of the lease area to prevent vehicles damaging the fence;

**Issues:**

Environmental and Asbestos Report

The Environmental Testing and Asbestos Audit recommended the area is suitable for the purposes of a car park however it identified some asbestos fragments next to the Grain Elevator Shed that is not in the car park footprint.

Regardless of whether Council wish to include the Grain Elevator Shed in the lease area JHR will make arrangements for this asbestos to be removed.

Heritage Report

The Heritage Report make reference to the Large Vehicle Shed, adjacent Grain Elevator Shed, Weighbridge Hut (adjacent to weighbridge) and the Inspection Tower Shelter (located nearest to the Station). Both the Large Vehicle Shed and adjacent Grain Elevator Shed, are located outside the proposed lease area.

Whilst the demolition of the Inspection Tower Shelter is supported it is on the pre-requisite that an archival record is made.

The Heritage Report does not however support the demolition of the Weighbridge Hut, which houses the weighbridge measures. Council will modify the parking and access layout so this structure can be retained.

Whilst JHR support these recommendations provided in the Heritage Report, they still require TfNSW's endorsement.

#### Proposed Development

The land the subject of the car park is Lot 14 Section C DP/1713. Zoning is SP2 Infrastructure, Blayney LEP 2012 and the development is permissible with consent. The land is also within the Millthorpe Heritage Conservation Area and has several levels of heritage listing:

- Local – listed on Schedule 5 of the Blayney LEP 2012.
- State Heritage Register – Sec 60 exemption required.
- Section 170 NSW State agency heritage register

The proposed development falls under Clause 85 of the ISEPP, which means it would require a DA.

Council is still required to notify the Heritage Division of all proposed works via submission of a completed Section 57 form and a Statement of Heritage Impact (SHI), prior to commencement of works. These documents will need to be submitted to JHR prior to lodgement with the Heritage Division as JHR will need to arrange for the land owner TfNSW to sign the Section 57 form.

These documents may however be submitted after the lease is executed, provided Council are reasonably certain the Heritage Division will not object to the proposal.

#### Insurance

Blayney Shire Council has public liability/ professional indemnity cover of \$400 million and have a current Public Liability Certificate of Currency noting interests of TfNSW and JHR pertaining to the presence of the pipeline in the rail corridor stating a limit of \$20million.

Whilst the figure of \$250million may appear excessive for a car park at Millthorpe, after contact with our insurer this should not cause any issues.

#### Overnight Van Parking

An enquiry has been made by the Millthorpe Village Association as to the possibility of extending the use to include overnight van parking. Council has advised that the purpose for this car park if successfully achieved will not permit overnight Van Parking.

Any vehicles which are parked at any time of day or night will do so at their own risk.

**Budget Implications:**

The budget for this project is contained within the current VEP allocation for Millthorpe and total project expenditure, inclusive of Council labour, plant hire etc includes;

JHR Licence Application	\$400
Enviromental Assessment Report and Asbestos Audit	\$4,640
Statement of Heritage Impact Statement	\$5,000
Development Application	\$650
Fencing and Gates	\$5,000
Wheel Bump Stops	\$2,000
Grading/Rolling Works	\$3,000
<u>Signage</u>	<u>\$1,000</u>
Total	\$21,690

An annual cost of the licence fee of \$500 per annum would be required and could be funded from general public conveniences expense.

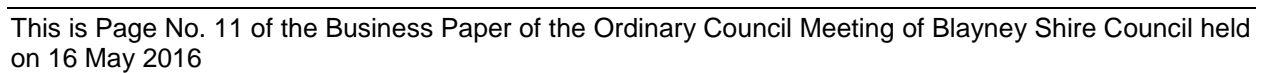
**Enclosures (following report)**

1 Millthorpe Railway Station Carpark Plan

1 Page

**Attachments (separate document)**

Nil



**03) BLAYNEY SHOWGROUND EQUESTRIAN SPORTS FACILITIES UPGRADE**

**Department:** Executive Services

**Author:** General Manager

**CSP Link:** 2.2 Strong participation in sporting events and competitions.

**File No:** GS.AP.1

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**Recommendation:**

That Council endorse the Blayney Showground Equestrian Sports Facilities Upgrade Plan and Projects.

**Reason for Report:**

To inform Council of the stakeholder engagement undertaken with the Equestrian sports user groups at the Blayney Showground and seek endorsement of the Equestrian Sports Facility Upgrade projects.

**Report:**

In early February 2016, a request was made to Council for support for a grant application that the Central Western Dressage Association was completing to NSW Sport and Recreation, for the construction of 2 Dressage Arenas at the Blayney Showground. This enquiry prompted a request for permission of the project to NSW Crown Lands as Council is Reserve Trust Manager.

Following an initial onsite meeting which Sports Council Chair Councillor Kingham organised, staff facilitated a further 2 workshop style / strategic planning meetings with all stakeholders and user groups. The scope of the workshops was expanded to be an improvement program that would realise the potential for each sport to host regular regional competition and events.

A Blayney Showground Equestrian Sports Ground project list has now been prepared and supported by those representatives present. This is attached for Council under separate cover along with the concept plans and map, for information and endorsement.

The direction and planning undertaken has been viewed as a beneficial and it has stimulated cooperation and collaboration between the various horse sports and user groups. The contribution and support in the process was also very positive and the outcome will ensure that Blayney Showground may become the premier Equestrian facility of the Central Western region.

The multipurpose Indoor Arena, whilst being long term and the final project in terms of priority, has been included in the recent CENTROC community infrastructure matrix which assesses economic and social benefit against capital investment.

**Issues:**

This strategy is specifically pertaining to the Equestrian area in the north eastern corner of the showground and includes some ancillary facilities and amenities in other shared space being the camping, eastern access and stable/tie up yards area.

The primary user groups and stakeholders in this area include Central West Dressage, Blayney Agricultural and Pastoral Association, Carcoar and District Pony Club and the Orange Equestrian Club. Secondary users include the Blayney Trotting Association which have interests in the stables and general areas of the Pavilion and trotting track.

Depending on the size and scale, Council will undertake the project management required for each project identified. A commitment was made that as each project is funded and ready to proceed, that a small working group with representation from stakeholders would be included in the design and implementation phase.

**Budget Implications:**

Council have approved a Financial Assistance Grant of \$10,000 for the new Dressage Arenas subject to consensus being reached from all user groups, which has been attained for this first major priority.

There is a possibility, depending on quotations received and funding availability from other stakeholders, that the modification of the current Sand Arena in to a large Sand Pad may be achievable at the same time.

All of the projects listed will require planning, external grant funding, voluntary labour, financial contributions from user groups or future budget allocations. It is anticipated that by collaborating with stakeholders and working together, that each project will be achieved in the long term.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

- |   |   |         |
|---|---|---------|
| 1 | Equestrian User Groups Strategic Planning | 5 Pages |
| 2 | Showground Upgrade Plan                   | 2 Pages |



**04) TOWN AND VILLAGE COMMUNITY PLANS**

**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

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**Recommendation:**

1. That Council note the Integrated Planning and Community Engagement Strategy and work undertaken in developing individual Community Plans for Carcoar, Millthorpe, Lyndhurst, Mandurama, Blayney, Newbridge and Neville.
2. That Council formally thank Mr Phil Cram from The Stokehouse Carcoar, for his contribution and facilitation of community workshops throughout the shire.

**Reason for Report:**

To seek Council endorsement for the program to developing individual Community Plans for Carcoar, Millthorpe, Lyndhurst, Mandurama, Blayney, Newbridge and Neville.

**Report:**

Blayney Shire Council submissions in relation to the local government reform program implemented by the NSW Government, have highlighted Council's commitment in;

- retaining a local community based perspective whilst strengthening their regional presence;
- building the capacity and empowering our local community organisations to take control of their future; and
- preserving the local unique identity of our town and villages.

One of the themes of the Blayney Shire Council Improvement Plan encompassed the desire of the community to retain a fit and sustainable local government organisation representing their interests and providing cost efficient services to the rural towns and villages of the shire.

Under this Plan, an Integrated Planning and Community Engagement Strategy, is a project that has been underway since July 2015. The project aims to empower communities, encourage them to be engaged and strategic resulting in enhancing their local capacity for decision making.

In partnership with each local Village Association or leading community group, Council staff have engaged with each Village and Town as part of reviewing Council's Community Strategic Plan in 2017.

A road show of community workshops held from July 2015 to March 2016 has involved an estimated 250 people in total in the process. Village Community Plans have now been completed and are either endorsed or in draft stage for Carcoar, Millthorpe, Lyndhurst, Mandurama, Blayney, Newbridge (including Barry and Hobbys Yards) and Neville. These plans are owned by and are the responsibility of each respective community and it is Council's role to simply endorse them.

**Issues:**

Whilst there may be projects identified that are local government responsibility, they include other projects that involve federal and state governments, local business and community organisations. It is anticipated that these Community Plans are reviewed every 12 months by the Village Associations, and projects noted as completed then removed, added or modified depending on the issues and level of importance at that time.

In terms of the Village Enhancement Plan budget, which has \$170,000 allocated for the 2016/17 Operational Plan, a conversation will be held early on with each organisation as to the priority project that can be achieved from this funding source.

These plans, in conjunction with the other Council strategic planning documents completed this year such as the Blayney 2020 MasterPlan and Active Movement Strategy are critical for any external grant funding applications. In addition, they will add strength to future Council Financial Assistance Program applications for community projects.

In terms of a snapshot in time of the issues and opportunities for each community, Council staff will find these a useful resource when preparing for capital project expenditure or planning for asset renewal programs.

Each plan contains a brand and vision with a mission statement and then a series of strategies, unique to them, under the common themes of;

1. Public Infrastructure and Services
2. Local Governance and Finance
3. The Local Economy
4. Community Heritage and Culture
5. Our Natural Environment

These themes will flow into the shire Community Strategic Plan that will be reviewed in 2017. Whether this is for the Blayney Shire or merged entity, these feeder documents will be very relevant and highly informative.

The Community Plans in their current version status are being presented to each Town and Village in draft for exhibition and review, before endorsement by the Village Association taking the lead in this program.

**Budget Implications:**

Aside from Millthorpe Village Association who have led this process by adopting a Community Plan in 2012, community workshops have been held in Carcoar, Newbridge, Lyndhurst, Mandurama, Blayney and Neville. Facilitated by Council staff with Councillor attendance and scribing support greatly appreciated, each workshop was led by local business owner, Mr Phil Cram from Carcoar who volunteered his time to work through a program of creating a Community Plan for each Town and Village in the shire.

Support has been provided in compiling the final set of Community Plans by the WBC Executive Manager which has enabled this project to be completed by June 2016, as scheduled.

Aside from photocopying and advertising, the inkind Council staff and Councillor time there has been some Hall Hire charges and Catering charges incurred however this has not exceeded \$500 to date. The majority of Village Associations provided the local Hall free of charge and catered for the workshop with home cooking and warm hospitality.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**05) MINUTES OF THE CULTURAL CENTRE WORKING GROUP  
MEETING HELD ON MONDAY 2 MAY 2016**

**Department:** Executive Services

**Author:** General Manager

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

**File No:** ED.LI.2

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**Recommendation:**

That the minutes of the Cultural Centre Working Group Meeting, held on Monday 2 May 2016, be received.

**Minutes:**

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

Meeting commenced at 6.35pm.

**PRESENT**

Cr Allan Ewin (Chair), Rebecca Ryan (General Manager), Ian Tooke, Elizabeth Russ, Gwenda Stanbridge, Loretta Kervin, Penny May, Tom Williams and Jan Richards.

**GUEST**

Edwina Marks

**APOLOGIES**

Recommended that the apologies submitted on behalf of Cr Scott Ferguson and Betty Williams be accepted.

(Penny May/Ian Tooke)

**DISCLOSURES OF INTEREST**

Nil

**MINUTES FROM PREVIOUS MEETING – 4 APRIL 2016**

Recommended that the minutes from the previous Cultural Centre Working Group Meeting held on 4 April 2016 be adopted.

(Elizabeth Russ/Loretta Kervin)

## **BUSINESS ARISING**

- Stage 1 Cultural Centre

Report was presented to Council meeting in April and recommendation approved. Includes \$150,000 refurbishment of Cottage and EOI for Coffee Shop/Café in 2016/17.

## **VIV KABLE COLLECTION REPORT**

Gwenda Stanbridge presented Viv Kable Collection report and recommendations from Museum and Heritage Coordinator for the Sustainable Collections. Included photographic slide show of Viv Kable Museum and Family History Group in Blayney Library.

## **GENERAL BUSINESS**

Stage 2:

Two priorities in developing Concept Plans include;

- Co-location of Library, Art Gallery, Museum and Family History to maximise support for staff and volunteers in multipurpose facility alongside VIC and Coffee Shop/Café.
- Central location within walking distance to CBD and VIC

### **Action Items:**

1. General Manager to investigate ownership of land next door to Cottage and options for space.
2. Ian Tooke and General Manager to investigate and engage Architect of appropriate skills and experience to meet brief to undertake Concept Plans
3. General Manager to investigate extending car parking behind Meals on Wheels building and options or issues to change access into Adelaide Lane in and out, one way into carpark.

## **NEXT MEETING**

Next meeting will be held Monday 6 June 2016. However, it was noted, if nothing to report or no Architect engaged that meeting may be delayed until 4 July.

