



31 May 2022

Dear Councillor,

Your attendance is requested at an Extraordinary Council Meeting of the Blayney Shire Council to be held in the Chambers, Blayney Shire Community Centre on Tuesday, 7 June 2022 at 6.00pm for consideration of the following business -

- (1) Livestreaming Video and Audio Check
- (2) Acknowledgement of Country
- (3) Recording of Meeting Statement
- (4) Apologies for non-attendance
- (5) Disclosures of Interest
- (6) Public Forum
- (7) Mayoral Minute
- (8) Matters arising from Minutes
- (9) Reports of Staff
 - (a) Executive Services
 - (b) Infrastructure Services
 - (c) Planning and Environmental Services

Yours faithfully

Ross Earl
Interim General Manager

Meeting Calendar 2022

June

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
9.00am	3 June 2022	Mining and Energy Related Councils Meeting	Sydney
6.00pm	7 June 2022	Extraordinary Council Meeting	Community Centre
10.00am	10 June 2022	Traffic Committee Meeting	Community Centre
12.00pm	16 June 2022	Central NSW Business HQ Board Meeting	Orange
8.30am	22 June 2022	Orange360 Board Meeting	Orange
10.30am	22 June 2022	Central Tablelands Water Meeting	Canowindra
6.00pm	27 June 2022	Council Meeting	Community Centre

July

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
6.00pm	18 July 2022	Council Meeting	Community Centre
12.00pm	21 July 2022	Central NSW Business HQ Board Meeting	Orange
8.30am	27 July 2022	Orange360 Board Meeting	Orange

August

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
9.00am	5 August 2022	Country Mayors Meeting	Sydney
10.00am	5 August 2022	Traffic Committee Meeting	Community Centre
12.00pm	18 August 2022	Central NSW Business HQ Board Meeting	Orange
8.30am	24 August 2022	Orange360 Board Meeting	Orange
10.30am	24 August 2022	Central Tablelands Water Meeting	Blayney
9.00am	25 August 2022	Central NSW Joint Organisation Board Meeting	Sydney

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HELD ON TUESDAY 7 JUNE 2022

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LIVE STREAMING OF COUNCIL MEETINGS

In accordance with the Blayney Shire Council Code of Meeting Practice, this meeting will be recorded for the purpose of the live streaming function via our YouTube channel. The audio and visual live stream and recording, will allow members of the public to view proceedings via the Internet without the need to attend Council meetings. The objective of this service is to eliminate geographic and other access barriers for the community wishing to learn more about Council's decision making processes.

By speaking at the Council Meeting you agree to be livestreamed and recorded. Please ensure that if and when you speak at this Council Meeting that you ensure you are respectful to others and use appropriate language at all times.

Whilst Council will make every effort to ensure that live streaming is available, it takes no responsibility for, and cannot be held liable for technical issues beyond its control. Technical issues may include, but are not limited to the availability or quality of the internet connection, device failure or malfunction, unavailability of YouTube or power outages.

Live streams and archived recordings are a free public service and are not an official record of Council meetings. Recordings will be made of all Council meetings (excluding confidential items) and published to YouTube the day after the meeting. For a copy of the official public record, please refer to Council's Business Papers and Minutes page on Council's website.

Council does not accept any responsibility for any verbal comments made during Council meetings which may be inaccurate, incorrect, defamatory, or contrary to law and does not warrant nor represent that the material or statements made during the streamed meetings are complete, reliable, accurate or free from error.

Live streaming is primarily set up to capture the proceedings of the Council meeting and members of the public attending a Council meeting need to be aware they may be recorded as part of the proceedings.

01) BLAYNEY SHIRE COMMUNITY STRATEGIC PLAN 2022-2023

Department: Executive Services

Author: Interim General Manager

CSP Link: 2. Local Governance and Finance

File No: CR.PL.1

Recommendation:

That Council endorse the Blayney Shire Community Strategic Plan 2022-2032 and place a copy of the plan on Council's website and provide a copy to the Chief Executive Officer of the Office of Local Government within 28 days.

Reason for Report:

For Council to endorse the Blayney Shire Community Strategic Plan (CSP) 2022-2032 following consideration of any comments received from the community in respect of the plan which had been on public exhibition for 28 days.

Report:

At the April meeting, Council reviewed the draft Blayney Shire CSP 2022-2032 and resolved it be placed on public exhibition for a period of 28 days inviting public comment and feedback (**Resolution No. 2204/008**)

The draft CSP was placed on the Council website for a period of 28 days and public comment invited to be received by Thursday 19 May 2022. In addition, advertisements were placed in the Blayney Chronicle following the Council meeting and the CSP was a subject of the GM Conversation. Direct communication was sent by the General Manager to Council's community and Council committee networks.

Council must consider any submissions received before the Draft Community Strategic Plan is endorsed by Council.

As at the closing date there was only the one submission received and a copy of that submission is enclosed at the end of this report.

Please note that staff have identified some minor typographical and formatting errors which have been highlighted in the copy provided for this meeting and these will be corrected in the final endorsed document.

Strategic Objectives have been collated and arranged so that the social, environmental, economic and civic leadership issues are considered and are adequately addressed via the Future Directions headings of;

1. Maintain and Improve Public Infrastructure and Services
2. Build the Capacity and Capability of Local Governance and Finance
3. Promote Blayney Shire to grow the Local and Visitor Economy

4. Enhance facilities and networks that supports Community, Sport, Heritage and Culture
5. Protect Our Natural Environment

The Future Directions and strategic objectives have been expressed in the Draft Delivery Program and Operational Plan Strategies and Actions.



