



14 November 2017

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, 20 November 2017 at 6.00pm 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) Skillset Delegate Report – Ian Tooke
- (7) Mayoral Minute
- (8) Confirmation of Minutes
 - (a) Ordinary Council Meeting held on 16.10.17
 - (b) Extraordinary Council Meeting held on 06.11.17
- (9) Matters arising from Minutes
- (10) Reports of Staff
 - (a) Executive Services
 - (b) Corporate Services
 - (c) Infrastructure Services
 - (d) Planning and Environmental Services
- (11) Closed Meeting

Yours faithfully

Rebecca Ryan
General Manager

Meeting Calendar 2017/2018

November

Time	Date	Meeting	Location
6.00pm	16 November 2017	Sports Council Meeting	Community Centre
9.00am	17 November 2017	Association of Mining Related Councils Meeting	Singleton
6.00pm	20 November 2017	Council Meeting	Community Centre
9.00am	23 November 2017	CENTROC Board Meeting	Hilltops Council
4.00pm	27 November 2017	Chifley Local Area Command Community Safety Precinct Meeting	Community Centre
6.00pm	28 November 2017	Tourism, Towns and Villages Committee Meeting	Community Centre

December

Time	Date	Meeting	Location
10.00am	13 December 2017	Central Tablelands Water Meeting	Canowindra
10.00am	15 December 2017	Local Traffic Committee Meeting	Community Centre
6.00pm	18 December 2017	Council Meeting	Community Centre

February

Time	Date	Meeting	Location
6.00pm	5 February 2018	Cultural Centre Working Group Meeting	Community Centre
5.00pm	8 February 2018	Cemetery Forum Meeting	Community Centre
6.00 pm	8 February 2018	Access Advisory Committee Meeting	Community Centre
6.00pm	15 February 2018	Sports Council Meeting	Community Centre
10.00am	16 February 2018	Local Traffic Committee Meeting	Community Centre
6.00pm	19 February 2018	Council Meeting	Community Centre
4.00pm	20 February 2018	Local Emergency Management Committee Meeting	Community Centre
6.00pm	27 February 2018	Tourism, Town and Villages Committee Meeting	Community Centre

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HELD ON MONDAY 20 NOVEMBER 2017

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01) **MINUTES OF THE PREVIOUS MEETING HELD MONDAY 16 OCTOBER 2017**

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 16 October 2017, being minute numbers 1710/001 to 1710/017 be confirmed.

MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE, ON 16 OCTOBER 2017, COMMENCING AT 6.00PM

Present: Crs S Ferguson (Mayor), S Denton, A Ewin, D Kingham, J Newstead, B Reynolds and D Somervaille

General Manager (Mrs R Ryan), Director Corporate Services (Mr A Franze), Director Infrastructure Services (Mr G Baker), 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

Nil

DISCLOSURES OF INTEREST

Nil

MAYORAL MINUTE

TEMPORARY REAPPOINTMENT OF INDEPENDENT AUDIT AND RISK MANAGEMENT COMMITTEE MEMBERS

Council requires a meeting of the Audit and Risk Management Committee to consider matters including the audited 2016/2017 Financial Statements.

Currently the charter provides that the term of independent members align with the Council term.

A resolution of Council is required for temporary appointments to the Committee pending the review of the Committee Charter and seeking of applications.

- 1710/001 RESOLVED:**
That Council endorse the temporary reappointment of Steve Kent (Chair) and Phillip Burgett as independent members of the Audit and Risk Management Committee pending the review of the Audit and Risk Management Committee Charter.
(Ferguson/Reynolds)
CARRIED

CONFIRMATION OF MINUTES

MINUTES OF THE PREVIOUS MEETING HELD MONDAY 25 SEPTEMBER 2017

- 1710/002 RESOLVED:**
That the Minutes of the Ordinary Council Meeting held on 25 September 2017, being minute numbers 1709/001 to 1709/034 be confirmed.
(Newstead/Ewin)
CARRIED

MATTERS ARISING FROM THE MINUTES

Nil

EXECUTIVE SERVICES REPORTS

COUNCIL RESOLUTION REPORT

- 1710/003 RESOLVED:**
That Council notes the Resolution Report from December 2016 to September 2017.
(Somerville/Denton)
CARRIED

RISK, WORK HEALTH AND SAFETY QUARTERLY REPORT

- 1710/004 RESOLVED:**
That the Risk, Work Health and Safety Report for the quarter July to September 2017 be received and noted.
(Ewin/Reynolds)
CARRIED

COUNCIL COMMITTEE MEETING DATES

- 1710/005 RESOLVED:**
That Council adopts the meeting dates and times for Council Committee meetings for the next 12 months, as detailed in the report.
(Reynolds/Newstead)
CARRIED

- 1710/006** **LGNSW ANNUAL CONFERENCE 2017**
RESOLVED:
1. That Council:
 - a) Nominates the Mayor as voting delegate to the LGNSW Annual Conference 2017.
 - b) Approve the registration and attendance of the Mayor, Deputy Mayor and General Manager as Blayney Shire Council Delegates to attend the LGNSW Annual Conference 2017.
 - c) Approve the funding of the expenses for former Councillor Geoff Braddon OAM to attend the Conference Dinner to receive the LGNSW Long Service Award.
- (Somerville/Reynolds)
CARRIED

- 1710/007** **STRONGER COUNTRY COMMUNITIES PROJECT PRIORITIES**
RESOLVED:
- That Council approve the lodgement of the priority list of local community infrastructure projects for the 2017/18 Stronger Country Communities Fund as follows;
1. Blayney Shire Public Toilet Upgrade Project
 2. Blayney Skate Park Heritage Park
 3. Recreation Ground Refurbishment Projects
 4. Lyndhurst Village Link Footpath Project Stage 1
 5. Blayney Belubula River Walk Project Stage 1
- (Ferguson/Reynolds)
CARRIED

CORPORATE SERVICES REPORTS

- 1710/008** **REPORT OF COUNCIL INVESTMENTS AS AT 30 SEPTEMBER 2017**
RESOLVED:
1. That the report indicating Council's investment position as at 30 September 2017 be received.
 2. That the certification of the Responsible Accounting Officer be received and the report be adopted.
- (Kingham/Newstead)
CARRIED

- 1710/009** **PROPOSED BORROWINGS**
RESOLVED:
- That Council endorse the application of borrowings of \$3m to fund the bridge replacement program as approved in Council's 2016/17 and 2017/18 Operational Plans.
- (Reynolds/Ewin)
CARRIED

DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS

1710/010

RESOLVED:

That the “Disclosures by Councillors and Designated Persons” Returns for the period ending 30 June 2017, as tabled be received.

(Somerville/Reynolds)

CARRIED**DRAFT LEASE OF COUNCIL LAND FOR AGISTMENT PURPOSES POLICY**

1710/011

RESOLVED:

That the draft Lease of Council Land for Agistment Purposes Policy be placed on public exhibition for a period not less than 28 days.

(Kingham/Ewin)

CARRIED**INFRASTRUCTURE SERVICES REPORTS****DIRECTOR INFRASTRUCTURE SERVICES REPORT**

1710/012

RESOLVED:

That the Director of Infrastructure Services Monthly report for October 2017, be received and noted.