Apologies from Tom and Betty Williams and Jan Richards noted for June Meeting.

## **MEETING CLOSE**

There being no further business the meeting closed at 7.15pm.

### **Enclosures (following report)**

Nil

### **Attachments (separate document)**

Nil

**06) REPORT OF COUNCIL INVESTMENTS AS AT 30 APRIL 2016****Department:** Corporate Services**Author:** Chief Financial Officer**CSP Link:** 6.3 A well-run Council organisation.**File No:** FM.IN.1**Recommendation:**

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

**Reason for Report:**

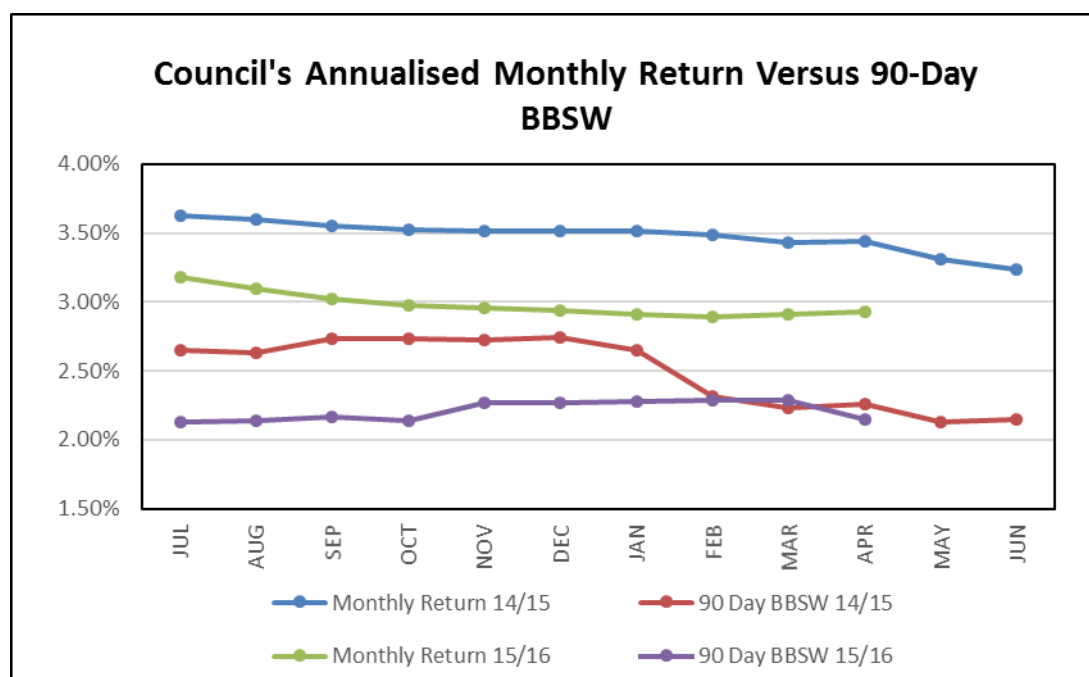
For Council to endorse the Report of Council Investments as at 30 April 2016.

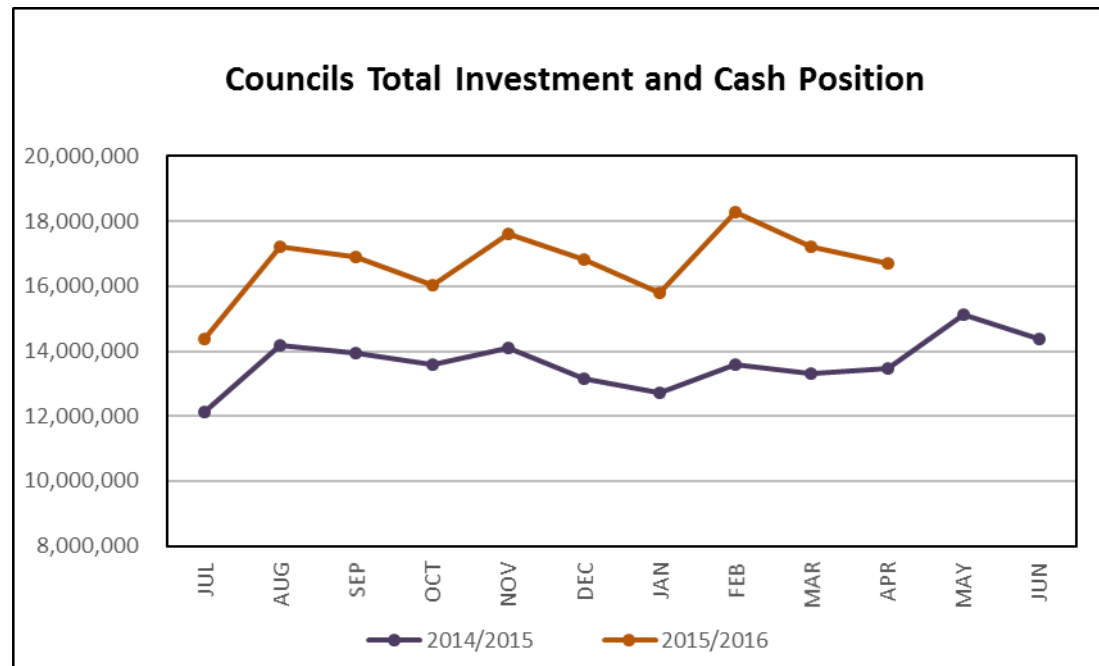
**Report:**

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

Council's total investment and cash position as at 30 April 2016 is \$16,689,743. Investments earned interest of \$41,068 for the month of April 2016.

Council's monthly net return on Term Deposits annualised for April of 2.93% outperformed the 90 day Bank Bill Swap Rate of 2.15%.





<b>REGISTER OF INVESTMENTS AND CASH AS AT 30 APRIL 2016</b>				
<b>Institution</b>	<b>Rating</b>	<b>Maturity</b>	<b>Amount \$</b>	<b>Interest Rate</b>
AMP Bank	A1/A+	6/01/2017	500,000	2.85%
AMP Bank	A1/A+	10/05/2016	500,000	2.75%
AMP Bank	A1/A+	31/05/2016	500,000	2.75%
AMP Bank	A1/A+	16/08/2016	500,000	2.90%
Auswide Bank Ltd	A2/BBB	7/03/2017	500,000	3.00%
Bank of Queensland	A2/A-	5/07/2016	500,000	3.05%
Bank of Queensland	A2/A-	26/07/2016	500,000	3.00%
Bank of Queensland	A2/A-	2/08/2016	500,000	3.05%
Bank of Queensland	A2/A-	15/08/2016	500,000	3.05%
Bankwest	A1+/AA-	2/08/2016	500,000	3.00%
Bankwest	A1+/AA-	3/05/2016	500,000	3.00%
Bankwest	A1+/AA-	12/07/2016	500,000	3.00%
Bankwest	A1+/AA-	14/02/2017	500,000	2.85%
Bankwest	A1+/AA-	14/06/2016	500,000	2.95%
Bankwest	A1+/AA-	29/06/2016	500,000	2.95%
Bendigo & Adelaide Bank	A2/A-	22/11/2016	500,000	2.80%
Bendigo & Adelaide Bank	A2/A-	14/06/2016	500,000	2.85%
IMB	A2/BBB	1/09/2016	500,000	2.80%
ING Bank	A2/A-	28/02/2017	500,000	3.10%
Macquarie Bank	A1/A	30/05/2016	500,000	2.70%
Macquarie Bank	A1/A	9/08/2016	500,000	2.80%
ME Bank	A2/BBB+	6/03/2017	500,000	3.07%
ME Bank	A2/BBB+	19/07/2016	500,000	2.95%
ME Bank	A2/BBB+	20/12/2016	500,000	3.00%
ME Bank	A2/BBB+	7/03/2017	500,000	3.07%
NAB	A1+/AA-	6/09/2016	500,000	3.12%
NAB	A1+/AA-	29/11/2016	500,000	2.92%
NAB	A1+/AA-	25/05/2016	500,000	2.96%
NAB	A1+/AA-	21/02/2017	500,000	3.13%
Westpac	A1+/AA-	6/12/2016	500,000	2.86%
Westpac	A1+/AA-	28/06/2016	500,000	2.88%
<b>Total Investments</b>			<b>15,500,000</b>	<b>2.94%</b>
Benchmarks:	BBSW 90 Day Index			2.15%
	RBA Cash Rate			2.00%
Commonwealth Bank - At Call Account			153,750	1.90%
Commonwealth Bank Balance - General			1,035,992	1.85%
<b>TOTAL INVESTMENTS &amp; CASH</b>			<b>16,689,743</b>	

\* % Interest rates as at 30/04/2016



Summary of Investment Movements - April		
Financial Institution	Invst/(Recall) Amount \$	Commentary
National Australia Bank	(512,204.94)	Term Deposit Matured 05/04/2016
National Australia Bank	500,000.00	Term Deposit Reinvested 05/04/2016
Bankwest	(507,105.48)	Term Deposit Matured 05/04/2016
Bankwest	500,000.00	Term Deposit Reinvested 05/04/2016
AMP	(506,712.33)	Term Deposit Redeemed 26/04/2016

Short Term Credit Rating*	Policy Maximum	Current Holding %	Current Holding \$
A-1+	100%	39%	6,000,000
A-1	80%	19%	3,000,000
A-2	60%	42%	6,500,000
A-3	40%	0%	-
			15,500,000

\*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	2,000,000
Auswide Bank Ltd	A2/BBB	3,000,000	500,000
Bank of Queensland	A2/A-	3,000,000	2,000,000
Bankwest	A1+/AA-	3,000,000	3,000,000
Bendigo & Adelaide Bank	A2/A-	3,000,000	1,000,000
IMB	A2/BBB	3,000,000	500,000
ING Bank	A1/A	3,000,000	500,000
Macquarie Bank	A1/A	3,000,000	1,000,000
ME Bank	A2/BBB+	3,000,000	2,000,000
NAB	A1+/AA-	3,000,000	2,000,000
Westpac	A1+/AA-	3,000,000	1,000,000

<b><u>RESTRICTED CASH, CASH EQUIVALENTS &amp; INVESTMENTS</u></b>	
	<b>\$ 000's</b>
External Restrictions - Sewer	4,931
External Restrictions - Unexpended Grants*	1,480
External Restrictions - Other*	1,112
	<b>7,523</b>
Internal Cash Restrictions*	6,444
Unrestricted	2,723
	<b>9,167</b>
<b>TOTAL CASH &amp; INVESTMENTS</b>	<b>16,690</b>

\* Restrictions represent balance as at 1 July 2015

#### CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

I, David Mead, certify that the investments listed in this report have been made in accordance with Section 625 of the Local Government Act 1993, the Local Government (General) Regulation 2005 and Council Policy.

#### **Issues:**

Nil

#### **Budget Implications:**

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

#### **Enclosures (following report)**

Nil

#### **Attachments (separate document)**

Nil

**07) QUARTERLY BUDGET REVIEW STATEMENT – MARCH 2016**

**Department:** Corporate Services

**Author:** Chief Financial Officer

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

**File No:** FM.BU.1

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**Recommendation:**

1. That the Quarterly Budget Review Statement for the quarter ending 31 March 2016 be received.
2. That the supplementary votes of \$144k proposed in the Quarterly Budget Review Statement be adopted resulting in unfavourable adjustments of \$467k for Net Continuing Operations and (\$323k) favourable adjustments for Capital Expenditure.

**Reason for Report:**

For Council to endorse the Quarterly Budget Review Statement for the quarter ending 31 March 2016.

**Report:**

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

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

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

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

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

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

The attached report provides a detailed review of Council's 2015/16 Budget Review covering the March 2016 quarter.

**Issues:**

Nil

**Budget Implications:**

Overall the net variations in Continuing Operations for the quarter of (\$456k) will decrease the projected Net Operating Result before Capital Items (surplus) to \$61k.

Income from continuing operations is projected to increase by \$142k. Council is in receipt of additional rebates of \$82k, largely increased diesel fuel rebates of \$44k as a result of increased plant usage. Capital grants and contributions also saw an increase of \$65k via funding of \$50k from NSW Environmental Trust for closure of the Neville Waste Landfill and \$15k from Community Building Partnerships for the Blayney Showground Canteen.

Expenses from Continuing Operations have been forecast to increase by \$609k largely attributed to an increase in Depreciation expense of 450k. The 2015 Road & Infrastructure revaluation has provided more accurate data and allowed for less generalisation of useful lives than the previous revaluation in 2010. In addition, Employee Costs have increased \$383k which largely relates to a change in the allocation of works staff supervisor costs previously applied through an overhead charge which is reflected in the decrease in materials

and contracts of (\$229k). Additional training and other related staff costs including plant usage due to an increased workforce. An additional increase in consultancies of \$30k to fund various planning proposals and the Employment Lands Study. Savings in other expenditure of (\$27k) have been realised through energy efficiencies at CentrePoint and street lighting throughout the Shire.