Risk/Policy/Legislation Considerations:

Section 402 of the Local Government Act 1993 provides as follows;

402 Community strategic plan

1. *Each local government area must have a community strategic plan that has been developed and endorsed by the council. A community strategic plan is a plan that identifies the main priorities and aspirations for the future of the local government area covering a period of at least 10 years from when the plan is endorsed.*
2. *A community strategic plan is to establish strategic objectives together with strategies for achieving those objectives.*
3. *Following an ordinary election of councillors, the council must review the community strategic plan before 30 June following the election. The council may endorse the existing plan, or develop or endorse a new community strategic plan, as appropriate, to ensure that the area has a community strategic plan covering at least the next 10 years.*

The Community Strategic Plan needs to take into consideration other federal, state, regional and Council plans, which demonstrate the alignment of the Strategic Objectives with other agencies and levels of governments. In endorsing this CSP Council is meeting its obligations under the Local Government Act and Integrated Planning and Reporting framework and guidelines.

At the end of each Council term a report is prepared which examines what progress has been made towards the achievement of outcomes identified in the Community Strategic Plan. The CSP is a community document with priorities and aspirations for the future of the shire covering a period of at least 10 years.

There will be many projects or issues/priorities that are not the responsibility of local government in general and Council may be limited to an Advocate or a Facilitator role.

Within 28 days after the Community Strategic Plan being endorsed, Council must post a copy of the plan on the Council website and provide a copy to the Chief Executive of the Office of Local Government.

Budget Implications:

Nil

Enclosures (following report)

1	Submission	3 Pages
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Attachments (separate document)

2	Blayney Shire Community Stratgic Plan 2022-2023	31 Pages
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**Submission to Blayney Shire Council
Regarding the
*Blayney Shire Community Strategic Plan 2022-2032***

by Gwenda Stanbridge
744 Newbridge Road, Blayney. NSW. 2799
r.g.stanbridge@bigpond.com

Introduction

This submission has been prepared to address what I consider to be a serious omission from the 2022-2032 strategic plan which regards a shire facility, the Blayney Library, that is used by shire residents to access both Central West Libraries resources, as well as the resources relating to family and local history supplied free of charge by Blayney Shire Local & Family History Group Inc.

Planning began seven years ago for the development of a Cultural Centre in Blayney. As a member of the Cultural Centre Working group, from its inception in June 2015 through to its dissolution in August 2020, I put much time into efforts to establish cultural facilities in Blayney for the arts community as well as develop a heritage centre in conjunction with either a new building or expansion of the Blayney Library. As well, I attended many meetings with Sydney Trains during their renovation of the Blayney Railway Station buildings. I have been an active member of Blayney Town Association since its inception and through it have been involved with the establishment of the arts centre at the Blayney Railway Station. Currently, I am also a member of the Platform Arts Hub Committee and volunteer regularly at the station to ensure it remains open to the public. As well, I maintain my membership of both Blayney Library and Blayney Shire Local & Family History Group Inc., of which I am an invested member with a keen interest in the shire's history. In conjunction with my work in the history group I attend meetings and workshops of the Regional Museum Network of Blayney, Cabonne and Orange shires.

As Stage 1 works have been completed at Blayney Library, and architectural plans drawn up for Stage 2, I expected to see this vital next stage to be a necessary inclusion in the strategic plan. The library and the history group, which has used the library as its base for 30 years, play an important role in the Blayney Shire bringing visitors to the shire, as well as locals, to use some of its considerable resources relating to the history of people and places in the shire which are maintained at the library. The rest of the group's collection of memorabilia and material has had to be stored away from the library due to space restrictions, which makes ready access difficult.

The fact that Stage 2 of the library project does not appear in forward planning for the next ten years, indicates to me that council, whether staff or councillors, does not intend to complete the project and therefore has not any interest in finalising the project. This is extremely disappointing and

disillusioning for those shire ratepayers who have put so much effort in attending meetings and preparing documentation to ensure that the library is developed to meet the needs of all its users. Below are noted my concerns on particular parts, which I feel should be included in the strategic plan.

SWOT Analysis

Page 12 - We wish to build on and take advantage of our strengths.

All shire villages have unique streetscapes and architecture that celebrates their particular histories.

Arts groups and historical societies in the shire promote the culture and heritage of the shire, as well as tell the stories associated with its creativity and history.

Page 14 - We Need to Address our Weaknesses

Our shire library does not meet state standards and there is no dedicated heritage / history centre in Blayney, the shire's centre.

* The Stage 1 work at the library added some interior toilets and facilities for library staff, but did not in any way increase the area available for the work of Central West Libraries, and it actually decreased workable space and storage for the collection and activities of the history group.

Future Directions

Page 18 - Future Direction 1: Maintain and improve public infrastructure and services

Measure: Completion of Stage 2 at Blayney Library

Strategic Objectives: The community is provided with improved resources and facilities for learning and living at Blayney Library, while visitors and local residents are ensured of access to resources relating to the shire's history provided by the Blayney history group, along with their expertise.

Page 24 - Future Direction 4: Enhance recreational facilities and networks that support health and wellbeing of the community, sport, heritage and cultural interests

The Blayney Shire has dedicated and passionate historical societies and local historians who maintain collections and museums which tell associated stories of the shire for the education of tourists and the engagement of local residents.