(Ewin/Newstead)

CARRIED**DRAFT BLAYNEY SHIRE SPORT AND RECREATION PLAN**

1710/013

RESOLVED:

1. That the draft Blayney Shire Sport and Recreation Plan 2017 be endorsed for the purpose of public exhibition for 28 days.
2. That a further report, detailing any submissions received, be presented to Council following the conclusion of the exhibition period.

(Kingham/Reynolds)

CARRIED**JOHNSTON CRESCENT REMOVAL OF PINE TREES**

1710/014

RESOLVED:

That Council provide in principle support to the community consultation and investigation for the replacement of the pine trees alongside Johnston Crescent, with a further report being brought back to Council.

(Ferguson/Kingham)

CARRIED

QUESTIONS WITH NOTICE**QUESTIONS FROM COUNCILLORS**

Question from Cr Reynolds and response noted as provided in the Business Paper.

CLOSED MEETING**1710/015 RESOLVED:**

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

BROWNS CREEK ROAD BRIDGES - TENDER 11/2017
EARLY CONTRACTOR INVOLVEMENT

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.

(Ewin/Newstead)
CARRIED

CONFIDENTIAL MEETING REPORTS**BROWNS CREEK ROAD BRIDGES - TENDER 11/2017**
EARLY CONTRACTOR INVOLVEMENT**MOTION:**

That Council enter into a contract with VEC Civil Engineering Pty Ltd to undertake an Early Contractor Involvement (ECI) process for the design specifications and costing of Browns Creek Road Bridges and associated road approaches.

(Ewin/Reynolds)

An **AMENDMENT** was moved by Cr Ferguson and seconded by Cr Denton:

That Council invite both Bridgeworks Australia Pty Ltd and VEC Civil Engineering Pty Ltd to undertake an Early Contractor Involvement (ECI) process for the design specifications and costing of Browns Creek Road Bridges and associated road approaches, as a selective tender.

CARRIED

The amendment became the substantive motion and was put.

1710/016 RESOLVED:

That Council invite both Bridgeworks Australia Pty Ltd and VEC Civil Engineering Pty Ltd to undertake an Early Contractor Involvement (ECI) process for the design specifications and

costing of Browns Creek Road Bridges and associated road approaches, as a selective tender.

(Ferguson/Denton)

CARRIED

1710/017 RESOLVED:

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

(Newstead/Reynolds)

CARRIED

AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR ANNOUNCED THE OUTCOME OF RESOLUTION NUMBER 1710/016.

There being no further business, the meeting concluded at 8.36pm.

The Minute Numbers 1710/001 to 1710/017 were confirmed on 20 November 2017 and are a full and accurate record of proceedings of the Ordinary Meeting held on 16 October 2017.

Cr S Ferguson
MAYOR

Mrs R Ryan
GENERAL MANAGER

02) MINUTES OF THE EXTRAORDINARY MEETING HELD MONDAY 6 NOVEMBER 2017

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 6 November 2017, being minute numbers 1711/E001 to 1711/E004 be confirmed.

MINUTES OF THE BLAYNEY SHIRE COUNCIL EXTRAORDINARY MEETING HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE, ON 6 NOVEMBER 2017, COMMENCING AT 6.00PM

Present: Crs S Ferguson (Mayor), S Denton, A Ewin, D Kingham, J Newstead, B Reynolds and D Somervaille

General Manager (Mrs R Ryan), Director Corporate Services (Mr A Franze), Director Infrastructure Services (Mr G Baker), 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

Nil

DISCLOSURES OF INTEREST

Nil

CLOSED MEETING

1711/E001 RESOLVED:

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

**BROWNS CREEK ROAD BRIDGES – TENDER 11/2017
EARLY CONTRACTOR INVOLVEMENT**

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.

TENDER 13/2017 – MAJOR SUPPLY AGREEMENT DGB20

This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.

(Newstead/Reynolds)

CARRIED

CONFIDENTIAL MEETING REPORTS

**BROWNS CREEK ROAD BRIDGES – TENDER 11/2017
EARLY CONTRACTOR INVOLVEMENT**

1711/E002 RESOLVED:

1. That Council reject all tenders in relation to Browns Creek Road Bridges Tender 11/2017 Early Contractor Involvement (ECI).
2. As 2 suitable tenderers were identified through the tender process Council will not invite fresh tenders.
3. That Council enter into negotiations with Bridgeworks Australia and VEC Civil Engineering Pty. Ltd. for the purposes of developing an advanced design in collaboration with Council, with a view to entering into a contract with a single tenderer for the final design and construction of the 2 bridges. This process will ensure competitive tension during the design stage and a fully costed construction plan as the second stage.

(Somerville/Ewin)

CARRIED

TENDER 13/2017 – MAJOR SUPPLY AGREEMENT DGB20

1711/E003 RESOLVED:

That Council accept the tender from Hanson Building and Construction Materials for the supply and delivery of 68,000 tonnes of DGB20 under contract 13/2017 for a total of \$1,502,800 exc. GST.

(Reynolds/Newstead)

CARRIED

1711/E004 RESOLVED:

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

(Newstead/Denton)
CARRIED

AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBERS 1711/E002 TO 1711/E003.

There being no further business, the meeting concluded at 6.26pm.

The Minute Numbers 1711/E001 to 1711/E004 were confirmed on 20 November 2017 and are a full and accurate record of proceedings of the Extraordinary Meeting held on 6 November 2017.

Cr S Ferguson
MAYOR

Mrs R Ryan
GENERAL MANAGER

03) COMMUNITY REPRESENTATIVES COUNCIL COMMITTEES

Department: Executive Services

Author: General Manager

CSP Link: 6.2 Meaningful communication between the Shires communities and Council.

File No: CM.ME.7

Recommendation:

1. That Council appoint the following 5 community representatives to the Blayney Shire Access Advisory Committee:
2. That Council appoint the following 4 community representatives to the Blayney Shire Financial Assistance Program Advisory Committee:
3. That Council appoint the following 8 sporting and community representatives to the Blayney Shire Sports Council:
4. That Council appoint from the following community representatives to the Blayney Shire Cemetery Forum:
5. That Council appoint the following 3 plus 1 alternate community representatives to the Blayney Shire Cultural Centre Working Group:
6. That Council appoint the following community representative to the Blayney Shire Blayney Shire Floodplain Management Committee:

Reason for Report:

For Council to review and accept the community representative nominations received, and appoint as determined for each of the for the 6 Committees of Council for the new Council term.

Report:

Council resolved to maintain the following Committees of Council as per section 355(b) of the Local Government Act (1993) for the new Council term;

1. Access Advisory Committee
2. Audit and Risk Management Committee
3. Australia Day Committee
4. Financial Assistance Program Advisory Committee
5. Sports Council
6. Cemetery Forum
7. Blayney Shire Tourism, Town and Villages Committee
8. Cultural Centre Working Group
9. Blayney Shire Floodplain Management Committee

(Resolution No 1709/005)

The independent members including the Chair of the Audit and Risk Management Committee were appointed at the October meeting (**Resolution No 1710/001**). Following a review of the Charter and communication with Cabonne Council and Central Tablelands Water (CTW) which share both committee members, Council will advertise and appoint new members to this important committee. It is anticipated that the current members temporary appointment is until June 2018.

Committees with/or members appointed by the respective organisations that they represent such as the Australia Day Committee, and the Tourism, Town and Villages Committee are not included in this report. Formal correspondence was sent to those volunteer and community based organisations requesting their representatives details by the end of October. These have now been received and collated for communication purposes.