The Capital Expenditure Budget has a net decrease of (\$323k). Building works at CentrePoint of \$200k to upgrade the plant room have been deferred pending finalisation of the long term upgrading plan. External painting works at Inala Units of \$20k have also been deferred as has the purchase of major plant of \$127K for a telehandler pending further investigation into future use and legal requirements. As per resolution of Council 18 April 2016 additional funds of \$200k approved have been provided for completion of the Redmond Oval playing surface with \$100k allocated this financial year and \$100k in the 2016/17 financial year. Additional funds of \$40k are also required for completion of the Blayney Showground irrigation project. Council also realised contract savings of \$35k on replacement of sewer lining at the Blayney Treatment Plant.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

- |   |  |          |
|---|--|----------|
| 1 | Quarterly Budget Review Statement - March Quarter<br>15/16 | 20 Pages |
|---|--|----------|

**08) ADOPTION OF 2016/17 OPERATIONAL PLAN AND 2016/17 - 2019/20 DELIVERY PROGRAM FOR EXHIBITION**

**Department:** Corporate Services

**Author:** Chief Financial Officer

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

**File No:** GS.LI.1

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**Recommendation:**

1. That Council endorses the Draft 2016/17 Operational Plan; and
2. That the 2016/17 – 2019/20 Delivery Program and 2016/17 Operational Plan be placed on public exhibition for a period of 28 days.

**Reason for Report:**

For Council to consider and endorse the 2016/17 – 2019/20 Delivery Program and 2016/17 Operational Plan for public exhibition, pursuant to section 405 of the Local Government Act (1993).

**Report:**

All councils in NSW are required to develop long term, medium term and short term plans under new legislative requirements, the Local Government Amendment Planning and Reporting Act 2009, which transitioned councils to the new Integrated Planning and Reporting (IP&R) Framework.

Council adopted its Community Strategic Plan, Delivery Program and Resourcing Strategy and Community Engagement Strategy in 2014 for its term of Council. Council is now obligated to endorse its 2016/17 Operational Plan.

The Operational Plan spells out the individual projects and activities that will be undertaken each year to achieve the commitments made in the 4 year Delivery Program.

In accordance with Section 405 of the Act, Council must adopt its annual Operational Plan before the beginning of each financial year, outlining the activities to be undertaken that year, as part of the Delivery Program. The Operational Plan must also include the Statement of Revenue Policy.

The Operational Plan has been reviewed and updated to reflect service delivery for 2016/17 year. The Operational Plan has now been added together with the Delivery Program to form one document.

Following public exhibition, Council must consider public submissions made in the exhibition period prior to the adoption of the 2016/17 – 2019/20 Delivery Program and 2016/17 Operational Plan at the June meeting.

The following rating structure for 2016/17 is proposed:

<b>Rating Structure 2016/2017</b>				
<b>Category &amp; sub category</b>	<b>Base rate</b>	<b>Ad valorem rate</b>	<b>Rate yield</b>	<b>% Total Rating Income</b>
<b>Residential</b>				
Ordinary Rate	\$ 200	0.00329843	\$651,267	7.68%
Sub Category:				
Blayney	\$ 250	0.0060702	\$837,366	9.88%
Millthorpe	\$ 250	0.0041383	\$245,573	2.90%
Carcoar	\$ 200	0.00849537	\$48,772	0.58%
<b>Business</b>				
Ordinary Rate	\$ 250	0.00673414	\$63,377	0.75%
Sub Category:				
Blayney, Millthorpe & Carcoar	\$ 250	0.00978549	\$261,360	3.08%
<b>Farmland</b>				
Ordinary Rate	\$ 325	0.00408172	\$2,112,236	24.91%
<b>Mining</b>				
Ordinary Rate	\$ 925	0.04314774	\$14,905	0.18%
Gold and Copper	\$ 925	0.055977	\$4,243,982	50.05%
			<b>\$8,478,838</b>	<b>100.00%</b>

Of significance in the above table is the removal of the Blayney Shire Community Centre special rate variation from the base rate that was applied to all rateable properties. A \$75 reduction to the base rate of all categories has been effected. The rate peg increase for the 2016/17 financial year was set by IPART at 1.8%. Combining these two factors Council will see an overall reduction in rating income from 2015/16 of approximately \$76,000.

Sewer Charges have been indexed by 3% as recommended in the Strategic Business Plan set out by NSW Public Works.

<b>Residential</b>			
	<b>Access Charge</b>	<b>No of Properties</b>	<b>Total Yield</b>
Connected	\$560.00	1551	\$868,560
Vacant/Unmetered	\$288.00	126	\$36,288

<b>Non Residential</b>				
	<b>Annual Charge (Prior to SDF Factor)</b>	<b>No of Properties</b>	<b>Quarter Charge before SDF applied</b>	<b>Min. quarterly amount charged</b>
20mm Water Service	\$464.00	160	\$116	\$140
25mm Water Service	\$716.00	21	\$179	\$140
32mm Water Service	\$1,176.00	18	\$294	\$140
40mm Water Service	\$1,836.00	11	\$459	\$140
50mm Water Service	\$2,868.00	24	\$717	\$140
80mm Water Service	\$7,340.00	1	\$1,835	
100mm Water Service	\$11,470.00	6	\$2,868	
150mm Water Service	\$25,808.00	2	\$6,452	
Vacant/Unmetered	\$288.00	46		

Waste management charges have been indexed by 8.1% for Domestic Waste to \$400 per service and by 10% for Non-Domestic Waste to \$440 per service. Vacant land charge is proposed to increase to \$50. The following waste management charges for 2016/17 are proposed:

<b>Domestic</b>		
	<b>Annual Charge</b>	<b>No. of Properties</b>
Domestic Waste Management Charge	\$400.00	2112
Domestic Waste Management Charge – Vacant Land	\$50.00	304
Domestic Waste Management Charge – Rural Areas	\$400.00	343
<b>Non-Domestic</b>		
Non-Domestic Waste Management Charge	\$440.00	268
<b>Extra Services</b>		
Additional Garbage Charge – per bin	\$230.00	85
Additional Recycling Charge – per bin	\$210.00	31

The maximum recommended rate on overdue rates and charges for 2016/17 has been advised by the Office of Local Government as 8.0%, this has been reduced from 8.5% in 2015/16.

Included in the 2016/17 Operational Plan is the Schedule of Financial Assistance outlining allocation of proposed funding under the Community



Financial Assistance Policy. This schedule has been included to expedite the funding process for recurrent recipients of financial assistance and for greater transparency to the community.

The draft Delivery Program & Operational Plan must be publicly exhibited for at least 28 days and public submissions can be made to Council during the consultation period. Council must consider any submissions made on the draft Delivery Program & Operational Plan before its adoption. Council must post a copy of its Delivery Program & Operational Plan on its website within 28 days following plan adoption.

**Issues:**

Nil.

**Budget Implications:**

The financial implications of this report are detailed in the 2016/17 Operational Plan and an overview is provided as follows:

Council's 2016/17 Draft Operational Plan budget proposes an operational surplus forecast of \$683k before capital grants and contributions. This consists of a forecast surplus from the General Fund of \$956k and a deficit from the Sewer Fund of \$(273)k. The Sewer Fund aligns with the Strategic Business Plan set out by NSW Public Works.

The major contributors to Council's income in the draft budget for the 2016/17 financial year include the following:

- The mining rate still contributes a substantial amount to Council's rate base. Council should be wary of associated risks of such a position to not be fully reliant on this income to help fund the general operations of Council and should gear this revenue towards funding capital projects.
- Domestic Waste annual charge will increase by 8% due to the increased costs of waste collection and is representative of reasonable cost.
- Non-Domestic Waste continues to be subsidised by ratepayer funding as its net cost are forecast to not be covered by users, therefore income has been increased towards becoming self-funding.
- Council was successful in obtaining \$2m from the Fixing Country Roads Grant Funding, which will be spread over 2 years. Council has received \$1.5m in 15/16 through progress payments and the remaining \$500k will follow in 16/17 as the capital work is completed on Errowanbang Road.
- A successful grant application of \$165k for Felltimber Road, Coombing Creek Bridge will help start Council's work towards the Bridge Replacement Program
- Council is still in the midst of the Financial Assistance Grant indexation freeze with the Government in the 2014/15 Budget announcing that "the indexation applied to the Financial Assistance Grant programme would be paused for three years (2014/15 to 2017/18)." Council will receive in 16/17 \$2.4m of untied grant monies.

- Roads to Recovery has seen a boost for 16/17 with Council set to receive \$1.232m then \$373k in the following two years.
- Footpaths will see grant funding of \$388k along Adelaide St south.

The major contributors to Councils expenditure for the 2016/17 Financial Year Draft Budget include the following:

- Increase in Employee Costs with the implementation of stage 2 & 3 now complete. Councils forward thinking also has recognised succession planning is needed with a possible one off increase of \$80k. The state award set for 16/17 is a 2.8% increase to wages and Council has factored in a performance increase on top.
- The Major and Minor Plant replacement program continues with replacements of \$1.8m scheduled to take place in the 16/17 year.
- The Rural Fire Service will fund a Fire shed at Mandurama of \$260k.
- Bridge replacement program to continue with a spending budgeted for \$987k but could increase depending on the Tender and the amount of Bridges the contractor can do and when. Bridges set in 17/18 could be brought forward if feasible.
- Road capital works consists of a \$5.8m budget subject to Council's success in their bid for Resources for Regions funding application. If unsuccessful Council will reduce spending to \$3.8m. Major works on the roads to Cadia are proposed along Errowanbang. Browns Creek Road project will receive work worth \$1.217m and heavy patching and reseals program have also been programmed.

A provision for borrowings of approximately \$1.2m has been made facilitate Councils Bridge Replacement Program.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**09) COMMUNITY FINANCIAL ASSISTANCE POLICY AMENDMENT**

**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

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**Recommendation:**

That Council adopt the Community Financial Assistance Policy, as amended to include the financial assistance payment claim timeframe by 30 June of the following financial year, be included in Council's policy register.

**Reason for Report:**

To seek Council approval for an amendment to the Community Financial Assistance Policy.

**Report:**

Council at its meeting held 18 April 2016 approved the Financial Assistance Committee meeting minutes that recommended an amendment to the Community Financial Assistance policy.

The objectives of the policy are as follows:

- encourage local participation in the development and maintenance of community projects, infrastructure and facilities for current and future generations;
- foster the social, economic and/or environmental wellbeing of the community;
- support local schools and individuals to recognise academic and sporting achievements of local young citizens and
- develop and promote the sporting, cultural and tourism potential of the shire through events and activities that support social inclusion and attracts regional attention.

As recommended by the Financial Assistance committee an amendment to the policy under clause 9 has been proposed to include a condition that successful recipients claim funds awarded under the policy by the 30 June of the following financial year. In the event that funds are not claimed the recipient is to re-apply and funds are to be returned to the Community Financial Assistance program budget.

The paragraph to be inserted under policy clause 9 - General Conditions / Payment is as follows:

*Funds approved under the community financial assistance policy are to be claimed by 30 June of the following financial year of approval. In the event that funds are not claimed the applicant shall re-apply, if required, and funds will be returned to the community financial assistance program budget for reallocation.*

The proposed change is anticipated to free up funding for projects that are “shovel ready” for commencement and not subject to unforeseen delays.

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

**Issues:**

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

**Budget Implications:**

Nil effect.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**10) DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT**

**Department:** Infrastructure Services

**Author:** Director Infrastructure Services

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

**File No:** GO.ME.1

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**Recommendation:**

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

Future Energy Efficiency Works

Council has received the final energy efficiency report from Skillset, and a report shall be prepared for Council consideration in coming months.

Australian Road Research Board (ARRB)

As part of a joint project between Council, the Institute of Public Works Engineers Australia NSW and the Australian Road Research Board, Council has completed an 18 month 'roughness' survey on a selection of the Shire's unsealed rural roads. This involved the provision of regular electronic survey data to the ARRB to assess the impact of different maintenance grading methods. The survey involved Blayney Shire Council and a Council from rural Queensland.

Floodplain Risk Management

A detailed review of the contract variation request submitted by the Consultant has identified costs will be in excess of the current budget and grant allocation. A request has been submitted to Office of Environment and Heritage seeking a funding and program variation.

Based upon the funding model, it is anticipated the impact to Council's budget will be approximately \$4,000.

Further meetings of the Floodplain Risk Management Committee will be required in order to review the draft Floodplain Risk Management Study and Plan, with public exhibition anticipated in October-November and final documents presented to Council in December 2016.

Blayney Shire Community Men's Shed

In accordance with Section 35 of the Roads Act 1993, Council has undertaken the public exhibition period for the part closure of Oldham Place. Council has

met with Blayney Shire Community Men's Shed Inc. representatives to clarify some details, further consultation with Crown Lands is required prior to progressing this matter.

#### Errowanbang Road

Land acquisitions are the subject of separate reports.

### **Funding Applications**

#### NSW Government Fixing Country Roads - Round 2

An application with Cost Benefit Analysis has been submitted to leverage existing Council funding over the forthcoming four years to expand Council's proposed scope of works for Browns Creek Road. Should Council be successful; it is proposed, in addition to the funded rehabilitation works to also widen the road to an 8m seal and provide for an improved alignment. Works are proposed from the Millthorpe Rd to the Australian Native Landscapes (ANL) entrance at Browns Creek. Council is seeking approximately \$1.5 million in order to complete the project. It is also noted that Council has previously applied for funding for the same scope of works through the Australian Governments Heavy Vehicle Safety Productivity Program.