Measure: A heritage centre will be established in Blayney, in conjunction with Stage 2 expansion of the Blayney library.

Strategic Objectives:

4.4 The shire is a centre for cultural & historical interest, arts, performance and entertainment.

4.4.3 Provide effective and consumer friendly library services along with a dedicated heritage centre for historical research and assistance.

02) RECONNECTING REGIONAL NSW - COMMUNITY EVENTS PROGRAM**Department:** Executive Services**Author:** Manager Tourism and Communications**CSP Link:** 3. The Local and Visitor Economy**File No:** ED.IN.5**Recommendation:**

1. That Council endorse an application to the Reconnecting Regional NSW Community Events Program for the following events totalling \$239,651.

1	Blayney in the 80s	\$32,928
2	Millthorpe Village Committee Events (Millfest, Skateboarding Workshop and Gardening Workshop)	\$20,775
3	Orange Regional Conservatorium Event Series in Blayney	\$10,422
4	NYE Blayney at the Golf Club	\$10,856
5	Neville Family Fun Fair and Markets	\$9,710
6	Newbridge Art Event	\$17,256
7	Lyndhurst Village Fair	\$7,560
8	Platform Arts Hub Exhibitions and Workshops	\$30,109
9	Swim in Movie @ CentrePoint	\$10,000
10	Blayney Harness Racing Family Fun Day	\$3,000
11	Country Music Month Muster at the Royal Hotel Mandurama	\$10,000
12	The Working Dog Challenge Trial & Sale at CTLX	\$7,035
13	Marketing for all events	\$10,000
14	Staff Member - Event Coordinator	\$60,000
	TOTAL	\$239,651

2. That Council note the provision of Section 356(2) of the Local Government Act regarding the provision of funding for private gain and advertise the proposed funding to both the Royal Hotel Mandurama and the Central Tablelands Livestock Exchange for the statutory period of 28 days before making funding available from the Reconnecting Regional NSW Community Events Program.

Reason for Report:

Blayney Shire Council is eligible to access \$239,651 of funding under the Reconnecting Regional NSW Community Events Program which aims to promote the social and economic recovery of regional communities, by renewing social connections and providing a revenue boost to local businesses, following the extended COVID-19 restrictions across regional NSW and impacts of border closures.

Report:

In April 2022, Council was provided with advice of an allocation of \$239,651 of funding towards community events. Community groups and businesses were invited to submit Expression of Interests (EOIs).

EOIs were reviewed and refined with applicants with accurate costing and based on the grant guidelines and outcomes. EOIs were then reviewed at a Council workshop based on appeal to a broad market, expected attendance, ability to be delivered within allocated budget, ability to evolve into an annual event, appeal to the community and potential tourists, spread across the Shire and whether there are potential alternative grant sources.

The events recommended for approval provide a range of events across the Shire, appealing to a broad market and are viable based on the event budgets.

Risk/Policy/Legislation Considerations:

Council is the only applicant eligible to submit an application for the funding which closes on 25 June 2022, with the events required to be held by 31 March 2023.

This relinquishing of governance, project and event management to third parties has some inherent risks, especially if events are rushed. Council will be using the processes and systems already in place for the Community Financial Assistance Program to reduce these risks, and ensure this funding being spent where it is intended.

In accordance with the Local Government Act, s356

- (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.*
- (2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.*
- (3) However, public notice is not required if:-*
 - (a) the financial assistance is part of a specific program, and*
 - (b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
 - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
 - (d) the program applies uniformly to all persons within the Council's area or to a significant group of persons within the area. (s356 part (3))*

Whilst this funding meets items (a), (c) and (d) it was not included in the current Operational Plan (item (b)). Therefore, it is necessary to adhere to the public notice clause, if the proposed recipient is a business.

Budget Implications:

Due to the limitations of only \$10,000 eligible for marketing expenses, part of the General Tourism Marketing budget will be utilised to promote the events.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

03) BLAYNEY SHIRE ROADS STRATEGY**Department:** Infrastructure Services**Author:** Manager Infrastructure**CSP Link:** 1. Public Infrastructure and Services**File No:****Recommendation:**

That Council endorse the Blayney Shire Roads Strategy 2022 and place it on Public Exhibition for a period of not less than 28 days.

Reason for Report:

For Council to review and endorse the Blayney Shire Roads Strategy 2022.

Report:

The Roads Strategy 2022 has been developed to assist Council to meet the objectives of the Community Strategic Plan (CSP). It provides an objective, risk management approach to the prioritisation of road rehabilitation, upgrade and expansionary (new) works in a financially sustainable manner. It is used to develop the forward works program included in Councils Transportation Asset Management Plan and funded within the Long-Term Financial Plan (LTFP).

The strategy includes a safety (crash) analysis of the entire road network of the Shire, and prioritises safety, efficiency, equity, improved resilience, and liveability across the shire as the key drivers for identifying road upgrade priorities. Overlaying these priorities is a whole-of-life cost approach to assist Council to make sound financial decisions, ensuring ongoing financial sustainability.

The highest priority road lengths (segments) are analysed to determine the appropriate actions Council can implement, which may include prioritising road rehabilitation and/or upgrades. In some cases, the road will meet the appropriate standard and condition, which may result in recommending a road safety audit, or safety treatment (linemarking, installation of crash barriers), or referral to TfNSW for a speed zone review.

The Methodology

Council has adopted the Austroads *Infrastructure Risk Rating* methodology and adapted it for a small rural council with an extensive unsealed road network. The network considered in the strategy includes Class 1 to Class 5b roads within the *Road Hierarchy, Renewal and Maintenance Policy*, being those that Council has full financial responsibility for.