For each of the Committees of Council that Council determined to include community based representation, advertisements and invitations were issued to seek interest from the residents of Blayney Shire. Nominations closed 30 October.

Nomination forms were also sent to past committee members and distributed via as many networks as possible and those without email addresses telephoned in person.

The Access Advisory Committee; includes a minimum of 5 community representatives and the following 3 nominations have been received;

- Jenny McMahon
- Tom Williams
- Shane Oates

The Financial Assistance Program Committee; includes a minimum of 4 community representatives and the following 7 nominations have been received;

- David Kennedy
- Delanie Sky
- Graeme Summerson
- Ian Tooke
- Miles Hedge
- Rebecca Price
- Tom Williams

The Sports Council; includes a minimum of 5 sporting or community representatives and the following nominations have been received;

- Christine Smith
- Trevor Jones

- Adam Hornby
- Cheryl Rutherford
- Lorraine Dunkley
- Michael Truloff
- Rosemary Reid
- Rebecca Scott

The Cemetery Forum includes 1 community representative for each cemetery in the shire; being Newbridge, Millthorpe, Neville, Hobbys Yards, Blayney, Lyndhurst and Carcoar. The following 6 nominations have been received;

- David Grills - Lyndhurst
- Hayley Lavers - Millthorpe
- Helen Dent - Blayney
- Mitchell Groves - Blayney
- Vicki Pulling - Lyndhurst
- Janelle Adams - Newbridge

The Blayney Shire Cultural Centre Working Group; includes 3 community representatives; and 1 alternate and the following nominations have been received;

- Elizabeth Russ
- Graeme Summerson
- Ian Tooke
- Margaret Paton

The Blayney Shire Floodplain Management Committee; includes a minimum of 2 community representatives and the following 1 nomination have been received;

- Tom Williams

Risk/Policy/Legislation Considerations:

Council has established these Committees of Council to exercise its functions on Council's behalf as per section 355(b) of the NSW Local Government Act (1993). Each have been given a delegated authority to act, which is limited and in fact none have a budget. They are advisory in nature and as minutes are reported to Council the recommendations of each Committee are, so far as adopted by Council, resolutions of Council.

Division 5 (s259-271) of the Local Government Regulations (2005) details the provisions and operations pertaining to the establishment of Council Committees.

Committees of Council adhere to the same Meeting Code of Practice, Code of Conduct and all Council Policies and a Committee may regulate its own procedure in regards to voting.

Council has discretion in the number and appointment of members and if so choose, by resolution may increase the number of community representatives to any of the Committees of Council. At any time, Council may invite additional community representatives and approve another person(s) to any of the committees, particularly if current nominations are less than what Council had anticipated.

Council may like to nominate the representatives by name for each Committee one at a time with a mover and seconder, then a vote taken at the end for accepting of the final recommendation.

Budget Implications:

Council Committee meetings are held in Council facilities after hours in most cases, and a member of the senior staff team provides the secretarial and administration support at no additional overtime cost to the organisation.

Councillors travel expenses in undertaking their duties, roles and responsibilities include representing Council are addressed in Councils Payment of Expenses and Provisions of facilities to Mayors and Councillors Policy.

Community representatives are volunteers and contribute without any reimbursement of travel or other meeting expenses. For very minimal expense Committees of Council are an important and valuable community engagement opportunity.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

04) ORANGE TDO LTD**Department:** Executive Services**Author:** General Manager**CSP Link:** 1.4 Internationally recognised brand for Blayney Shire.**File No:** CR.RP.4

Recommendation:

1. That Blayney Shire Council, make an application to the Minister for Local Government under s358 of the Local Government Act 1993 seeking approval to participate in the formation of a corporation to be set up to deliver industry led regional tourism services for the Blayney, Cabonne and Orange council areas, which would be administered as reflected in the draft constitution presented to Council in this report.
2. That Council accept the proposed agreement with TDO Ltd trading as Orange Region Tourism Ltd to develop tourism focussed destination marketing and promotion strategies for the Cabonne, Orange and Blayney region for an initial period from 1 July 2017 to 30 June 2020.
3. That Council reaffirms the appointment of the Mayor, as representative of Blayney Shire Council, to the Board of the new Orange Region Tourism Limited Corporation.

Reason for Report:

Council has supported and participated in the formation of an independent entity to promote regional tourism in the Orange, Blayney and Cabonne areas. Councils are required to seek ministerial approval to be involved in the creation of corporations and this report seeks the resolution of Council to seek the ministerial approval required as per the Local Government Act (1993).

For Council to consider and formally accept the proposed funding agreement with TDO Ltd trading as Orange Region Tourism Ltd (ORT) to develop tourism focussed destination marketing and promotion strategies for the Cabonne, Orange and Blayney region. And in doing so nominate the elected member to be Council's representative on the Board of ORT.

Report:

At the October 2016 meeting, Council supported the proposal from Orange City Council (OCC) for an industry led Local Tourism Organisation (**Resolution No 1610/005**).

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

The Mayor was appointed as Council's representative the member representing Blayney Shire to the Orange City Council Transition Board (**Resolution No 1612/003**). It is appropriate that Council reaffirm this appointment as the Blayney Shire representative on the ORT Board during this transition phase. This will maintain a consistency in the governance and local government involvement from the highest level.

Council executed an initial Memorandum of Understanding (MOU) with TDO Ltd in April 2017 (**1704/001**) to be superseded by a new document for the same parties following the establishment of a new Regional Tourism entity.

At the May 2017 Council meeting, Council agreed to support the development of collaborative regional tourism promotions, branding and marketing of the Orange Region that will include member councils of Cabonne, Blayney and Orange Councils and committed \$50,000 in the 2017/18 Operational Plan for the Orange Region Tourism Ltd organisation for an initial 3 year period. (**Resolution No 1705/002**).

Each member council has now committed funding and supported the establishment of the ORT. The Funding Agreement between Blayney Shire Council (**Attachment 1**) and Orange Region Tourism Limited and Orange Region Tourism Draft Strategic Plan (**Attachment 2**) is provided for information under separate cover.

The draft Funding Agreement 2017-2020 for Blayney and Cabonne Councils are a different Funding Agreement that exists between OCC and ORT. Given the strategic plan is yet to be formally adopted by the new ORT Board, Blayney staff have taken the view that outcomes are more likely to be achieved by working together as equal partners irrespective of financial contribution. These recommendations have led to minor amendments to the Strategic Plan reflecting the intent of the joint tourism promotions and marketing program, essentially it is as proposed and received in draft.

Since the last report Blayney Shire provided feedback in regards to the existing skills, resources and the need for goodwill, sharing and collaboration between Council staff and the ORT. A consultative subcommittee was established and this group will have a direct link to the Board via a Board member who will chair and the Executive Officer who will coordinate and support regular meetings. This is an opportunity for Council Tourism professionals to have direct input, share and contribute to the strategic and marketing plans. This subcommittee have met already on a number of occasions to date.

Risk/Policy/Legislation Considerations:

The Local Government Act (s358) requires Council to obtain Ministerial consent to 'form or participate' in the formation of a corporation. Attached is the Orange Region Tourism Limited Constitution (**Attachment 3**) and Local Government Circular 07-49 (October 2007) (**Attachment 4**).