#### Public Reserves Management Fund

Council has submitted two applications for funding from this program:-

- Blayney Showground - Provide a concrete slab to the undercover area, and concrete path with new bench seating to replace the existing timber slat benches.
- Redmond Oval – Install a water bore to irrigate the playing field and reduce potable water demand.

### **Major Works**

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

- Hobbys Yards Road – REPAIR Program; Sealing works have now been completed, providing significant safety and alignment improvements. Most notable is the improved intersection at Neville-Trunkey Road.
- A dust suppression trial on Carbine Road was completed on 4 May.
- All resealing works have now been completed on Three Brothers Road, Browns Creek Road, Mandurama Road, Burnt Yards Road, Panuara Road and all urban streets in Mandurama.
- Kerb build outs, as part of the shared pathway network on Martha Street have commenced. This will provide a formalised link between the new network being built around the main town area and south Blayney.
- Maintenance grading has commenced in the Gregghamstown area.
- Blayney Bridge Program – The preparation of documentation has commenced for the public tendering for this program.

**Major Contracts****Redmond Oval Canteen**

- Budget \$144,536.36 (ex GST)
- Work on the building has just about been completed, with final plumbing works completed, including the installation of guttering, down pipes and a grease arrestor to satisfy Trade Waste requirements.
- Documentation for a Request for Quotation for the kitchen fitout will be advertised shortly with an anticipated time frame for delivery of Late July. An allocation for funding for the fitout is included within the 2016/17 budget.

**Redmond Oval Upgrade**

- Budget \$700,000 (ex GST)
- The construction works on the oval are now complete. The grass was sown on the 17<sup>th</sup> – 19<sup>th</sup> April and the 10 week maintenance period now begins.
- A purchase order has been placed on the fencing contractor and the installation of the fence is due early June.

**Showground Irrigation**

- Budget \$112,000 (ex GST)
- Works are now complete and the commissioning of the system has been undertaken with handover last week. The Parks and Garden staff have been provided an overview and training of the system with positive comments from staff.

**Building Maintenance Works**

- The replacement of the damaged air vents and other specialty items for the Carrington Park Rotunda are to be installed shortly.
- Commencement of works for the Redmond Oval Rotunda will be programmed shortly, as other works at the oval wind down, and activity on the site is reduced.
- A review of future building maintenance budgets has been undertaken with inspections carried out by staff to verify and quantify work required.

**Wastewater****Chamber Hill pipeline replacement**

- Budget \$240,116 (ex GST)
- Contractors began works to replace the effected gravity line for 130ms from Manhole 1 at Chambers Hill. It has become apparent during the works there were issues that would have led to the water backing up during longer pumping periods. Works to relay and align the replacement pipe will be completed this week. The remaining works to complete the retaining structure and removal of the de-odorising bed will begin in the next few months.

**Trade Waste**

- Council Officers are currently undertaking Trade Waste inspections of Blayney and Millthorpe businesses. Council has engaged Key

Environmental to once again assist with the inspection and reporting of the program.

#### Pump Stations

- Contractors are currently undertaking condition assessment of our pump stations to provide a report on the structural, mechanical and electrical components of the pump stations. The report is intended to assist in identifying the maintenance requirements and priorities to renew the items / infrastructure required.

#### **Recreation and Environment**

##### King George Oval

- Works to demolish and reconstruct the tiered seating along the fence line at King George Oval have commenced. Works include removal of the existing tiers and reconstruction with new level concrete slab tiers on concrete block steps. Steel seat framing similar to that used on the grandstands is to be fabricated and installed once complete. Investigations into the provision of shelters to the team “dugouts” is underway. Sideline fencing across the seating area will also need to be replaced as the original fencing had to be removed.

#### **Asset Management**

- Council Asset staff continue to work with AssetFinda to resolve issues with Road Centre Line data, after providing a cleansed set of road data.
- Mobile Tablet setup, Culvert data and finalisation of the roads data are the only outstanding issues.

#### **Infrastructure Services Personnel**

- The Graduate Engineer role has closed, with approximately 20 applicants. These are to be shortlisted and interviews undertaken by late May.

#### **Heavy Plant and Fleet**

- The purchase of a replacement motor grader is the subject of a separate report.
- An order has been placed for the new workshop ute, with an anticipated delivery timeframe of 6 weeks.

#### **Issues:**

Nil.

#### **Budget Implications:**

Nil.

#### **Enclosures (following report)**

Nil

#### **Attachments (separate document)**

Nil



## 11) **PURCHASE OF MOTOR GRADER**

**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.22

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**Recommendation:**

1. That Council accept the quotation from Westrac Pty. Ltd. for the supply of one (1) 140M Motor Grader for a purchase cost of \$436,636 (exc. GST).
2. That Council approve the disposal of the existing 12H grader via private auction.

**Reason for Report:**

To seek Council approval for the purchase of new motor grader as a replacement for P50 – Caterpillar 12H VHP Motor Grader in Council's fleet.

**Report:**

Executive Summary

Blayney Shire Council undertook a Request for Quotation through **Local Government Procurement** (Vendor Panel) for the purchase of a new motor grader. This new motor grader will replace a Caterpillar 12H (50).

Local Government Procurement is prescribed under Clause 163 of the *Local Government (General) Regulation 2005*, thus enabling Council to purchase this item through a quotation process.

As Councillors would be aware from the last QBRS, Council was seeking to provide a motor grader within its fleet, that would provide enhanced productivity than that of the current motor grader being used predominantly on construction works. The areas for an increase in productivity were investigated, and it was determined that a larger frame grader with greater power and traction would enable higher productivity on construction jobs.

The Request for Quotation received 2 conforming submissions from a total of 6 from 3 suppliers. The conforming submissions both quoted motor graders specified over the minimum set blade pull of 14,000kg and typical machine operating weight of 17,500kg.

Submissions Summary

Suppliers were requested to submit prices for the supply of a Motor Grader to Council's specification.

In total 6 submissions were received from the following suppliers:

- Komatsu Australia Pty Ltd (1)
- Hitachi Construction Equipment Sales Pty Ltd (2)
- Westrac Pty Ltd (3)

#### Analysis of Quotes

Four quotations were excluded as they did not conform in the area of blade pull. The full analysis of the remaining Quotations was undertaken based on assessment of: -

- the initial overall product comparison,
- whole of life cost (includes the quoted price),
- operator evaluation,
- workshop evaluation,
- capacity for application; and
- warranty, service and backup parts evaluation.

Council was unable to assess an AWD grader as there were none available within a reasonable travel distance. Council's staff instead undertook the assessment on the equivalent grader without AWD to assess its features, ergonomics, and serviceability. With the productivity assessment based on the manufacturer supplied specifications.

The results of the assessments on the best performing 2 quotations are detailed below:

<b>Assessment Criteria</b>	<b>John Deere 772G (AWD)</b>	<b>Caterpillar 140M (AWD)</b>
<b>1. Whole of life cost 30%</b> Net tendered price plus maintenance costs	25.5	30
<b>2. Operator assessment 20%</b> Input on ergonomics and features of grader related to task	15.11	19.56
<b>3. Mechanical / Workshop Assessment 15%</b> Passive safety, serviceability, environmental	12.99	13.5
<b>4. Capacity for application 25%</b> Production – Blade Pull	25	23.47
<b>5. Warranty, service &amp; Parts availability 10%</b> Standard warranty, after sales service and parts	7.33	8.67
<b>TOTAL</b>	<b>86.3</b>	<b>95.2</b>

The assessment demonstrates that the Caterpillar 140M (AWD) provides best value for Council.

It is worth noting that Council will be equipping the grader with a 3D GNSS machine guidance system. This is subject to a separate quote to ensure that Council could achieve the best combination of grader and guidance system.

**Sale of Existing Plant Item**

It is proposed to dispose of the existing motor grader (P50) via auction. Council staff did not request an offer of trade-in for the motor grader. It is expected that this sale will realise approximately \$85,000.

**Issues:**

Nil

**Budget Implications:**

The budgeted amount for the replacement of the Motor Grader (P50) is adequate for this purchase.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**12) BLAYNEY SHIRE ACTIVE MOVEMENT STRATEGY**

**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.TE.6

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**Recommendation:**

That Council approve the placement of the draft Active Movement Strategy on Public Exhibition for a period of 28 days.

**Reason for Report:**

To update Councillors on progress of the Active Movement Strategy.

**Report:**

Councillors may recall that Council engaged GHD Pty Ltd to research and develop an Active Movement Strategy (AMS) and Action Plan for the Blayney Shire. These documents replace the existing Pedestrian Access Mobility (PAMP) and Bike Plan, 2008.

In consultation with the Roads and Maritime Services (RMS), Council identified an opportunity to fund a revision and expansion of the existing PAMP and Bike Plan, through a 50/50 funding arrangement under the Transport for NSW, Active Transport Program. Council was successful in receiving Grant funding for this project in the 2015/16 financial year.

The existing PAMP and Bike Plan only considered the township of Blayney, with no consideration of the needs of the Villages and regional linkages between Blayney Shire and neighbouring local government areas.

In preparing the AMS, the consultants held a Project Inception meeting to establish the project team and agree on the project methodology and timetable.

The Consultants worked with Council staff to identify the existing pedestrian and bicycle facilities in the shire. Maps of the existing facilities were used as the basis for a series of consultation meetings, including a visit to the Blayney Farmers Markets, individual meetings in various villages attended by Councillors and Council staff and a presentation to the Blayney Shire Access Committee.

The draft report outlines general principles in designing and building an active travel network and details the findings of the consultations for each village and Blayney township. Individually identified projects have been prioritised based on a series of scores against assessment criteria.

It is intended that these projects will be used as the basis for Council's future works program for footpaths and shared paths. The document is also anticipated to be a key resource in Council seeking State government funding into the future.

The consultants will provide an overview of the AMS and associated Action Plan at the Council meeting prior to consideration of this report.

**Issues:**

Nil.

**Budget Implications:**

The AMS was fifty percent funded by State Government Grant and Council's expenditure is funded within existing budget allocations.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

1 Blayney Shire AMS Summary Plan

68 Pages

**13) DEVELOPMENT APPLICATION 165/2015 - ERECTION OF A DWELLING - LOT 40 DP 263360, 37 GRAHAM LANE, MILLTHORPE**

**Department:** Planning and Environmental Services

**Author:** Director Planning and Environmental Services

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

**File No:** DB.AB.934

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**Recommendation:**

That Council refuse Development Application 165/2015 for a proposed dwelling on Lot 40 DP 263360, 37 Graham Lane, Millthorpe, because:

- Council is not satisfied that the applicant has adequately addressed the matters set down under Clause 4.6 (3) of the Blayney LEP 2012; and
- The proposal is not in the public interest because it is inconsistent with the objectives within the RU1 zone, and inconsistent with the objectives of the 100ha standard.

The reasons for refusal are elaborated upon as follows:

- a) The proposal does not align with Council's structured and planned strategic approach to the location of lifestyle allotments under the Rural and Industrial Land Use Strategy 2008.
- b) The development has the potential to create a precedent for the establishment of lifestyle blocks within the entire RU1 Primary Production zone of the Blayney Shire Local Government Area with no strategic rationale, is inconsistent with the State Environmental Planning Policy (Rural Lands) 2008, is inconsistent with the objectives of the Blayney LEP 2012, is inconsistent with the RU1 zone objectives and inconsistent with the 100ha development standard objectives.
- c) The development is proposed in isolation, with no strategic analysis of supply and demand for rural residential allotments, and no analysis of the environmental impacts of soil capability and service provision in the context of future development of the surrounding lots.
- d) The development has the potential to create landuse conflict with adjoining agricultural landuses, having regard for current and future agricultural activities, and the efficient and effective operation of agricultural land.
- e) The proposal has the potential to have an adverse visual impact on the locality, with no indication of possible mitigation measures.

**Reason for Report:**

Council at its 15 February 2016 meeting resolved to defer determination of this application at the request of the owner and undertake an onsite meeting. The onsite meeting was undertaken on Monday 7 March 2016.

The application was subsequently presented to Council at its 21 March 2016 meeting, which Council resolved to defer this matter to the May 2016 Council meeting at the request of the owner.

The owner specifically requested deferral to the May 2016 meeting during the public forum so that additional information could be provided for consideration prior to Council determining the application.

As of Friday 6 May 2016 no further information had been provided by the owners to council for consideration, subsequently the application is tabled for determination.

It is noted that should the applicant have additional information which supports their application they can lodge another Development Application for assessment in the future.

**Report:**

<b>Applicant:</b>	VJ & LJ HARRIS
<b>Owner:</b>	VJ & LJ HARRIS
<b>Application No:</b>	165/2015
<b>Zone:</b>	RU1 Primary Production
<b>Date Received:</b>	17 December 2015
<b>Assessment No:</b>	A346765
<b>Property:</b>	Lot 40 DP 263360, 37 Graham Lane, Millthorpe
<b>Proposed Development:</b>	Development Application 165/2015 - Erection of a Dwelling - Lot 40 DP 263360, 37 Graham Lane, Millthorpe

**Background:**

The proposed development seeks to erect a dwelling on the land, that being Lot 40 DP 263360, 37 Graham Lane, Millthorpe. The land is currently vacant, located on the northern side of the Lane, and is cleared grassland of some 1.84ha in area, utilized for the grazing of horses. It is on average 80m wide and 220m long. **See Enclosure 2** – Location plan, site plan and elevations.