The assessment of individual road segments is based on a set of criteria broadly grouped into three areas representing Function, Capacity, and Condition. Each criteria includes a set of measures, which are scored on a 1 to 10 scale, producing an overall score, which is then ranked from highest to lowest to provide a priority list of roads (segments).

The individual criteria include:

- Road hierarchy,
- Traffic volumes,
- Percentage of heavy vehicles,
- Bus routes,
- Road function (from major arterial to minor access roads),
- Road width,
- Posted speed limit,
- Crash history (including staff or stakeholder reports where available),
- Risk assessment (based on width, horizontal and vertical alignment and other known deficiencies), and
- Condition (based on assessed condition and the last three years of maintenance expenditure).

The prioritised road segments are further assessed to determine appropriate actions, which are then budgeted in the LTFP.

Risk/Policy/Legislation Considerations:

In endorsing the Blayney Shire Roads Strategy 2022 Council is ensuring an objective, risk management basis is being applied to the consideration of road rehabilitation, upgrades and expansionary (new) works.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

1 Draft Blayney Shire Roads Strategy 2022

25 Pages

04) DEVELOPMENT APPLICATION 45/2022 - ERECTION OF AN AWNING ON AN EXISTING SHED - 10 SPRINGVALE LANE, MILLTHORPE

Department: Planning and Environmental Services

Author: Town Planner

CSP Link: 5. The Natural Environment

File No: DB.AB.1739

Recommendation:

That Council consent to Development Application DA45/2022 for the erection of an awning to an existing shed at 10 Springvale Lane, Millthorpe subject to the recommended conditions of consent.

Reason for Report:

For Council to consider and determine Development Application 45/2022 for the erection of an awning on an existing shed at 10 Springvale Lane, Millthorpe.

The key issue for consideration is the variation from the *Blayney Shire Development Control Plan 2018, Part C: Residential Development, C3.4 Garage, Carports, Outbuildings & Sheds in Large Lot Residential Areas*. The proposed development does not comply with C3.4 as it exceeds the 300m² cumulative floor area. The combined existing and proposed shed/awning floor area on the subject property would total 374.64m².

Report:

EXECUTIVE SUMMARY

Council's consent is sought for the erection of an awning on an existing shed at 10 Springvale Lane, Millthorpe (the 'subject property').

The subject property is located within the R5 Large Lot Residential zone and contains an approved outbuilding (shed) with a total floor area of 285.45m², which is currently under construction. The proposed development is seeking development consent for the erection of an awning to the existing shed 89.19m².

The key issue for consideration is the variation from the *Blayney Shire Development Control Plan 2018, Part C: Residential Development, C3.3 Garage, Carports, Outbuildings & Sheds in Large Lot Residential Areas*. The proposed development does not comply with C3.4 as it exceeds the cumulative floor area of 300m². The combined existing and proposed shed/awning floor area on the subject property is 376.64m².

In summary, it is assessed that the proposed development is consistent with the aims, objectives and performance criteria of the *Blayney Local Environmental Plan 2012* subject to the recommended conditions of consent.

PROPOSED DEVELOPMENT

Council's consent is sought for the erection of an awning 89.19m² in size to an existing shed currently under construction at 10 Springvale Lane, Millthorpe (the 'subject property').

The subject property is located within the R5 Large Lot Residential zone and contains an approved outbuilding (shed) with a total floor area of 285.45m², which is currently under construction. The proposed development is seeking development consent for the erection of an awning on the existing shed (89.19m²).

ASSESSMENT – ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979**Section 1.7 – Application of Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994***

Section 1.7 of the EP&A Act 1979 identifies that Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994* have effect in connection with terrestrial and aquatic environments.

Having regard to the relevant provisions and based on an inspection of the subject property, it is considered that the proposed development is not likely to have a significant effect any threatened species, population or ecological communities or their habitats.

SECTION 4.15 EVALUATION**Matters for Consideration – General**

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

Section 4.15(1)(a)(i) The provisions of any Environmental Planning Instrument**Blayney Local Environmental Plan 2012****Part 1 – Preliminary****Clause 1.2 Aims of Plan**

The proposed development is considered to be consistent with the broad aims of the *Blayney Local Environmental Plan 2012*. Relevant issues are addressed in the body of this report.

Clause 1.7 Maps

Land zoning:	R5 Large Lot Residential
Lot size:	2HA
Heritage:	N/A
Terrestrial biodiversity:	NA
Groundwater vulnerability:	N/A

Drinking water catchment:	N/A
Watercourse:	N/A
Flood:	N/A

Clause 1.9A – Suspension of Covenants, Agreements and Instruments

Clause 1.9A provides that covenants, agreements and other instruments which seek to restrict the carrying out of development do not apply with the following exceptions:

- *a covenant imposed by the Council or that the Council requires to be imposed, or*
- *any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or*
- *any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or*
- *any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or*
- *any property vegetation plan within the meaning of the Native Vegetation Act 2003, or*
- *any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or*
- *any planning agreement within the meaning of Division 6 of Part 4 of the Act.*

This clause does not affect the rights or interest of any public authority under any registered instruments. A search of Council's records indicates that the subject property is affected by a covenant, Terms and Restrictions of User, however, the proposed development will not impact or vary from the covenant attached to the subject property.