The Office of Local Government (OLG) has provided advice that as the industry led entity would provide regional tourism services extending across Blayney, Cabonne and Orange Local Government areas, all 3 councils should submit their resolution to seek ministerial approval and prepare an individual assessment against the criteria.

In addition to the need to address the criteria in Circular 07-49, Council has been advised that the constitution for the new corporation should contain 3 specific clauses relating to council membership as outlined. The interim body (TDO) that has been working up the operational aspects of the new entity and has agreed to the 3 clauses, amending the constitution as recommended by the OLG.

The relevant clauses that have been included at item V, paragraphs 128, 129 and 130;

V Limitations

- 128 *Regardless of clauses 11, 12 and 13, any directors who are either councillors or council employees are not entitled to the payment of director's fees or other remuneration (reimbursement of out of pocket expenses is acceptable).*
- 129 *The Company shall not become a member of another corporation.*
- 130 *This Constitution shall not be amended except in accordance with the consent of the Minister for Local Government.*

Circular 07-49 (October 2007) outlines the criteria Council should address when seeking such approval which Council will need to address;

1. Is the proposal consistent with the functions of the council or an existing service that the council provides?
2. Will the proposed entity be legally separated from the council?
3. Is the council currently financially viable?
4. What is the impact of the proposal on existing council staff?

Orange City Council will bundle the individual Council responses that addresses the criteria and submit the Ministerial Consent document, noting each Council resolution as recommended by the OLG. Given the demonstration of regional cooperation and this entity governance model and operations being for the benefit of regions tourism industry, this should be an uncomplicated process.

Budget Implications:

Council have allocated \$50,000 in the 2017/18 Operational Plan and have committed the same annual budget for an initial 3-year period. Payments to ORT will be made in 2 instalments on this basis in 2017/18, 2018/19 and 2016/20.

Council has not stipulated where and how this funding is distributed by ORT, however will be monitoring that the objectives and targets as adopted in the final strategic plan.

Before any further financial commitment is made beyond these first 3 years by Blayney Shire Council, the outcomes and deliverables would be evaluated and reported to Council for consideration.

Enclosures (following report)

Nil

Attachments (separate document)

- | | | |
|---|---|----------|
| 1 | Funding Agreement between Blayney Shire Council and Orange Region Tourism Limited | 8 Pages |
| 2 | Orange Region Tourism - Draft Strategic Plan | 63 Pages |
| 3 | Orange Region Tourism Limited Constitution | 28 Pages |
| 4 | Local Government Circular 07-49 | 3 Pages |

05) COMBINED CHURCHES COMMUNITY CHRISTMAS LUNCH

Department: Executive Services

Author: General Manager

CSP Link: 6.4 A safe community.

File No: CR.AR.1

Recommendation:

That Council provides in principle support for the proposed Combined Churches 2017 Christmas Eve Lunch to be held at the Blayney Shire Community Centre.

Reason for Report:

To seek Council support for a proposed combined Churches free community Christmas Lunch be held on Christmas Eve in Blayney.

Report:

The local Catholic, Anglican, Uniting, Presbyterian, Abundant Life and Baptist Churches have combined their resources and a small steering committee are planning a free community Christmas Lunch to be held on Sunday 24 December in Blayney.

The steering committee anticipate that the lunch may cater for at least 50-100 people with a band of volunteers to help with cooking, serving and cleaning. Flyers have been printed and will be distributed after Council consideration of this being held at the Community Centre and is enclosed after this report for Councillors information. They will be promoting the event via the Blayney Chronicle, local Church fellowship groups, the Blayney Shire Interagency and Council social media channels. The target group are those in need, not in a position to have a meal on the table or those people not able to celebrate Christmas with family members.

One of the Churches will be hiring the Blayney Shire Community Centre as auspice body, with the necessary Public Liability Insurance. The Community Centre hall and kitchen hire is \$245 for the day with a refundable security deposit of \$100.

An application will be forthcoming for Council support to donate the Community Centre hire charges of \$245 to the Financial Assistance Program Round 2. This funding round closes Monday 29 January 2018, which is post this event so the application will be for a refund of Council fees and charges.

Risk/Policy/Legislation Considerations:

Council does not generally hire out the Community Centre during the Christmas New Year period, however the working group are seeking to host this event in a non-denominational venue.

Whilst other smaller Church halls were available, the steering committee decided that facilities and flexibility of the Community Centre to cater for either small or large numbers was ideal for such an event.

Budget Implications:

A donation of the hire charges of \$245 will be sought, via application to refund the Church that hires the Community Centre in the Financial Assistance Program Round 2.

Enclosures (following report)

1 Community Christmas Lunch Invitation 1 Page

Attachments (separate document)

Nil



The churches of Blayney Shire and Blayney Shire Council with business help are
inviting you to

CHRISTMAS LUNCH

(Free)

24th December

1:00pm

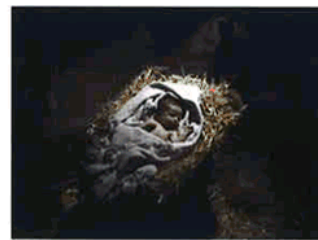
Blayney Shire Community Centre

Church Street, Blayney

RSVP: 8th December

James R Conna

0431 267 310



06) REPORT OF COUNCIL INVESTMENTS AS AT 31 OCTOBER 2017

Department: Corporate Services

Author: Accountant

CSP Link: 6.3 A well-run Council organisation.

File No: FM.IN.1

Recommendation:

1. That the report indicating Council's investment position as at 31 October 2017 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

Reason for Report:

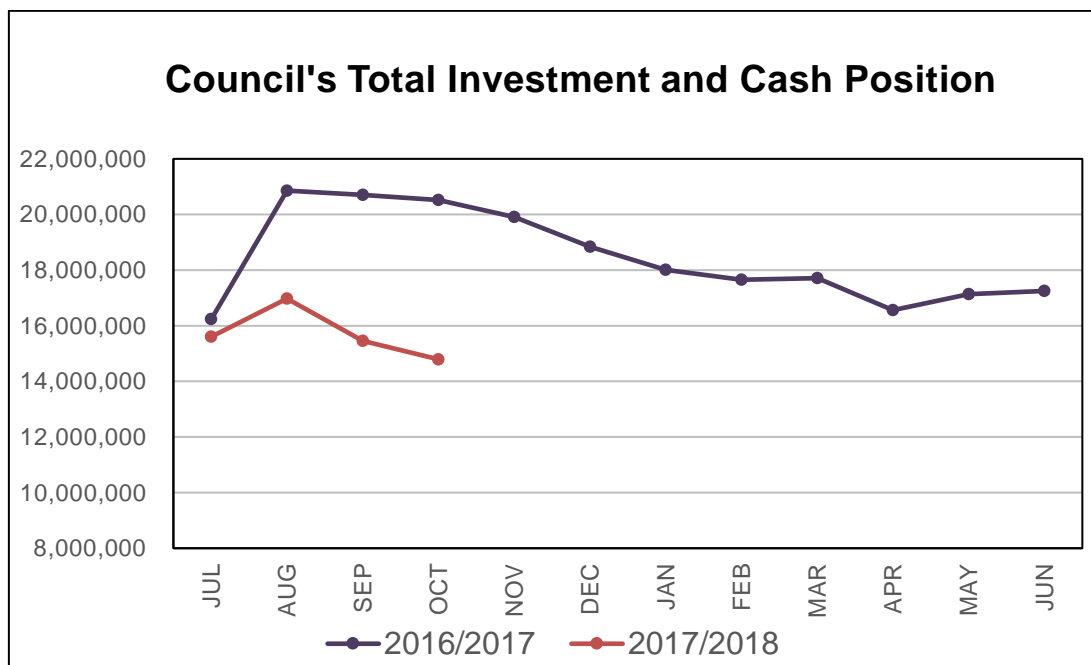
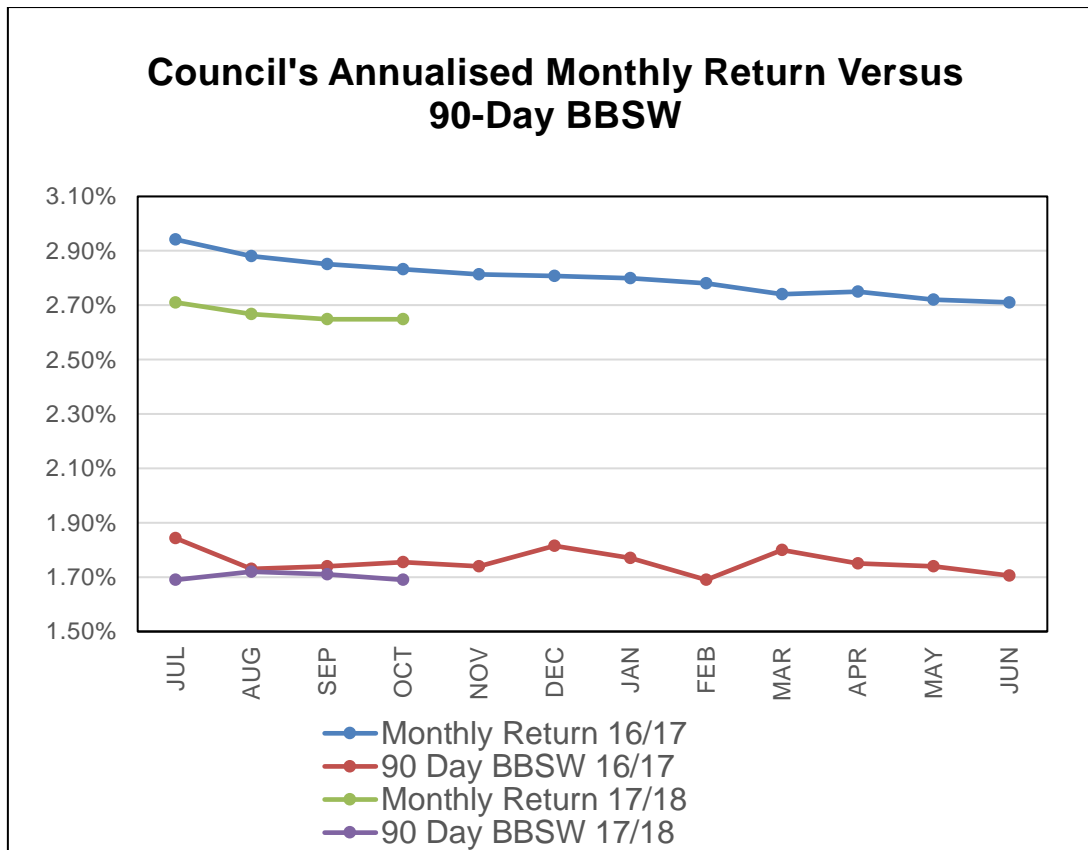
For Council to endorse the Report of Council Investments as at 31 October 2017.

Report:

This report provides details of Council's Investment Portfolio as at 31 October 2017.

Council's total investment and cash position as at 31 October 2017 is \$14,791,538. Investments earned interest of \$30,680 for the month of October 2017.

Council's monthly net return on Term Deposits annualised for October of 2.65% outperformed the 90 day Bank Bill Swap Rate of 1.69%.



REGISTER OF INVESTMENTS AND CASH AS AT 31 OCTOBER 2017				
Institution	Rating	Maturity	Amount \$	Interest Rate
Bank of Queensland	A2/BBB+	07/11/2017	500,000	2.600%
NAB	A1+/AA-	14/11/2017	500,000	2.740%
Bendigo & Adelaide Bank	A2/BBB+	23/11/2017	500,000	2.700%
ME Bank	A2/BBB	28/11/2017	500,000	2.700%
NAB	A1+/AA-	29/11/2017	500,000	2.790%
MyState Bank Ltd	A2/BBB	07/12/2017	500,000	2.750%
Auswide Bank Ltd	A3/BBB-	14/12/2017	500,000	2.800%
NAB	A1+/AA-	16/01/2018	500,000	2.480%
AMP Bank	A1/A	06/02/2018	500,000	2.700%
MyState Bank Ltd	A2/BBB	20/02/2018	500,000	2.700%
MyState Bank Ltd	A2/BBB	06/03/2018	500,000	2.550%
MyState Bank Ltd	A2/BBB	20/03/2018	500,000	2.550%
NAB	A1+/AA-	03/04/2018	500,000	2.560%
NAB	A1+/AA-	24/04/2018	500,000	2.520%
AMP Bank	A1/A	15/05/2018	500,000	2.600%
Auswide Bank Ltd	A3/BBB-	22/05/2018	500,000	2.800%
AMP Bank	A1/A	29/05/2018	500,000	2.600%
Auswide Bank Ltd	A3/BBB-	05/06/2018	500,000	2.800%
AMP Bank	A1/A	19/06/2018	500,000	2.600%
Bankwest	A1+/AA-	03/07/2018	500,000	2.550%
AMP Bank	A1/A	14/08/2018	500,000	2.600%
AMP Bank	A1/A	28/08/2018	500,000	2.600%
Bendigo & Adelaide Bank	A2/BBB+	04/09/2018	1,000,000	2.500%
ING Bank	A1/A	04/09/2018	500,000	2.600%
ING Bank	A1/A	18/09/2018	500,000	2.590%
Total Investments			13,000,000	2.639%

Benchmarks:	BBSW 90 Day Index	1.690%
	RBA Cash Rate	1.500%
Commonwealth Bank - At Call Account	502,267	1.400%
Commonwealth Bank Balance - General	670,101	1.350%
Tcorp IM Cash Fund	619,171	2.280%
TOTAL INVESTMENTS & CASH		14,791,538

* % Interest rates as at 31/10/2017

Short Term Credit Rating*	Policy Maximum	Current Holding %	Current Holding \$
A-1+	100%	23%	3,000,000
A-1	80%	31%	4,000,000
A-2	60%	35%	4,500,000
A-3	40%	12%	1,500,000
			13,000,000

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

Individual Institution Limit	Rating	Policy Maximum	Actual Maximum
AMP Bank	A1/A	3,000,000	3,000,000
Auswide Bank	A3/BBB-	3,000,000	1,500,000
Bank of Queensland	A2/BBB+	3,000,000	500,000
Bankwest	A1+/AA-	3,000,000	500,000
Bendigo & Adelaide Bank	A2/BBB+	3,000,000	1,500,000
ING Bank	A2/BBB	3,000,000	1,000,000
ME Bank	A2/BBB	3,000,000	500,000
MyState Bank Limited	A2/BBB	3,000,000	2,000,000
NAB	A1+/AA-	3,000,000	2,500,000

<u>RESTRICTED CASH, CASH EQUIVALENTS & INVESTMENTS</u>	
	\$ 000's
External Restrictions - Sewer*	5,342
External Restrictions - Unexpended Grants*	179
External Restrictions - Other*	3,590
	9,111
Internal Cash Restrictions* # Unrestricted	6,387 (706)
	5,681
TOTAL CASH & INVESTMENTS	14,792

* Cash restrictions represent the audited balance as at 30 June 2017.