The proposed dwelling would be located some 200m back from Graham Lane and 22m in from the eastern boundary. It would comprise four bedrooms, living areas, kitchen, amenities and verandahs, and would be constructed of brick cladding with a colorbond roof on a concrete slab.

The land is located to the south east of Millthorpe where Graham Lane feeds into Nyes Gate Road and from there onto the Millthorpe Road adjacent to the railway bridge. It is some 700m from the centre of Millthorpe and is zoned RU1 Primary Production. The main vehicular access is off Graham Lane, and the land slopes down to the road.

The Millthorpe Heritage Conservation Area comes right up to the northern boundary of the property, although there are no heritage items in the vicinity this side of the Millthorpe Road or the rail line.

There are dwellings on each adjoining lot on the north side of Graham Lane, and one dwelling on the southern side of the lane which faces Nyes Gate Road.

After the 15 February 2016 Council meeting, Council staff verbally discussed the application, with the NSW Department of Planning and Environment (DPE) in particular the clause 4.6 variation justification shown in **Enclosure 5**. DPE indicated the assessment and recommendation appears to be a correct assessment and recommendation. DPE do not provide written comment on local development matters, prior to Council formal consideration.

**Note:** *In the event that Council determines to support the proposal, Development Consent cannot be granted until the Department of Planning & Environment grant concurrence in accordance with Planning Circular PS 08-003*

### **Section 79C (1) Assessment:**

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

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

*State Environmental Planning Policy (Rural Lands)* is reviewed with regard to this proposal.

The aims of the Policy are:

- (a) to facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- (b) to identify the Rural Planning Principles and the Rural Subdivision Principles so as to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State,
- (c) to implement measures designed to reduce land use conflicts,
- (d) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,
- (e) to amend provisions of other environmental planning instruments relating to concessional lots in rural subdivisions.

##### **Planning Principles**

The Policy provides a set of Principles which are designed to achieve these aims. Those Principles are applied to the development proposal as follows:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,  
**Comment:** The location of the proposed dwelling does not lend itself to the protection of possible landuse activities on the rural land to the east. The setback of the building is only 22m. Activities such as machinery use, weed spraying or animal grazing within 22m of a residence is not a desirable outcome.



- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,  
**Comment:** The agricultural land to the east has the potential to be utilised for more intensive or horticultural based land use activities, and Council must recognize this fact.
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,  
**Comment:** The erection of an additional dwelling in this vicinity does not align with Council's strategy for the development of Millthorpe, and the current lack of take up of zoned rural small holding lands. In addition, a significant precedent (98% variation) would be set by the development of lifestyle development in a rural area, not zoned for this purpose.
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,  
**Comment:** In consideration of the matters outlined in this report, this balance must be addressed by Council. The community interests of concern would relate to servicing, landuse conflict with existing and potential agricultural landuses, and creation of a precedent in the approval of a residence in an area not zoned for this purpose.
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,  
**Comment:** There are no particular known natural resources threatened by this development. The land is largely cleared grazing land, with a mix of native and exotic grasses within a highly disturbed rural landscape. A geotechnical report demonstrates the protection of groundwater through appropriate installation and operation of an onsite effluent disposal system. Sediment and erosion control during construction would limit stormwater damage.
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,  
**Comment:** As has been shown in this report, the provision of rural lifestyle development in this highly visible location would present land use conflict in an area not provided for within Council's rural landuse strategy. Opportunities for lifestyle, settlement and housing of this nature are provided further to the west of the village under the strategy, and sufficient take up has not been achieved to justify further development of the same to the east of the village.
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,

**Comment:** The dwelling is proposed to be located to the far eastern end of the block. The development can be served by power and telephone. Although the sewer line runs along Millthorpe Road, some 330m to the west, the site is proposed to be served by an onsite effluent disposal system. Water supply is unconfirmed, and the dwelling could be served by rainwater tanks.

However, the development of a residence in this location would create a precedent for requests for the development of other blocks within the subdivision, where a full investigation has not been carried out into the capability of local soils to accommodate numerous onsite systems, or the alternate capability for the nearby water supply and sewer systems to be connected to the site.

- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

**Comment:** The proposed development is inconsistent with the provisions of the Rural and Industrial Land Use Strategy 2008 and Blayney Local Environmental Plan 2012, in that areas for lifestyle blocks have already been identified to the west of the village, and take up to date does not warrant the consideration of the development of land to the east of the village for similar development.

#### **Clause 10 Matters to be considered in determining development applications for rural subdivisions or rural dwellings**

The following matters are to be taken into account:

- (a) the existing uses and approved uses of land in the vicinity of the development,

**Comment:** The landuses which surround the development site are rural, and comprise mostly grazing. There are dwellings erected on the adjoining lots to the north and south, although these are not new developments.

- (b) whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development,

**Comment:** The predominant landuse in the vicinity is agriculture. The impact on adjoining lands to the south, and north are likely to be negligible. However, the properties to the east and south east are larger and although used currently for grazing, have the capability for other more intensive agricultural uses, apart from their current operations which may include the use of machinery, weed spraying and animal grazing. The location of the dwelling only 22m from the eastern boundary does not lend itself to reduction in landuse conflict, and the subject land has encroachments from a water line and power lines which limit possible other dwelling sites on the land.

- (c) whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b),

**Comment:** The landuse in its current location is likely to be incompatible with the efficient and effective use of the agricultural land to the east as discussed above. This in turn does not fall in with the objectives of the Rural Lands SEPP, the objectives of the rural RU1 zone, or the Land Use Strategy.

- (d) if the land is not situated within a rural residential zone, whether or not the development is likely to be incompatible with a use on land within an adjoining rural residential zone,

**Comment:** As discussed in (b) above.

- (e) any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c) or (d).

**Comment:** Although the developer has indicated that setbacks can alleviate landuse conflict, they have not suggested what those conflicts may be. Council has made suggestions in this regard. No other mitigation measures have been suggested by the applicant.

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

## 2. Regional Environmental Planning Policies

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

## 3. Local Environmental Plans

The land is zoned RU1 Primary Production under the *Blayney Local Environmental Plan 2012*, and the development is not permissible in the RU1 zone under Clause 4.2A as the land is below the 100ha minimum lot size for the erection of a dwelling.

The developer has lodged an objection under Clause 4.6 of the Blayney Local Environmental Plan 2012, to the 100ha minimum lot size development standard required in clause 4.2A(3)(a), to enable a dwelling in the RU1 Primary Production zone.

## Subdivision and zoning history:

### Subdivision:

Lot 40 DP 263360 was created as a result of road widening along the Millthorpe Road in 1982, where a strip of land was excised from all lots in this vicinity along the Millthorpe road frontage under DP 263360. **See**

### Enclosure 1 – DP plans.

In 1921, a number of allotments were created from the northern end of George Street right through to the lots which front Park Street, Nyes Gate Road and Graham Lane, along with larger lots to the south and south east, being DP 11125. **See Enclosure 1 – DP plans.**

Prior to this the allotment was part of a subdivision of Portions 52, 140 and parts of Portions 82, 57 and 90 in the Parish of Graham, being DP 11125. Lot 40 DP 263360 was a part of Portion 57.

From the 1921 subdivision it can be seen that a pattern of subdivision was created which located small lots adjacent to the village of Millthorpe, with lots increasing in size to the south and south east, moving away from the village.

#### **Zoning:**

- In 1973, the Lyndhurst Interim Development Order No. 1 zoned the George Street lots as 2 Village or township, and the land within 400m ( $\frac{1}{4}$  mile) of the Millthorpe Road Non Urban B 1(b). Beyond the 400m distance the land was zoned Non Urban A 1(a). The subject land falls within the 400m 1(b) zone. Dwellings were permitted on lots smaller than 40ha within the 1(b) zone in certain circumstances, such as concessional allotments.
- The Blayney LEP 1998 zoned the George Street lots as 2(v) Village or Urban and the remaining lots 1(a) General Rural. Dwellings could be erected on land under 100ha only under certain circumstances such as existing holdings.
- The Blayney LEP 2012 carried these zones through to RU5 Village and RU1 Primary Production, respectively. The erection of dwellings in the RU1 zone was similar to LEP 1998.

The provisions of LEP 1998 and LEP 2012 also provided for the erection of dwellings on land where a dwelling could be erected if the land was lawfully created for the purposes of a dwelling before the appointed day. (Clause 3(c))

Existing dwellings in the vicinity are noted at **Enclosure 3**.

**Enclosure 4** shows the land zoning of the Blayney LEP 2012 for the Millthorpe area.

**Objectives of the RU1 Primary Production zone** are examined as follows:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base  
**Comment:** The subject land is only 1.84ha in area. The land at this size does not lend itself to the operation of a sustainable primary industry. It is currently used for the grazing of horses. The land is surrounded by allotments of similar size to the north, west and south. The property to the east is a 42ha rural grazing property. The village of Millthorpe is located about 700m to the north west.

- To encourage diversity in primary industry enterprises and systems appropriate for the area  
**Comment:** It is unlikely that a primary industry enterprise or system would be sustainable on an allotment of this size.
- To minimize the fragmentation and alienation of resource lands  
**Comment:** The proposed development will not result in the fragmentation or alienation of resources. No subdivision is proposed.
- To minimize conflict between land uses within this zone and landuses within adjoining zones  
**Comment:** Land use conflict may result from this development. The main properties to the east will continue to be utilized for agricultural production (grazing). Other surrounding properties are of similar size to the subject land, and existing dwellings are shown at **Enclosure 3**. The use of the land for a dwelling in its proposed location may draw impact from conflicting activities, such as when weed spraying is proposed on the farming land. Council should also have regard for current trends to transition from extensive agriculture to intensive agriculture such as horticulture and intensive livestock in some locations, on these larger properties.
- To enable function centres, restaurants and appropriate forms of tourist and visitor accommodation to be developed in conjunction with agricultural uses.  
**Comment:** These uses do not form a part of this development, although the development would not prevent them from occurring.

#### **Clause 4.1 Minimum subdivision lot size**

It is noted that the applicant examines the objectives of Clause 4.1 of the BLEP 2012, during the clause 4.6 submission which relates to subdivision, and is not relevant to this proposal.

#### **Clause 4.2A Erection of dwelling houses or dual occupancies on land in certain rural and environmental zones**

The proposed application is seeking a clause 4.6 variation to the 100ha development standard specified in clause 4.2A(3)(a) to enable a dwelling in the RU1 Primary Production zone.

The current allotment was not created for the purposes of a dwelling, but was the result of road widening in 1982, and the land alone is not an existing holding. From its records, Council has no evidence to suggest that the previous 1921 subdivision intended dwellings to be erected on the subject land, at which time the subject lot was known Lot 21 DP 11125.

The objectives of Clause 4.2A are considered as follows:

- To minimize unplanned rural residential development.

**Comment:** Under the current and previous LEPs this area was not planned for rural residential allotments.

The Sub-Regional Rural and Industrial Land Use Strategy 2008 noted that a structured range and planned location of lifestyle allotments and small holdings was a desirable goal. At that stage population growth was not expected to rise, although the supply and demand analysis showed that there was some demand for additional such lots, but only nearer to Orange. State government policy at the time advocated a planned approach to rural settlement subdivision and settlement, and it was recognized that rural lifestyle allotments provide increased choice in housing options. However, they should only be provided where service provision is economically viable and efficient, where there is a clear demand with no supply available, and where the development of lots previously created for the purpose of rural settlement has been rationalized against consolidation of settlement and prevention of fragmentation.

Although the applicant refers several times to the Blayney Settlement Strategy, that Strategy specifically states that large lot residential land uses were not strictly addressed by the Settlement Strategy as there were approved strategies in the Rural & Industrial Land Use Strategy, where the primary existing large lot residential area in proximity to Millthorpe is along Forest Reefs Road and to the north of Millthorpe.

The Rural & Industrial Land Use Strategy actually recommends decreasing any additional dwelling development in part of the area of large lot residential land uses along Forest Reefs Road. The Strategy also suggested a future investigation area to the south-west of Millthorpe that may be suitable for very limited future large lot residential subject to addressing a range of issues with this site, but this would not be required for a significant period of time until existing large lot residential supplies near Millthorpe are nearly exhausted.

In determining the zonings for BLEP 2012, Council examined a number of sites around the extremities of the Millthorpe village, weighing up the positives and negatives of each area, and made a decision on the R5 and RU5 zones, and where RU1 would be retained, and also flagged areas for future development based in information available at the time.

Currently, and in consultation with the Department of Planning & Environment, Council is considering a recommendation that where there is an excess of rural lifestyle blocks created for the purposes of a dwelling, those which are not strategically located or deemed necessary are to be gradually phased out. Therefore, it appears that where an allotment is not proven to have a building entitlement, it is even less likely that Council should consider the Graham Lane proposal, when it has already been shown that there is a considerable amount of take up yet to be realised in the existing areas of Browns Creek Road, and Forest Reefs Road.

Although the proposed development of 37 Graham Lane does not involve subdivision, and it is not subject to constraints such as bushfire, extreme slope or conservation value, it is not within an area previously identified by Council for large lot residential development. Until it can be justified that the area to the south east of Millthorpe is required for rural residential development, only the merits of the development of Lot 40 can be considered, but within the context of strategic planning for the village of Millthorpe.