Part 2 – Permitted or prohibited development

Clause 2.3 – Zone objectives and Land Use Table

The subject property is zoned R5 Large Lot Residential. An *outbuilding* is permissible in the R5 Large Lot Residential zone.

The objectives of the R5 Large Lot Residential zone seek to:

- *To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.*
- *To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.*
- *To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

The development is assessed to be consistent with the forgoing objectives. In particular, the proposed development will make a positive contribution towards providing opportunities for residential and employment growth within the Blayney Shire and will not increase the demand for public services, public facilities or create conflict between land uses.

Part 6 – Additional local provisions

Clause 6.2 Stormwater management

Clause 6.2 seeks to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.

A condition of consent will apply requiring that all drainage work is directed to the legal point of discharge.

Clause 6.8 Essential services

Clause 6.8 requires that development consent must not be granted to development unless the consent authority is satisfied that any of the services that are essential for the development are available or that adequate arrangements have been made to make them available when required.

Essential services are identified as the supply of electricity, the disposal and management of sewage, onsite water collection, stormwater drainage / conservation and suitable vehicle access. It is understood that all essential services are available to the subject property.

State Environmental Planning Policy (Resilience & Hazards) 2021

State Environmental Planning Policy (Resilience & Hazards) 2021 requires that a consent authority must not consent to the carrying out of development of land unless it has considered whether the land is contaminated; is satisfied that the land is suitable in its contaminated state for the development that is proposed, and if the land requires remediation to be made suitable for the proposed development it is satisfied that the land will be remediated before the land is used for that purpose.

The subject property has historically been identified for residential land use and a site inspection of the subject property did not identify any evidence of a contaminating land use which would warrant any further investigation.

Section 4.15(1)(a)(ii) Any proposed instrument that is or has been the subject of public consultation under the Act and has been notified to the consent authority

Not applicable to this application.

Section 4.15(1)(a)(iii) Any Development Control Plan

Blayney Shire Development Control Plan 2018 (DCP)

Part C – Residential

Part C – Residential of the *DCP* applies to development applications for a wide range of dwellings, residential accommodation types and ancillary development.

C3.4 Garages, Carports, Outbuildings & Sheds in Large Lot Residential Areas

C3.4 outlines the provisions in a *Zone R5 Large Lot Residential areas where the existing lot size is $\geq 1ha$ in addition to the visual impact/amenity controls above any garages, carports, outbuildings or sheds must not exceed:*

- 1) *A ridge height of 6m from existing ground level;*
- 2) *A cumulative floor area greater than 300m²; and*
- 3) *A minimum setback of: a) 10m; or b) Where the dwelling on the allotment is within 50m of a public road, the outbuilding should be located behind the front building line of any dwelling.*

The application does not comply with the *DCP, Part C: Residential Development, C3.4*, as it exceeds the cumulative floor area of 300m². The combined existing and proposed shed/awning floor area on the subject property is 376.64m².

The total cumulative floor area for the existing and proposed sheds is 376.64m² which exceeds the standard by 76.64m². As such, the applicant has sought Council's approval for a variation to the acceptable solution.

In accordance with *DCP, A1.11 Variation to Controls, Council may consent to a Development Application involving departure from a control contained within this DCP, but only where Council has considered a written request from the applicant that seeks to justify the departure by demonstrating:*

- a) *Compliance with the particular control within this DCP is unreasonable or unnecessary in the circumstance of the case; and*
- b) *The objectives of the particular control are met or sufficiently addressed; and*
- c) *There are sufficient environmental planning grounds to justify the departure from the particular control within this DCP; and*
- d) *The impacts of the non-compliant proposal will not be significantly greater than a compliant proposal or may enhance the outcome.*

Accordingly, it is recommended that a variation should be supported allowing for a variation in the cumulative floor area on the subject property based on the following:

- The objectives of the relevant controls are to ensure *that outbuildings and garages/carports:*
 - a) *will not dominate views from the street or key public places;*
 - b) *will be in keeping with the scale and setting of the relevant land use zone, streets and locality character;*
 - c) *will integrate with the dwelling design and surrounding landscaping and buildings;*
 - d) *will not significantly impact on the amenity of neighbouring properties (e.g. shadow, noise).*

The proposed development sufficiently addresses the objective through the design and layout of the proposed buildings to ensure that the scale and setting integrates into the existing rural residential landscape; and

- The proposed outbuildings (sheds) is proposed to be located behind any future dwelling house:

The proposed outbuildings are set behind the proposed future dwelling house (which will be subject to a separate DA or CDC), the location of the outbuildings are appropriate for the overall layout of the property (both scale and location), structure will be clad in non-reflective materials (noting there are no walls on the awning of this application though) and is in keeping with other outbuildings in this wider precinct.

Therefore, it is recommended that a variation should be supported allowing for a variation in the cumulative floor area on the subject property.

Section 4.15(1)(a)(iiia) Any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

There are no planning agreements relating to the subject property.

Section 4.15(1)(a)(iv) The Regulations

In the case of a development application for the demolition of a building, the provisions of AS 2601 (Clause 92)

Not applicable to this application.

In the case of a development application for the carrying out of development on land that is subject to a subdivision order made under Schedule 7 to the Act, the provisions of that order and of any development plan prepared for the land by a relevant authority under that Schedule (Clause 92)

Not applicable to this application.

Fire safety and other considerations (Clause 93)

Not applicable to this application.

Buildings to be Upgraded (Clause 94)

Not applicable to this application.

BASIX Commitments (Clause 97A)

Not applicable to this application.