Excludes the 2017/18 Financial Assistance grant of \$1,229k

Council is in the process of seeking \$3m borrowings to fund the replacement of bridges throughout the shire. Council hopes to secure these borrowings by the end of this year which will rectify the reported negative unrestricted cash position.

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

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

Risk/Policy/Legislation Considerations:

The Responsible Accounting Officer must table a written report to Council on money invested pursuant to s.625 of the Local Government Act. Investments made are in accord with the framework established within Council's Investment Policy.

Budget Implications:

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

Enclosures (following report)

Nil

Attachments (separate document)

Nil

07) 2016/2017 AUDITED FINANCIAL STATEMENTS

Department: Corporate Services

Author: Chief Financial Officer

CSP Link: 6.3 A well-run Council organisation.

File No: FM.AU.2

Recommendation:

1. That Council adopt the 2016/2017 Financial Statements and accept the Auditor's Report, as submitted by Auditor General.
2. That the 2016/2017 transfers to and from Council's restricted cash be approved.

Reason for Report:

For the 2016/2017 audited financial statements to be presented to Council.

Report:

Council is required to prepare Financial Reports and refer those reports to audit within 4 months after the end of the financial year. The audited financial statements, following audit, are required to be presented at a meeting of the Council. The date of the above meeting must be no more than 5 weeks after the signing of the auditor's report.

For the 2017 financial year Council has presented a net operating result of \$4,824,000, with a net operating result before the inclusion of grants and contributions for capital purposes of \$2,510,000.

After the exclusion of non-cash items incorporated into the income statement there is a cash surplus from operating activities of \$10,312,000. This operating cash surplus contributed to funding Council's capital works program for the year, with the remainder of the required funding coming from the proceeds from asset sales and Council's reserves.

Council expended \$10,240,000 on new non-financial assets throughout the year. A large amount of this was spent on improving Council's road infrastructure and ongoing expenditure on plant and fleet replacement.

Income Statement

for the year ended 30 June 2017

1 \$ '000	Notes	Actual 2017	Actual 2016
Income from continuing operations			
<i>Revenue:</i>			
Rates and annual charges	3a	10,479	10,444
User charges and fees	3b	2,399	1,960
Interest and investment revenue	3c	514	499
Other revenues	3d	221	258
Grants and contributions provided for operating purposes	3e,f	6,419	4,190
Grants and contributions provided for capital purposes	3e,f	2,314	3,135
<i>Other income:</i>			
Net gains from the disposal of assets	5	159	–
Net share of interests in joint ventures and associates using the equity method	19	144	203
Total income from continuing operations		22,649	20,689
Expenses from continuing operations			
Employee benefits and on-costs	4a	6,545	6,113
Borrowing costs	4b	157	165
Materials and contracts	4c	3,476	2,486
Depreciation and amortisation	4d	4,973	5,230
Impairment	4d	–	–
Other expenses	4e	2,674	2,122
Net losses from the disposal of assets	5	–	50
Total expenses from continuing operations		17,825	16,166
Operating result from continuing operations		4,824	4,523
Discontinued operations			
Net profit/(loss) from discontinued operations	24	–	–
Net operating result for the year		4,824	4,523
Net operating result attributable to Council		4,824	4,523
Net operating result attributable to non-controlling interests		–	–
Net operating result for the year before grants and contributions provided for capital purposes		2,510	1,388

Statement of Financial Position

as at 30 June 2017

\$ '000	Notes	Actual 2017	Actual 2016
ASSETS			
Current assets			
Cash and cash equivalents	6a	9,743	1,075
Investments	6b	7,500	16,000
Receivables	7	1,288	640
Inventories	8	1,063	839
Other	8	63	52
Non-current assets classified as 'held for sale'	22	650	–
Total current assets		20,307	18,606
Non-current assets			
Investments	6b	–	–
Receivables	7	126	208
Inventories	8	–	–
Infrastructure, property, plant and equipment	9	195,034	189,789
Investments accounted for using the equity method	19	20,975	20,545
Investment property	14	–	–
Intangible assets	25	173	241
Total non-current assets		216,308	210,783
TOTAL ASSETS		236,615	229,389
LIABILITIES			
Current liabilities			
Payables	10	2,143	748
Income received in advance	10	221	196
Borrowings	10	202	190
Provisions	10	1,753	1,623
Total current liabilities		4,319	2,757
Non-current liabilities			
Payables	10	2	1
Borrowings	10	1,780	1,982
Provisions	10	779	717
Total non-current liabilities		2,561	2,700
TOTAL LIABILITIES		6,880	5,457
Net assets		229,735	223,932
EQUITY			
Retained earnings	20	93,897	88,787
Revaluation reserves	20	135,838	135,145
Other reserves	20	–	–
Council equity interest		229,735	223,932
Non-controlling equity interests		–	–
Total equity		229,735	223,932

Restricted Cash

In finalisation of the 2016/17 Financial Statements there were some changes to restricted cash balances as reported to Council on 14 August 2017.

The external restrictions show \$1.909m transfers in and \$1,503m transfers out (nett \$406k).

The internal restrictions show \$5,194m transfers in and \$5,404m transfers out (nett \$210k).

The total Restricted Cash balance at 30 June 2017 was \$16,727m with unrestricted cash of \$516k.

A summary of Council's internal and external restrictions is detailed below.

2017 \$ '000		Opening balance	Transfers to restrictions	Transfers from restrictions	Closing balance
External restrictions – other					
Developer contributions – general	(D)	715	98	–	813
Developer contributions – sewer fund	(D)	800	60	–	860
Specific purpose unexpended grants	(F)	1,282	–	(1,103)	179
Sewerage services	(G)	4,357	125	–	4,482
Domestic waste management	(G)	439	409	–	848
Rates – special variation mining	(G)	1,113	–	(400)	713
Voluntary Planning Agreement – Mining	(G)	–	1,217	–	1,217
Total external restrictions		8,706	1,909	(1,503)	9,111
Internal restrictions					
Plant and vehicle replacement		1,636	–	(1,417)	219
Employees leave entitlement		571	90	–	661
Asset reserve – buildings		351	13	(207)	157
Asset reserve – parks and recreation		507	46	(206)	347
Asset reserve – transport		2,354	1,490	(1,390)	2,454
Asset reserve – stormwater		147	–	(96)	51
Blayney sports facility master plans		170	3	(20)	153
Blayney town works		135	–	(130)	5
Cemeteries		1	40	–	41
Centrepoint reserve		850	190	(43)	997
Election reserve		61	17	–	78
Environmental projects – Belubula river		54	–	–	54
Inala units		96	–	–	96
I.T reserve		63	33	–	96
King George Oval		200	–	(30)	170
Land fill remediations and assets		112	–	(112)	–
Property account		505	45	(5)	545
Quarry		295	–	(121)	174
Village enhancement program		124	89	(124)	89
Financial Assistance Grant		–	1,229	–	1,229
Total internal restrictions		8,232	3,285	(3,901)	7,616
TOTAL RESTRICTIONS		16,938	5,194	(5,404)	16,727

Performance Indicators

These indicators are intended to be indicative of the financial health and presence of good business management practices being conducted at Council.