In addition, of the small lots created under DP 11125 which front Park Street, Nyes Gate Road and Graham Lane, there are 13, only four of which have been developed to date, with the dwellings being some years old. One additional dwelling to the end of the formed section of Graham Lane (Lot 39) is to be developed in the near future as an existing holding of some 58.79ha.

In the event of approval for the development of Lot 40, Council could create a precedent for the development of the other blocks, without the benefit of a strategic rationale.

- To enable the replacement of lawfully erected dwelling houses or dual occupancies in rural and environmental protection areas.

**Comment:** The proposal does not involve the replacement of a lawfully erected dwelling. The land is vacant and there is no evidence that there has been a dwelling on the land in the past.

#### **Clause 4.6 Exceptions to development standards**

The objectives of Clause 4.6 are as follows:

- (a) To provide an appropriate degree of flexibility in applying certain development standards to particular development.
- (b) To achieve better outcomes for and from development by allowing flexibility in particular circumstances.

The Council must consider a written request which seeks to justify the contravention of the standard by demonstrating that compliance is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the standard. Council must be satisfied that the matters have been adequately addressed, and that the development would be in the public interest. It must be consistent with the objectives of the standard and the objectives for development within the zone.

Council has received development application No.165/2015 for the erection of a dwelling on the land. The applicant has provided justification for a variation to the standard as follows:

- Compliance is unreasonable in the circumstances as it prevents consideration of a dwelling on the site based on the merits presented in their report.

- Economically viable agricultural activities are not suited to the land. Rather the land is near the edge of the village, is consistent with the pattern of existing rural settlement on the southern side of the village zone.

**Council comment:** Firstly, the Council report does examine the merits of the case within this report, within the context of strategic considerations.

Council acknowledges that economically viable agricultural activities are not suited to the land. However, given that the take up of small lots within this part of the subdivision created in 1921 is only 4 out of 13, and that more development has been undertaken on the Forest Reefs Road area as identified by Council for growth, it has not been evident to date that there is a demand for development of the south eastern area.

The applicant has examined the objectives of the RU1 zone and makes a number of observations:

- Future development of the site will not alienate existing rural enterprises in the surrounds.
- No fragmentation of land will result.
- Potential landuse conflicts can be addressed through setbacks.
- Dwelling houses are permissible in the RU1 zone, where there is a dwelling entitlement.
- No physical constraints are identified.
- Maintaining the standard is not considered of public benefit in that it otherwise prevents a dwelling on a small rural lot that benefits from town services and location.

**Council comment:** Council acknowledges points two and four. However, although the applicant suggests that setbacks will address landuse conflict, those conflicts are not identified. Council would suggest that these conflicts may include machinery use, animal grazing and weed spraying. Other potential conflicts may occur in the consideration of the current trend, as suggested within Planning Circular PS 08-002, for a transition from conventional grazing activities to more intensive or horticultural based land uses on larger properties.

In terms of services, although the site is only 700m from the centre of Millthorpe, the land has power and telephone, and a water line passes through the land from the nearby reservoir. Confirmation has been provided from the water authority that the proposed dwelling can connect into this water line.

The land is not connected to sewer, and a geotechnical report has been provided for onsite effluent disposal, for a conventional bed absorption system and septic tank.

Therefore, it has not been shown that the site benefits from all town services.



Although the site is only 700m from the centre of Millthorpe it is not surrounded by a significant number of existing established allotments, highlighted by Council's unwillingness to consider this area for development into rural residential in the past.

#### **4. Section 117 Directions**

**Direction 1.2 - Rural zones:** The objective of this direction is to protect the agricultural production value of rural land. However, in the Blayney LGA it applies only where a planning proposal is being prepared for the rezoning of land from a rural zone to a residential, business, industrial, village or tourist zone.  
It is not relevant to the proposed development.

**Direction 1.5 – Rural lands:** The objectives of this direction are to protect the agricultural production of the land, and to facilitate the orderly and economic development of rural lands for rural and related purposes. The direction applies to planning proposals to which *State Environmental Planning Policy (Rural Lands) 2008* applies.

Council has examined *SEPP (Rural Lands) 2008* earlier in this report. However, the application is not a planning proposal, and therefore this direction is not relevant to this development.

Note: It is noted that the applicant has indicated that a planning proposal may be considered that reduces the minimum lot size applying to the site to permit a dwelling.

#### **5. Guidelines and policies**

The development was notified to adjoining landowners. No submissions were received.

#### **79C (a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has not been notified to the consent authority that apply to the land to which the development relates**

There are no such proposed instruments relevant to this development.

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

There are no development control plans in place relevant to this development. The land does not fall within the Millthorpe Development Control Plan area. However, in the consideration of the applicant's request to consider the development of a rural lifestyle block, a provision for buffers and setbacks to the adjoining agricultural land, as set down in Council's Development Control Plan No. 3 Rural Residential Development, could possibly have been considered by the applicant.

Biological buffers can be considered, which would depend on the nature of the conflicting landuse, its proximity to the proposed development, natural topography, existing windbreaks, noise and visual barriers, prevailing winds

etc. Influences might include odour, noise, dust and chemical spray drift. That DCP recommends a 35m wide separation area, containing random plantings and a variety of species, and includes a 5m wide maintenance corridor.

**79C (a)(iia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, that apply to the land to which the development relates**

There are no such agreements relevant to this proposal.

**79C (a)(iv) any matters prescribed by the regulations that apply to the land to which the development relates**

There are no such matters relevant to the development that could not be addressed through any conditions of consent.

**79C (a)(v) Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development relates**

Not applicable to this development.

**79C (b) the likely impacts of that development**

**Context and setting**

The proposed development seeks to establish a dwelling on the land within a rural area, some 700m to the south east of the centre of the village of Millthorpe.

The site is located within a rural setting set back some 200m from the front boundary onto Graham Lane. The site is fenced on all sides, and slopes to the south east and to the road, surrounded by a mix of lot sizes, being mostly grazing land with scattered homesteads.

The dwelling is proposed to be sited on the highest point of the land, set back only 22m from the eastern boundary. This development would be clearly visible from much of the southern and eastern sectors of the village environs. No landscaping plan has been provided which might alleviate any potential adverse visual amenity.

The adjoining property to the east is a grazing property of 42ha, and with the proposed location of the dwelling, a buffer of only 22m is provided to any potential agricultural activities on that land such as weed spraying.

Although the site does not fall under the provisions of any development control plans, the consideration of appropriate buffers is an option.

A water line runs through the property from north to south about 60-70m from the eastern boundary, and power lines are located at the front of the land. These features limit an alternate location of a dwelling site somewhat.

Within the subdivision created in 1921, only four other lots in the vicinity have been developed for dwellings, those being carried out some years ago. Most adjacent and adjoining lots are used for minor grazing to the south, west and north. To the east are larger grazing properties.

**Access, transport and traffic**

The site would be accessed via an entrance onto the unsealed adjoining Graham Lane, which feeds on to Nyes Gate and in turn onto the Millthorpe Road. There is not expected to be significant increase in traffic nature, volume or frequency, from the proposed development. However, Council's Engineer has required works relating to a new entrance, a driveway, power line clearance, and utility relocation if necessary.

**Services/utilities**

Power and telephone are available to the site, with power lines being located across the front of the site which limit development in this location. The building would be served by an onsite effluent disposal system, and although a water line runs through the property from the nearby reservoir, rainwater tanks could be considered. No investigation has been carried out by the applicant into alternate options for sewer. No additional services or utilities are required for the development. The cost of any relocation of utilities required for the development would be borne by the developer.

**Site design, internal design and construction**

The construction work required for this development involves the erection of a new dwelling, in accordance with the details provided including a BASIX Certificate, and the Building Code of Australia.

The proposed dwelling would be located some 200m back from Graham Lane and 22m in from the eastern boundary. It would comprise four bedrooms, living areas, kitchen, amenities and verandahs, and would be constructed of brick cladding with a colorbond roof on a concrete slab.

Site design would incorporate sediment and erosion control measures during both dwelling and access construction.

**Hazards – technological, natural**

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

**Noise and vibration**

There are no particular matters relating to noise and vibration which might apply to the development itself. Noise levels should not increase as a result of the development. All activities would be internal, and not include mechanical or industrial processes.

However, the occurrence of noise and vibration from machinery operation on the agricultural land to the east has the potential to impact on the development, with the dwelling setback being only 22m back from the boundary and no provision for buffers.

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

There are no matters arising from this development which might affect flora or fauna, as the site is a highly disturbed rural property. It is largely cleared grazing land with a mix of exotic and native grasses, utilized for grazing of horses. No other land resources are affected. Air pollution is not expected, and mitigation measures such as sediment and erosion control would minimise environmental impact.

**Water**

Water requirements for the development would be addressed through rainwater tanks, although investigation was undertaken to establish whether connection can be made into the reticulation line that currently traverses the property, given that the other lots in the subdivision do not have dwelling entitlements, and the adjoining dwellings are not connected. Stormwater would be directed into the natural drainage system and away from the buildings, with appropriate sediment and erosion controls in place.

**Waste**

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

**Visual amenity**

The proposed development would place the dwelling on the highest point of the land in a highly visible location above the heritage village and environs to the south and west. No landscaping plan has been provided which might alleviate this situation. The two adjoining dwellings are protected by long established gardens and mature trees, but are not located on highly exposed sites such as this.

**Safety, Security and Crime Prevention**

There are no particular safety, security or crime prevention matters relevant to this development. The building would be locked and the property fenced. The land has until recently been owned by the adjoining landowner and therefore under constant surveillance for stock monitoring purposes.

**Economic impact**

The economic impacts from this development include employment opportunities, and increased use of local support industries during construction.

However, the site is within a rural area not identified for lifestyle blocks, and the approval of such a development may create a precedent for demand for servicing of this and other lots in the vicinity.

In addition, the development has the potential to limit the efficient and effective use of the larger rural property to the east.

**Social Impact**

The social impacts relates to the development of a local property, which has the potential to work with the local and regional community on a number of

different levels. The construction process would provide employment and the environment is protected.

However, there is potential for adverse impact on amenity, with the location on a highly visible site, with no provision for visual screening.

There is also potential for landuse conflict with the existing agricultural operation to the east, and its potential to be redeveloped to other horticultural or intensive agricultural landuses.

There is potential for setting a precedent with the expectation that other lots in the vicinity can be developed for similar lifestyle landuse.

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

#### **Cumulative Impact**

The cumulative impact of the development is for the use of a rural property, within effective industry standards, that may lead to minimization of environmental and community impact.

However, the development of this property has the potential to set a precedent for further development which does not fall into Council's current strategy for the Millthorpe locality. The cumulative effect of this and other possible requests to developed lots not zoned for the purpose would undermine Council's long term plan for the village and its surrounds, based on the current strategy and the lack of take up of rural residential land to date. This subdivision was created in 1921, and only four dwellings erected to date. The natural growth of Millthorpe has been to the west and until that area is exhausted no further areas for rural residential can be considered.

#### **Climate Change**

The NSW Sea Level Rise Policy Statement 2009 outlines the Government's objectives and commitments in regards to sea level rise adaptation. A key Government commitment is that it will promote and support an adaptive risk-based approach to managing the impacts of sea level rise. The proposal would not significantly contribute to climate change and will not change the risk profile of the site in regard to the impacts of sea level rise.

#### **Ecologically Sustainable Development**

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

**Other**

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

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

**Comment:** The site is not particularly suitable for the development, being a rural residential use in a rural area adjoining agricultural land, potentially resulting in landuse conflict as discussed above. Its servicing would be in isolation, although in close proximity to the village, and not within the context of a rural residential precinct. Although access would be appropriate for the level of use, and soil/water movement across the site could be controlled, the site is highly exposed and does not lend itself to positive visual amenity in its current form.

Existing adjacent dwellings were developed under specific circumstances and cannot be considered as a precedent or justification for this proposal.

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

**Comment:** Adjoining landowners were notified from 22 December 2015 to 18 January 2016. No submissions were received.

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

**Comment:** It is not in the public interest to develop land not identified for the purpose, when the strategies that dictate the development of the Millthorpe area were developed through extensive community consultation.

Future studies may review the situation, but until the development of the existing rural residential lands to the west is achieved no other areas should be considered for lifestyle development, especially without appropriate strategic analysis.

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

**Conclusions**

The above assessment illustrates that the clause 4.6 variation, seeking a 98.2% variation to enable a dwelling in the RU1 Primary Production zone, is not well founded.

The proposed development is more consistent with objectives of the Zone R5 Large Lot Residential zone than the RU1 Primary Production zone and in particular the objectives of clause 4.2A. The objectives of clause 4.2A are;

- (a) to minimise unplanned rural residential development,
- (b) to enable the replacement of lawfully erected dwelling houses or dual occupancies in rural and environmental protection zones.

The 100ha MLS is a key component to achieving the objective of clause 4.2A and the objectives of the RU1 Primary Production zone and as such Council is not satisfied the clause 4.6 variation satisfies clause 4.6 (3) and (4).

The proposed development is not suitable for the site, does not satisfactorily address visual amenity, has the potential for landuse conflict with adjoining

current and future agricultural activities, and does not align with Council's current strategy for the structured and planned development of Millthorpe and environs.

It sets a precedent for development without any strategic rationale, which should be considered within the context of a wider examination of supply and demand for rural residential development across the Blayney Shire.