Section 4.15(1)(b) The likely impacts of the development, including environmental impacts both the natural and built environments, and social and economic impacts in the locality

The likely impacts of the proposed development have been considered in the body of this report. Based on this assessment, it is considered that the proposed development is unlikely to have a significant or detrimental impact and will have a positive improvement on the amenity of the surrounding area.

Section 4.15(1)(c) The suitability of the site for the development

The foregoing assessment demonstrates that the subject property is suitable for the proposed development.

Section 4.15(1)(d) Any submissions made in accordance with this Act or the regulations

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

Section 4.15(1)(e) The public interest

The proposed development is consistent with the *Blayney Local Environmental Plan 2012*. No adverse impacts are assessed to the public as outlined throughout this report.

Conclusions:

The proposed development complies with the relevant aims, objectives and provisions of *Blayney Local Environmental Plan 2012*. A Section 4.15 assessment of the development indicates that the development is acceptable in this instance. Attached is a draft Notice of Decision outlining conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

Risk/Policy/Legislation Considerations:

The application does vary the *DCP, Part C: Residential Development, C3.4*, by approximately 25%. It is noted through merits based development assessment, Council has varied Part C3.4 several times, most recently in the R5 Large Lot Residential Zone at the April 2022 Council meeting.

Therefore, whilst it is acknowledged, Council has in the past set precedent to vary part C3.4 of the DCP, each variation must be considered on an individual merits based development assessment.

With any development application, Council could be challenged regarding its decision to the NSW Land and Environment Court.

Budget Implications:

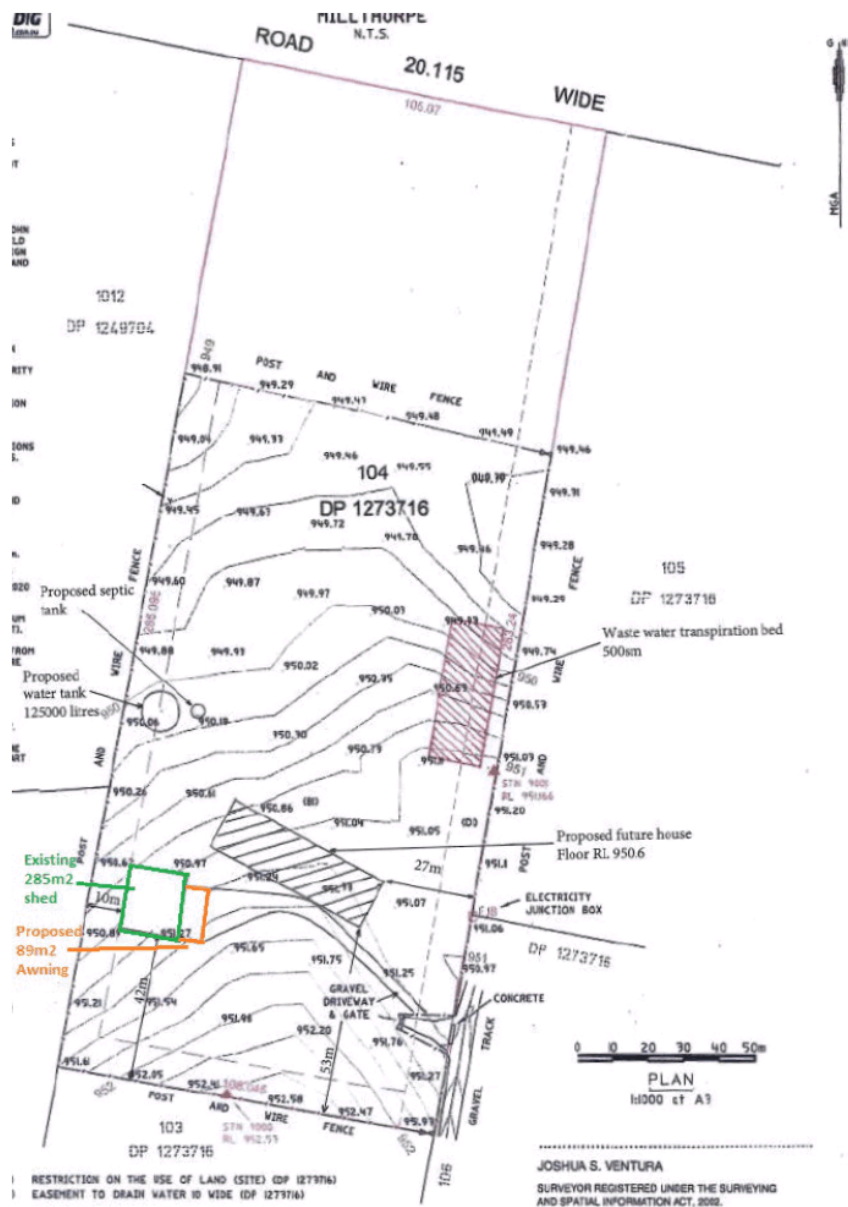
Nil

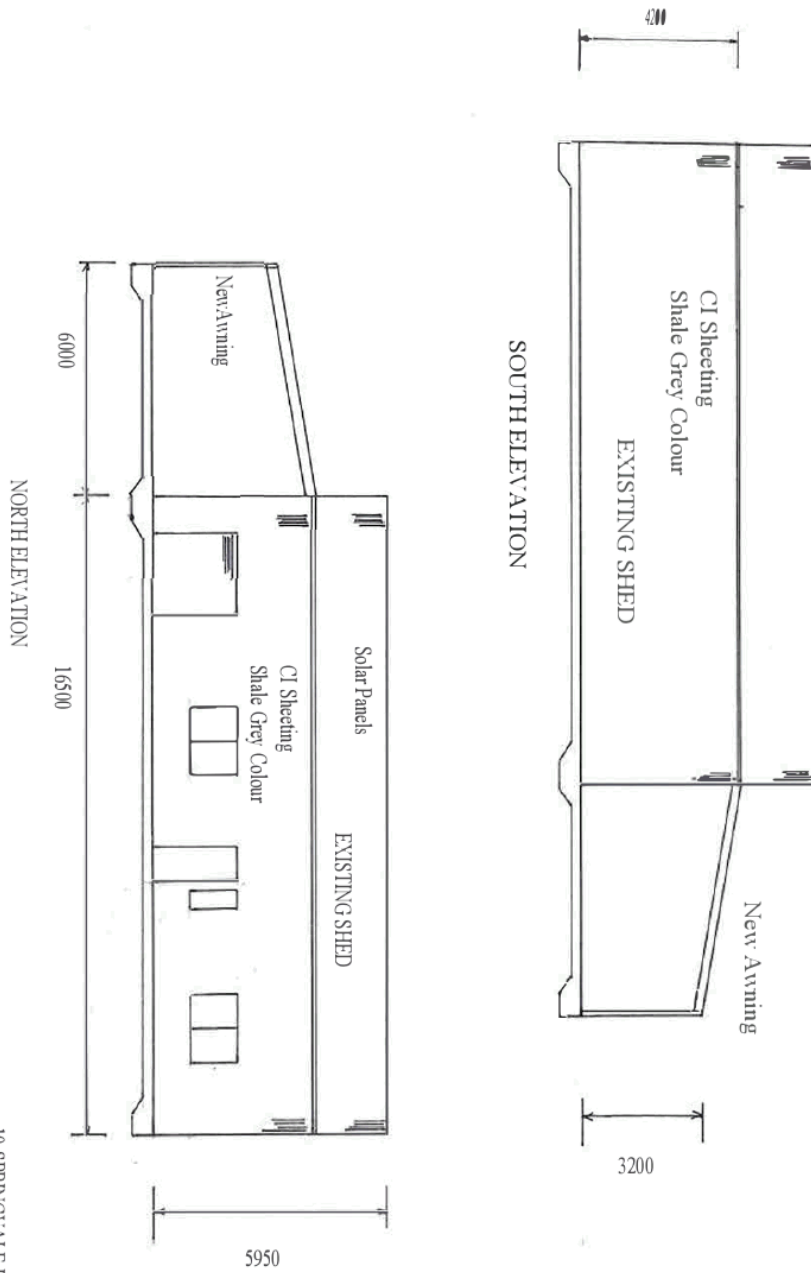
Enclosures (following report)

1	Site Plan	1 Page
2	Plans	2 Pages
3	Proposed Conditions	4 Pages

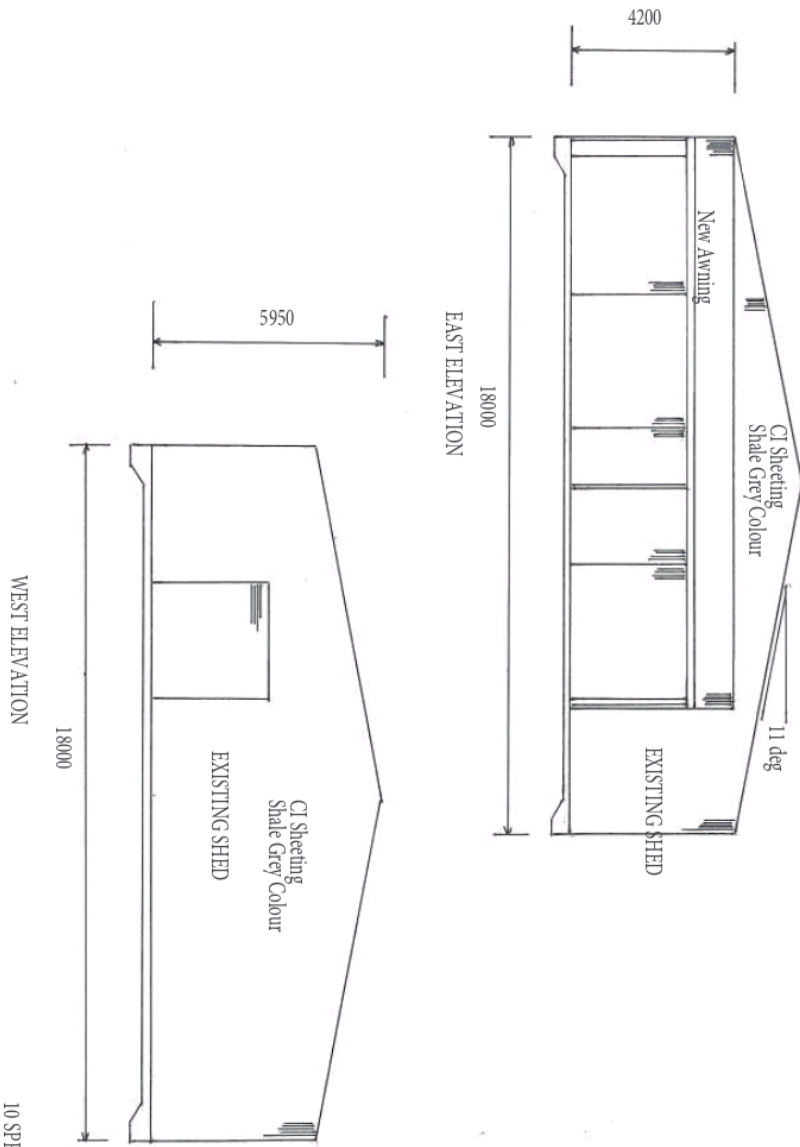
Attachments (separate document)