\$ '000	Amounts	Indicator	Prior periods		Benchmark
	2017	2017	2016	2015	
Local government industry indicators – consolidated					
1. Operating performance ratio					
Total continuing operating revenue ⁽¹⁾ excluding capital grants and contributions less operating expenses	<u>2,207</u>	11.02%	7.12%	3.59%	>0.00%
Total continuing operating revenue ⁽¹⁾ excluding capital grants and contributions	20,032				
2. Own source operating revenue ratio					
Total continuing operating revenue ⁽¹⁾ excluding all grants and contributions	<u>13,613</u>	60.92%	64.24%	71.86%	>60.00%
Total continuing operating revenue ⁽¹⁾	22,346				
3. Unrestricted current ratio					
Current assets less all external restrictions ⁽²⁾	<u>10,747</u>	3.93x	7.23x	6.73x	>1.5x
Current liabilities less specific purpose liabilities ^(3,4)	2,736				
4. Debt service cover ratio					
Operating result ⁽¹⁾ before capital excluding interest and depreciation/impairment/amortisation	<u>7,337</u>	21.14x	19.39x	10.65x	>2x
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)	347				
5. Rates, annual charges, interest and extra charges outstanding percentage					
Rates, annual and extra charges outstanding	<u>236</u>	2.20%	2.23%	2.28%	<10% Rural
Rates, annual and extra charges collectible	10,731				
6. Cash expense cover ratio					
Current year's cash and cash equivalents plus all term deposits	<u>17,243</u>	15.67 mths	17.3 mths	13.7 mths	> 3 mths
Payments from cash flow of operating and financing activities	1,100				

Risk/Policy/Legislation Considerations:

Under the Local Government Act (1973) Council is required to prepare Financial Reports and refer those reports for audit within 4 months after the end of the financial year. The Act requires Council to present its audited financial statements, together with the signed auditor's reports, at a meeting of the Council. The date of the above meeting must be no more than 5 weeks after the signing of the auditor's report.

The Act also states that Council's audited financial statements must be lodged with the Office of Local Government by 31 October 2017. The lodgement date for Council's audited financial statements was 25 October 2017.

Council is required to give notice to the public on presentation of the financial statements at least 7 days prior to the meeting and invite submissions to be received. The statutory closing date for submissions is 7 days after the meeting, being 27 November 2017. Notices have been placed on Council's website and Facebook page and in the Blayney Chronicle.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

1	2016/2017 Financial Statements	131 Pages
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08) QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2017

Department: Corporate Services

Author: Chief Financial Officer

CSP Link: 6.3 A well-run Council organisation.

File No: FM.BU.1

Recommendation:

1. That the Quarterly Budget Review Statement for the quarter ending 30 September 2017 be received.
2. That the supplementary votes of \$1,128k proposed in the Quarterly Budget Review Statement be adopted resulting in an increase to operating expenditure of \$249k, a decrease in operating income of \$377k and an increase to capital expenditure of \$502k offset by capital income variations of \$758k.
3. That the budgeted expenditure and transfers from External and Internal Restricted Cash of \$1,827k for works carried over from the 2016/17 financial year be endorsed.

Reason for Report:

For Council to endorse the Quarterly Budget Review Statement (QBRS) for the quarter ending 30 September 2017.

Report:

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.

The NSW Office of Local Government (OLG) 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 report as tabled satisfies this minimum disclosure.

The 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.

Council endorsement is also sought for carryover of works and services from 2016/17 for completion in 2017/18 in the amount of \$1,827k. These are fully offset by reserve transfers.

The attached report provides a detailed review of Council's 2017/18 Budget Review covering the September 2017 quarter.

Risk/Policy/Legislation Considerations:

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 format as presented reports on an income and expense type as well as by Council activity and helps to inform Council on the anticipated Income Statement operating result for the financial year. Other information is also disclosed including budgeted capital income and expenditure; restricted cash movements and key performance indicators.

Budget Implications:

Overall, the net variations in Continuing Operations for the quarter of (\$1,384k) will decrease the projected Net Operating Result before Capital Items to (\$1,159k) deficit. This is largely due to the \$1,229k advanced payment of the first 2 quarters Financial Assistance Grant for 2017/18 being

paid in 2016/17. While the funds were restricted at the end of 2016/17 for the purpose of funding general operations in 2017/18, the advance payment has a direct impact on Council's Operating Result this year. (Grant income must be brought to account in the year it is received under applicable the accounting standard and the Local Government Code of Accounting Practice and Financial Reporting).

An additional \$100k has been sought for completion of the Blayney Settlement Strategy Review to be internally funded through Council's Property Reserve.

Council was successful in obtaining grant funding of \$745k under round 3 of the Federal Government Bridges Renewal Program for expansion of the Browns Creek Road Bridge.

In partnership with Central Tablelands Water, Council was awarded \$183k under the Innovations Funding program to complete a Renewable Energy Strategy.

Upgrades to the Mandurama, Lyndhurst & Neville RFS sheds were delayed last financial year and are scheduled for completion in 2017/18. Completion of works are offset by a capital contribution from NSW Rural Fire Service and are budgeted to be \$184k this financial year which has been carried over from prior years.

Grant funding opportunities of \$391k for rehabilitation works on Mandurama Road and \$30k for preliminary works for the construction of a safe pedestrian rail crossing on Adelaide St Blayney were not successful. These projects have been scaled back or deferred for completion at a later date.

Capital expenditure has a net increase of \$502k largely due to increased works on Browns Creek Road bridge and a reduction in programmed works on Mandurama Road. Council has also matching capital expenditure to the above grant and contribution associated with works on Renewable Energy Projects and replacement of RFS Bushfire sheds.

Programmed works of \$361k to the sewerage network as identified in Council's Strategic Sewerage Business Plan (SBP) have been deemed not required this financial year.

Enclosures (following report)

Nil

Attachments (separate document)

1 Quarterly Budget Review Statement - September
QTR 2017 22 Pages

09) ADOPTION OF LEASE OF COUNCIL LAND FOR AGISTMENT PURPOSES POLICY

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 6.3 A well-run Council organisation.

File No: PM.TN.8

Recommendation:

That the Lease of Council Land for Agistment Purposes Policy be adopted and included in Council's policy register.

Reason for Report:

For Council to adopt the Lease of Council Land for Agistment Purposes Policy.

Report:

Council has developed the Lease of Council Land for Agistment Purposes Policy.

The objective of the policy is to set the framework and guidelines around lease of Council land for agistment purposes. This policy enables Council to consider applications for the leasing and licensing of Council controlled land assets, including Crown Land and unused/closed public roads while ensuring Council is consistent and transparent, and complying with appropriate legislative requirements when determining each application.

The policy is based on existing arrangements with lease of Council land in the industrial area and equivalent policies of a number of New South Wales councils.

The closing date for public exhibition is 17 November 2017 and as at the time of report preparation, no submissions on the draft policy were received. Should Council receive any submissions be received by the scheduled closing date, they will be tabled at the Council meeting.

At the October Council meeting a number of matters on the policy were raised:

1. Fencing in need of replacement is unsatisfactory

Response: Clause 6(h) deals with Lessee obligations with fencing and requires the lessee to maintain a stock proof fence.