**Budget Implications:**

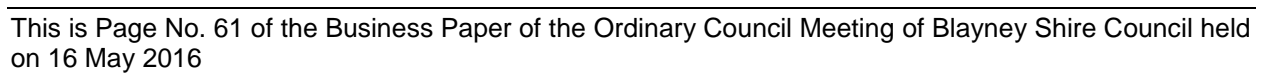
Nil.

**Enclosures (following report)**

1	DP Plans	2 Pages
2	Plans	3 Pages
3	Existing Dwellings	1 Page
4	Blayney LEP2012	1 Page
5	Applicants Clause 4.6 Justification	9 Pages

**Attachments (separate document)**


Nil









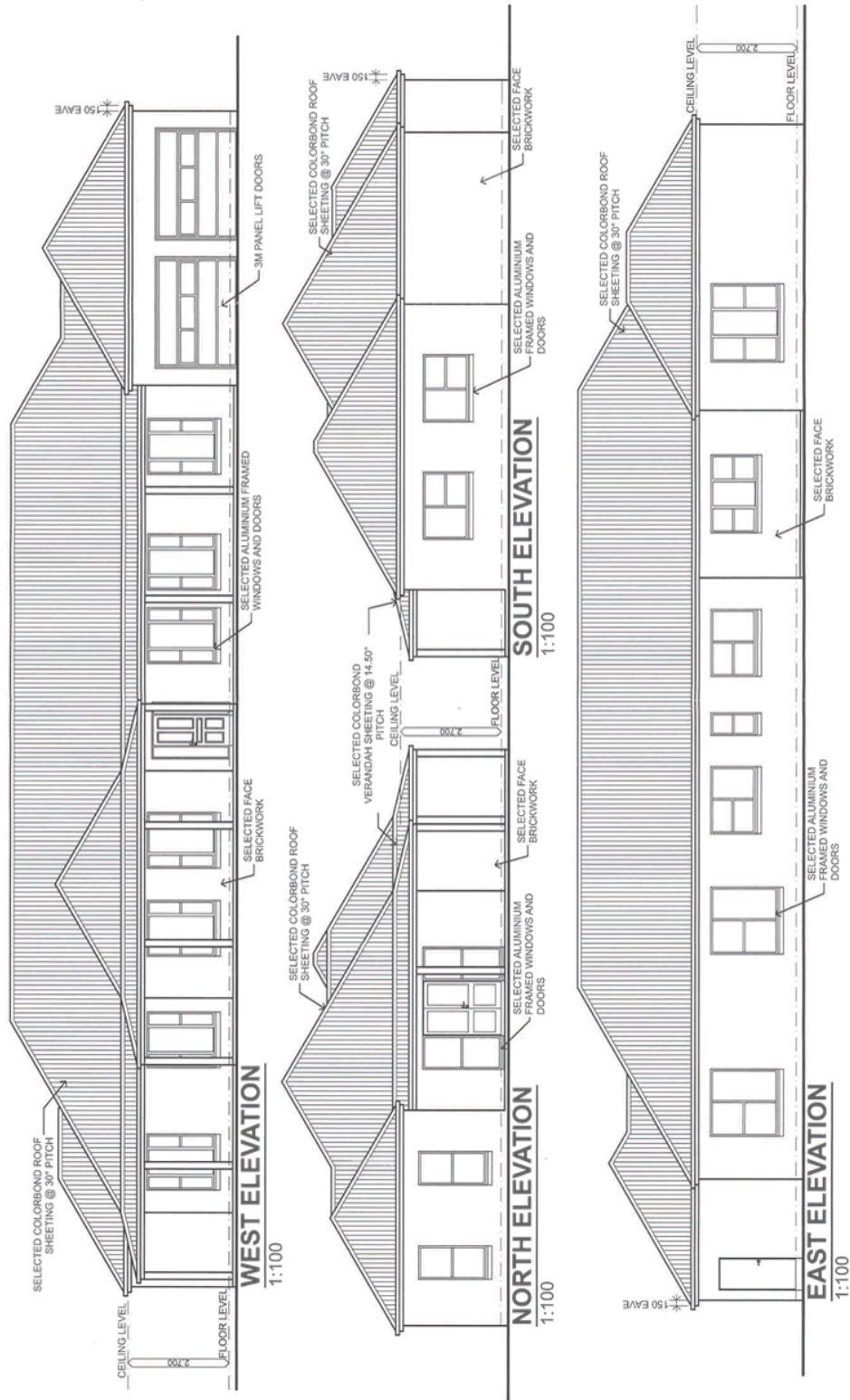


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Location Plan  
Blayney Shire Council  
Date: 04/02/2016

## Location plan



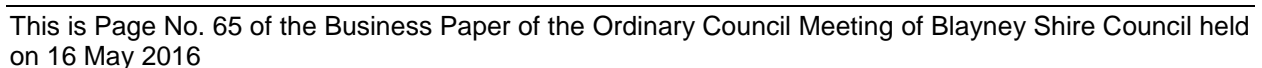
7 amirya place  
orange nsw 2800  
t: 012 6361 7461  
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designsarm  
architectural designers

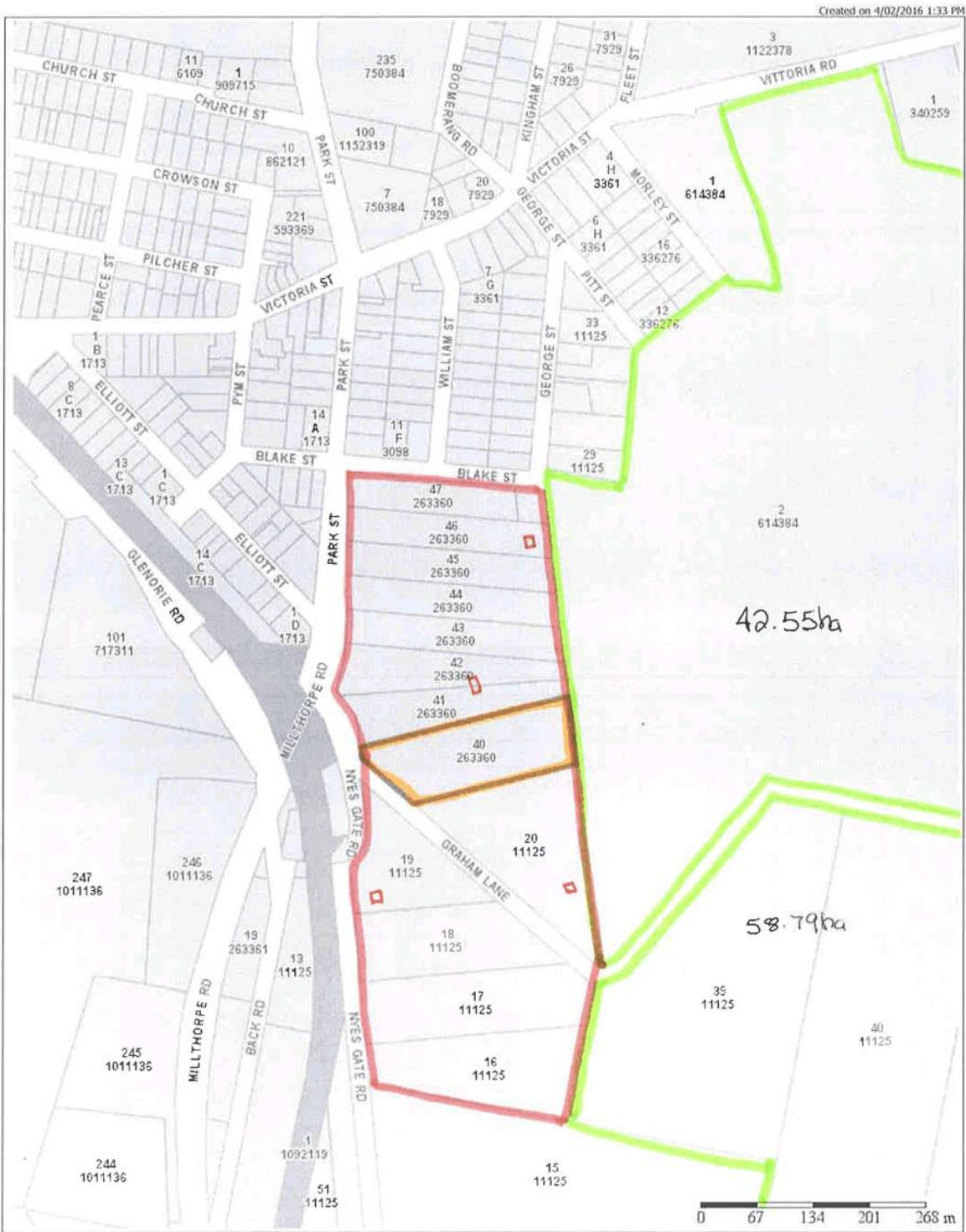
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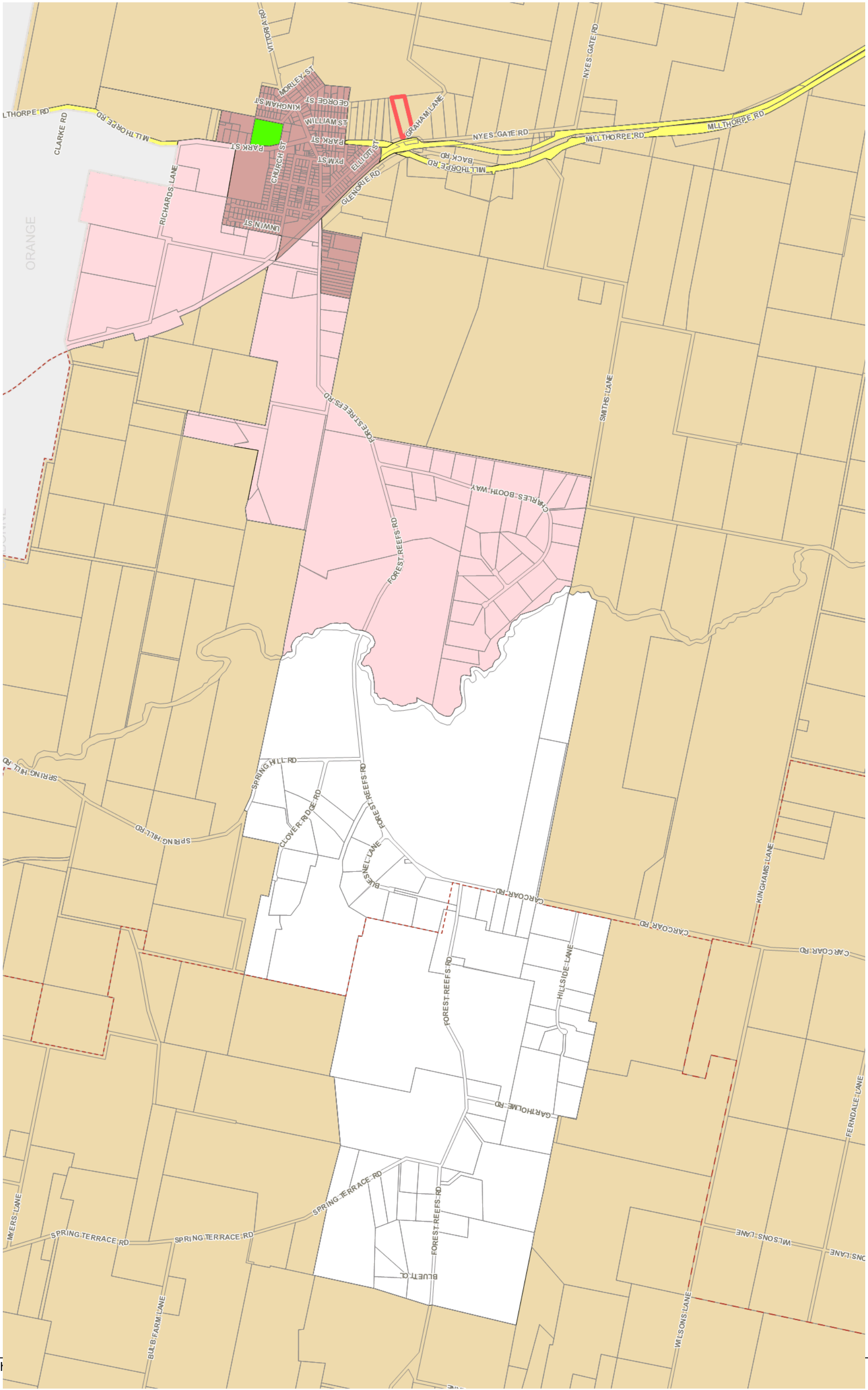
PROPOSED NEW RESIDENCE, at Lot 40 DP263360, NYLES GATE ROAD.

LORNA & VINCE HARRIS









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Our Reference: 21632-L01a

**Attention: Patsy Moppett**

The General Manager

Blayney Shire Council

PO Box 62

BLAYNEY NSW 2799

[council@blayney.nsw.gov.au](mailto:council@blayney.nsw.gov.au)

**RE: request for dwelling entitlement - Lot 40 DP 263360 Graham Lane, Millthorpe**

Dear Patsy,

With reference to recent advice from Council, this submission is made by Barnson Pty Ltd on behalf of Vince and Lorna Harris to Blayney Shire Council, requesting its consideration for a dwelling entitlement on Lot 40 DP 263360 Graham Lane, Millthorpe.