Nil





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JD&L M HARRISON
Sheet 3
22 Nov 2021



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JD&LM HARRISON
Sheet 4
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Reasons for Decision

1. To comply with legislative statutory requirements.

Approved Plans

1. Development is to take place in accordance with:

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
-	Statement of Environmental Effects	JD & LM Harrison	-	11 November 2021
-	Floor and Elevation Plans	JD & LM Harrison		22 November 2021
-	Site Plan	JD & LM Harrison	-	22 November 2021

As amended in accordance with any conditions of this consent.

NOTE: Any modifications to the proposal shall be the subject of an application under Section 4.55 of the Environmental Planning and Assessment Act, 1979.

Prescribed Conditions

2. The building work must be carried out in accordance with the requirements of the Building Code of Australia. A reference to the Building Code of Australia is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

3. In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of the Act, evidence that such a contract of insurance is in force is to be provided to the Principal Certifying Authority before any building work authorised to be carried out by the consent, commences.

4. Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:

a) in the case of work for which a principal contractor is required to be appointed:

1. The name of the licence number of the principal contractor, and
2. The name of the insurer by which the work is insured under Part 6 of that Act,

b) in the case of work to be done by an owner-builder:

1. The name of the owner-builder, and
2. The name of the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the

development to which the work relates (not being the Council) has given the Council written notice of the updated information.

5. The developer is to provide a clearly visible sign to the site stating:

- a) Unauthorised entry to the worksite is prohibited;
- b) Street number or lot number;
- c) Principal contractor's name and licence number; or owner builders permit number;
- d) Principal contractor's contact telephone number/after-hours number;
- e) Identification of Principal Certifying Authority, together with name, address & telephone number.

Note: Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out.

Prior to Issue of a Construction Certificate

NIL

Prior to Works Commencing

6. The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, a notice of commencement of building or subdivision works and Appointment of Principal Certifying Authority (PCA).

During Construction

7. All excavation and backfilling associated with the erection/demolition of the building must:

- a) be executed safely and in accordance with appropriate professional standards, and
- b) be properly guarded and protected to prevent them from being dangerous to life or property.

8. Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's WBC Guidelines for Engineering Works (see Council's website), and the Dept Housing – Soil and Water Management for Urban Development (The Blue Book). *Note: All erosion and sediment control measures must be in place prior to earthworks commencing. Copies of the above Policy are available from Council's Environmental Planning and Building Services Department.*

9. Construction or demolition only be carried out between 7.00 am and 6.00 pm on Monday to Friday, and 8am to 5pm on Saturdays. No construction or demolition is to be carried out at any time on a Sunday or a public holiday.

Note: The principal contractor shall be responsible to instruct and control their sub-contractors regarding the hours of work.

10. All rubbish and debris associated with the development, including that which can be windblown, must be contained on site in a suitable container at all times. The container shall be erected on the development site prior to work commencing. Materials, sheds or machinery to be used in association with the development must be stored and stacked wholly within the worksite unless otherwise approved by Council.

Note 1: No rubbish or debris associated with the development will be placed or permitted to be placed on any adjoining public reserve, footway or road.

Note 2: Offenders are liable for prosecution without further warning.

11. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet, plus one additional toilet for every 20 persons employed at the site.

Each toilet must:

- i. be a standard flushing toilet connected to a public sewer, or
- ii. have an on-site effluent disposal system approved under the Local Government Act 1993, or
- iii. be a temporary chemical closet approved under the Local Government Act 1993.

12. All roof and wall finishes shall be comprised of low reflective surface materials.

Note 1: Sheet metal shall be of factory prefinished (e.g., colorbond or galvanised iron) type material. 2: Zinalume will be not accepted.

13. Roof water from the buildings shall be disposed of to water tanks via a drainage system in accordance with the Plumbing Code of Australia, with all work carried out by a licensed plumber or drainer.

Prior to Issue of Occupation Certificate

14. Prior to the occupation or use of the building an Occupation Certificate is to be obtained, and where Council is not the PCA, a copy is to be submitted to Council.

Ongoing Matters

15. The approved building must not be used for any other purpose other than the approved use i.e. outbuilding (shed). Any proposed change of use shall only be permitted with the consent of Council. The sheds shall not be used for any industrial or commercial purpose.

Advisory Notes

Inspection Schedule

AN1. The Principal Certifying Authority is required to ensure all work is carried out in accordance with the consent, Building Code of Australia (BCA), and relevant standards, which is done during inspections at nominated stages of the work. The "Inspection Schedule" lists the mandatory and other required inspections that must be carried out by Blayney Shire Council during construction of the work.

As the Principal Certifying Authority, Council must be contacted to undertake inspections of the various stages of construction as follows:

- a. Slab/footing inspection when steel is laid prior to the pouring of concrete.
- b. Final/stormwater inspection at time of completion of all works.

Notice of Commencement

AN2. Notice of commencement of building works – The attached form needs to be completed and emailed, faxed or mailed to Council at least 2 days before any work commences on the site.