A summary of the proposal, site and justification is provided as follows:

#### **1. Summary of proposal**

Request is made to Council for consideration of a dwelling entitlement for the subject site. The land is vacant and cleared with no improvements and forms part of a large lot residential subdivision extending south of the village of Millthorpe.

A dwelling entitlement will enable the site to be developed for the purposes of a dwelling house, consistent with several other large-lot residential style lots near the southern edge of the village area.

Development of the site for the purposes of a dwelling house will require a separate Development Application to be lodged with Council demonstrating connection to the existing town services. In this regard the site is serviced by sealed road, reticulated water, electricity and telephone whilst the southern extension of the village's reticulated sewer line passes approximately 100m west of the site, whereby it may be extended to service the site.

#### **2. Blayney Local Environmental Plan 2012 – matters for consideration**

Advice from Council regarding a potential dwelling entitlement is that the site is not an *existing holding*. Accordingly a variation to the minimum lot size standard (for a dwelling) that applies under Clause 4.1 is required pursuant to Clause 4.6 of the LEP, unless Council (and Department of Planning) support a Planning Proposal that amends the minimum lot size standard for the site to permit a dwelling. A Planning Proposal may be submitted if the lot size variation is not accepted.

Engineers Consulting - Civil Engineers - Structural Engineers - Mechanical Engineers - Electrical Engineers - Geotechnical Engineers - NATA Registered Soils & Concrete Testing Laboratory - Commercial, Residential & Interior Design - Project Management - Registered Surveyors - Town Planning - Environmental Consulting - Industrial Design





### 3. Details of site and locality

#### 2.1 The site

The subject land is located on the south-eastern edge of the village of Millthorpe and has an area of approximately 1.85ha. The land is vacant and mostly cleared with a moderate fall to the west to Graham Lane and Nyes Gate Road. Refer to aerial view of site overpage.



*View of subject site at centre, note cleared state and gentle sloping form*

#### 2.2 Development in surrounds

The southern edge of Millthorpe village is characterised by small size residential lots within the village zone, with large lot residential subdivision to the south of this including the subject site.

The large lot residential subdivision pattern features land ranging in area from a minimum of approximately 1ha, noting the subject site at approximately 1.85ha forms part of such a subdivision extending south from the edge of the village.

#### 2.3 Access

Access to the site is provided from Nyes Gate Road and Graham Lane, noting Nyes Gate Road is sealed along its frontage to the site which is a sealed two lane road, connecting with Millthorpe Road to the north.

#### 2.4 Services

The village of Millthorpe features reticulated water and sewer services. The Blayney Settlement Strategy (Final) indicates that the subject site is serviced by an existing reticulated water line that extends north through the neighbouring lots to the Village. The existing reticulated sewer service is shown extending south of the village approximately 100m west of the subject site. Refer to water and sewer services plans from the Settlement Strategy over page.





### 2.5 Zoning and Minimum Lot Size

The Blayney Village is zoned RU5 Village with a corresponding minimum lot size of 450m<sup>2</sup>. The land to the south of the village including the subject site is zoned RU1 Primary Production with a corresponding minimum lot size of 100ha.



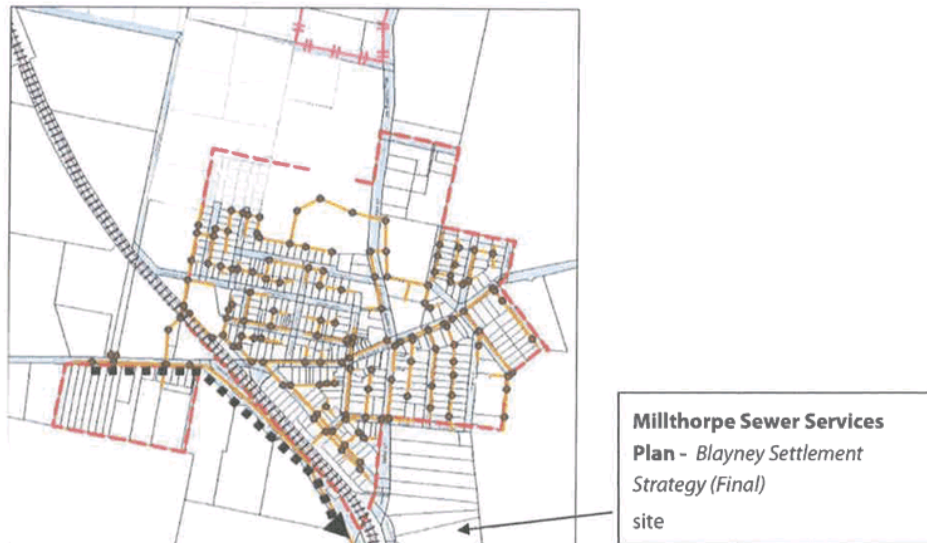
Aerial view - Lot 40 DP 263360 Graham Lane, Millthorpe



**Aerial cadastre** – site forms part of large lot residential subdivision to north



**Millthorpe Water Services  
Plan – Blayney Settlement  
Strategy (Final)**  
site



### 3. Justification

#### 3.1 Opportunities for a future dwelling

The subject land is cleared former grazing land with a moderate slope allowing ample space to construct a dwelling, subject to a Development Application. Access to the site is via a sealed road, with a driveway able to be provided from the front boundary to a future dwelling on the land.

The site benefits from all town services apart from sewer which may be extended approximately 100m to service the site. Alternatively the site has sufficient area to enable use of an on-site bio-septic treatment system which would allow treated effluent to be used for garden irrigation, noting that there are no prescribed streams within 200m of the site.

The locality is characterised by large lot residential subdivision, with the site forming part of a subdivision of lots at least 1ha in area, some which are occupied by dwellings. A dwelling entitlement on the subject site would enable its future development subject to separate approval in accordance with the existing settlement pattern on the southern edge of Millthorpe.

#### 3.2 Consideration of Blayney LEP 2012

Variation to the minimum lot size standard is sought pursuant to Clause 4.6 of the LEP. Based upon the current zoning of the land as RU1 Primary Production, the site is identified as farmland whereby a minimum site area of 100ha is required to benefit from a dwelling entitlement.



**LEP 2012 Clause 4.6 Exceptions to development standards**

(3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

(a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

**Comment** – Compliance in this case cannot be achieved due to the site having an area less than the minimum lot size standard. Compliance is unreasonable in the circumstances as it prevents consideration of a dwelling on the site based on the merits presented in this report.

(b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

**Comment** – Given the small area of the site at 1.86ha, it is clearly not capable of supporting an economically viable form of crop production or livestock grazing on a standalone basis. Rather, as a large lot residential type of lot located near the edge of the existing village, it is considered more suited to supporting residential occupation, consistent with the pattern of existing rural-residential settlement on the southern side of the village zone.

In considering the objectives of the RU1 Primary Production zone, the proposal will not cause any adverse impacts in the following regards:

- Future development of a dwelling on the site will not alienate existing rural enterprises in the surrounds;
- No fragmentation of rural lands will result, noting that no subdivision is proposed;
- Potential land use conflict with existing/future farming activities in the rural surrounds may be reasonably addressed with the site able to accommodate a future dwelling with ample side and rear setbacks;
- Dwelling houses are permissible with consent in the RU1 zone (where the land benefits from a dwelling entitlement).

In considering other provisions of the LEP, the site is not identified as featuring any physical constraints in that it is not located within lands identified as water catchment, flood prone, biodiversity sensitive, a buffer area (for sewage treatment), or riparian land and waterways.

(4) *Development consent must not be granted for development that contravenes a development standard unless:*

(a) *the consent authority is satisfied that:*

(i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*

(ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

(b) *the concurrence of the Director-General has been obtained.*





**Comment** - The objectives of clause 4.1 – Minimum subdivision lot size are as follows:

*(a) to minimise the cost to the community of:*

*(i) the fragmented and isolated development of rural land, and*

*(ii) providing, extending and maintaining public amenities and services,*

*(b) to ensure that the character and landscape setting of an area is protected and enhanced by any development,*

*(c) to ensure that development is undertaken on appropriately sized parcels of land commensurate with available services (including any associated sewerage system) and responds to any topographic, physical or environmental constraints,*

*(d) to protect drinking water catchments from over-development that may impact on water quality and quantity in the catchment and drinking water systems.*

In considering these objectives, the proposal does not result in any land fragmentation with no subdivision proposed. Its location on the town edge adjacent to water and sewer services and a sealed road ensures minimal cost to the community, environment and local water catchment. The site has ample area to accommodate a dwelling under a separate future DA, demonstrating impacts on the town landscape will not be adversely affected.

(5) In deciding whether to grant concurrence, the Director-General must consider:

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Director-General before granting concurrence.

**Comment** – The proposal is of a minor nature and does not generate any matters of significance in itself to the Region or State. Maintaining the standard in these circumstances is not considered of public benefit in that it otherwise prevents a dwelling on a small rural lot that benefits from town services and location.

### **Summary**

Consideration of the LEP's controls for minimum lot size and objectives of the zone identifies no foreseeable constraints to the development of a dwelling on the subject site subject to a separate Development Application. Accordingly the site is considered suitable to benefit from a dwelling entitlement.



### 3.3 Contribution to Land Supply

Due to its location and few constraints the subject land can be readily incorporated into Council's plans for future large lot residential subdivision on the southern edge of Millthorpe. Development of the land would not contribute to potential urban sprawl in that it will be retained as a single lot with no subdivision potential under the existing zoning.

The **Blayney Settlement Strategy (Final)** identifies capacity for 180 – 240 large lot residential dwelling surrounding Millthorpe (as demand requires). Whilst the subject land and neighbouring large lot residential lots to the north are zoned RU1 Primary Production, it resembles a subdivision pattern consistent with the R5 Large Lot Residential zone which would reflect the existing settlement and subdivision pattern on the south edge of Millthorpe.

Given that the proposal is limited to one lot it would have negligible effect on the supply and demand of large lot residential land as identified in the Strategy. Notwithstanding, in view of the rural character of the site and surrounds, its close proximity to the Millthorpe Village, and close driving distance to both Orange and Blayney; its development for the purposes of a dwelling is consistent with this type of housing in the Blayney and Orange LGAs.

### 3.4 Section 117 Directions

#### **Direction 1.2 - Rural Zones**

Consideration is given to this direction whereby the proposal seeks a dwelling entitlement on a small rural zoned lot. As stated, the objective of this direction is *to protect the agricultural production value of rural land*.

In circumstances where a Planning Proposal is not consistent with this Direction and not identified for potential rezoning under the Council's Strategy, a study in support of the proposal is required *which gives justification to the objectives of this direction*.

As discussed in this report, the land in its current state has a relatively low level of agricultural production noting its use for low intensity grazing. Given the land's relatively low productivity and that the Strategy identifies town services extending to/near the site, it is submitted that the current zoning as RU1 Primary Production which requires 100ha site area for a dwelling entitlement does not reflect its highest and best use.

Based on this, a dwelling entitlement on the land would not result in a significant loss of productive agricultural land in the region, noting that no fragmentation nor sterilisation of rural land will result.



#### **Direction 1.5 - Rural Lands**

Consideration is given to this direction which applies where a *planning proposal affects land within an existing rural zone*, and where the proposal *changes the existing minimum lot size on land within a rural zone*. Whilst this submission merely seeks a dwelling entitlement on a small rural lot, a Planning Proposal may also be considered that reduces the minimum lot size applying to the site to permit a dwelling.

The direction requires the proposal to be consistent with the rural planning and subdivision principles listed in *State Environmental Planning Policy (Rural Lands) 2008*. Notwithstanding, a planning proposal may be inconsistent with the Direction (and the SEPP) if the proposal is justified by a strategy that identifies the land for future rezoning (that the proposal is consistent with), and the strategy has been endorsed by the Department of Planning.

In the circumstances of this proposal for a dwelling entitlement, the site is identified as consistent with the principles of Council's Strategy as land that benefits from all town services. The proposal will not affect the existing zoning and does not seek to amend the minimum lot size so as to enable subdivision. On this basis the proposal is not considered inconsistent with this Direction.

#### **4. Conclusion**

- a) Pursuant to Clause 4.6 of LEP 2012, variation to the minimum lot size to grant a dwelling entitlement is warranted as it would result in:
  - b) Development that is compatible with adjoining and adjacent land uses, including neighbouring large lot residential development to the north;
  - c) Housing that supports demand for low density rural residential housing that provide for rural lifestyle;
  - d) Development that is consistent with the opportunity areas identified in the Blayney Settlement Strategy;
  - e) Development that may be carried out in a manner that causes no adverse environment, economic or social impacts.
  - f) Opportunity for Council to further assess a DA for a dwelling on the land in the future, further considering its merits as provided in this report.

Should Council require any further information please contact the undersigned at our Mudgee office.

Yours faithfully

**BARNSON PTY LTD**

Ben Rourke - BTP, MEnvLaw

**SENIOR TOWN PLANNER**

**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.

**14) LAND ACQUISITION FOR ROAD RE-ALIGNMENT BETWEEN 459 AND 489 ERROWANBANG ROAD - SMITH**

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

**15) LAND ACQUISITION FOR ROAD RE-ALIGNMENT BETWEEN 459 AND 489 ERROWANBANG ROAD - CONNELLY**

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

**16) LAND ACQUISITION FOR ROAD RE-ALIGNMENT BETWEEN 489 AND 550 ERROWANBANG ROAD - PLATT**

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