2. Requirements for use of timber for Firewood not clear

Response: An amendment to the policy has been inserted under Special Conditions, clause 6(e) on Burn Off of leased land. Clause 6(d) deals with removal of trees and dead timber for firewood.

A copy of the policy for adoption is enclosed following this report.

Risk/Policy/Legislation Considerations:

Adoption of the policy will establish guidelines for lease of Council land for agistment purposes and enable land located in the Industrial Area to be advertised and let. A further report will be tabled to Council on Expressions of Interest for Lease of Land for Agistment Purposes in the Industrial Area.

Budget Implications:

Nil

Enclosures (following report)

- | | | |
|---|--|---------|
| 1 | Lease Of Council Land For Agistment Purposes
Policy | 7 Pages |
|---|--|---------|

Attachments (separate document)

Nil



**Lease / Licencing of Council Land for
Agistment purposes**

Policy	
Officer Responsible	Director Corporate Services
Last Review Date	

Operational Policy

Contents

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1. Purpose

This policy enables Council to consider applications for the leasing and licensing of Council controlled land assets, including Crown Land and unused/closed public roads while ensuring Council is consistent and transparent, and complying with appropriate legislative requirements when determining each application. It excludes the hire of community buildings, sporting venues, and facilities and community or operational land used or proposed to be used for a purpose other than grazing,

The policy aims to formalise timeframes as follows

1. To lease Council owned land to the public on a three year term with an option of extension for a further two years.
2. To licence Crown Land or reserves that Council has been entrusted with to the public for a three year term.
3. To lease unused/closed Public Roads to the owner or lessee of land adjoining the public road if the road is not being used by the public for a maximum of 5 years.
4. To lease land that is not utilised by council in the short term for the purpose of maintaining the land in a clean and weed free condition usually for the purpose of grazing.

2. Definitions

Council Land – Freehold land owned by Council.

Crown Land – Belonging to the crown and entrusted to Council.

Unused/closed Public Road – Council is the roads authority over land.

Lease – A contract by which one party conveys land, property, services and provides exclusive possession of a defined area of land, for a specified time, usually in return for a periodic payment.

Licence – A permit from an authority to own or use something and provides permission to use land, it allows someone access to the land of another for an agreed purpose, it provides nonexclusive use of the land.

3. Scope

This policy applies to all Council owned or controlled land within Blayney Shire Council Local Government area.

4. Policy Statement

Council owned land is usually leased to members of the public for a three year term with an option to renew for a further two years.

Unused/closed public roads are usually leased to the owner or lessee of land adjoining the public road for agreed periods of no more than 5 years including options to renew.

Council controlled land, including Crown Land that is landlocked can only be leased / licence by an adjoining property owner or lessee. In the event multiple adjoining property owners want to lease the one parcel of land this will be determined by a resolution of Council.

Approval for the renewal of an existing lease and/or licence is to be delegated to the General Manager, provided the terms and conditions are in accordance with Council policies and procedures.

5. Process

- a) Expressions of Interest will be called from the public when the current lease expires. If there is more than one party interest in the one property, a report will be presented to council.
- b) Land that is landlocked, adjoining property owners will have the opportunity to take on the lease/licence.
- c) Licence fee will apply as set out in agreement and paid to Council.
- d) The lease fee will be subject to an increase every year based on the All Australian Weighted Consumer Price Index. The CPI used will be that for the December quarter of the previous year.
- e) The Council hereby leases/licences and authorises the Lessee/Licensee to enter upon and use for the purpose of grazing use only that piece of land described in the Lease/Licence Agreement.
- f) During the continuance of this Lease/Licence the Lessee/Licensee shall utilise the land for the purposes of grazing domestic livestock.
- g) The Lease/Licence remains in force for the period specified within the agreement.
- h) The Lessee/Licensee shall comply with the special conditions.
- i) Council does not make or give any warranty, promise or covenant to the Lessee/Licensee for quiet enjoyment of the lease licence area.
- j) Termination of this agreement may be terminated by either part by four (4) weeks' notice in writing to the other and shall be sufficiently served if left at the last known address of the Lessee/Licensee.
- k) Lease / licence payments made in advance will be refunded on a pro-rata basis. The lessee will have the right to remove any internal fencing the lessee has erected.

6.Special Conditions

- a) Purpose - The Lessee/Licensee shall have the use of the area for the purpose of grazing, other activities shall not be conducted without the written consent of Council.
- b) Control of Rubbish - The Lessee/Licensee shall keep the said area and buildings clean and tidy and all papers and other rubbish shall be collected and removed.
- c) Licensee not to Permit Nuisance - The Lessee/Licensee shall not do or permit or suffer anything in or upon the land which may be or become a nuisance or annoyance or cause of damage to the owner or to the owners or occupiers of other property in the neighbourhood. The Trust reserves the right to remove form or refuse entry to the reserve/land

- any person regardless of any arrangements or contract with the lessee/licensee.
- d) Protection of Trees - During the continuance of this Licence the Lessee/Licensee will not cut down, fall, injure or destroy any growing or living timber standing or being upon the land. No removal of dead timber for firewood is permitted.
 - e) **Burn Off - The lessee shall not carry out any burning off on the land licensed except with the consent of the Council in writing first obtained and after compliance with the requirements of the Rural Fires Act, 1997, as amended by subsequent Acts. Any consent granted in accordance with this condition shall be subject to such conditions as the Council may impose.**
 - f) Fire Hazard - The lot cannot become a fire hazard. Should the lot, in Council's opinion become a fire hazard, Council will arrange for the lot to be slashed at the expense of the lessee.
 - g) Control of Noxious Weeds and Animals - The Lessee/Licensee will during the continuance of this Licence use all proper means for keeping down and exterminating upon the land all rabbits and other vermin and noxious animals and insects and all noxious weeds and plants and comply with all laws and regulations now or hereafter in force with relation to the keeping down or extermination of same.
 - h) Fencing - The Lessee/Licensee shall provide and maintain stock proof fencing where necessary around the perimeter of the land so as to prevent stock from straying and a swing gate installed to allow access for vehicles up to 4 metres wide. When installing or replacing fences the Lessee/Licensee should consult with adjoining landowners prior to erection.

The Lessee/Licensee must regularly inspect the stock proof fencing that encloses the stock on the land to satisfy themselves that the fencing is stock proof. The Lessee/Licensee must be aware that they hold absolute legal liability for any damage or loss to any party caused by the escape of grazing animals from the subject land. Council cannot accept liability for damage or loss to any party caused by animals escaping the subject land due to a failure of the Lessee/Licensee to inspect and maintain stock proof fencing.

- i) Insurance Council requires the applicant to hold a current Public Liability Insurance Cover policy to the value of \$20 million, which nominates Blayney Shire Council as a principal. The lessee shall furnish a copy of insurance cover to Council every year following renewal.

The Lessee/Licensee shall indemnify and keep indemnified the Council against all actions, suits, claims, debts, obligations and other liabilities during the continuation of the Licence and further.

The Lessee/Licensee shall maintain all other insurances as may be required by the Workers' Compensation Act or any other Act or Acts of Parliament in regard to the conduct of activities of the licensee on the demise premises. Copy of such is to be forwarded to the Council.

- l) Water - For those lots that have water supplied the costs of water usage and maintenance will be the responsibility of the lessee. Council.
- m) Rates & Charges - Council Rates will remain the responsibility of Blayney Shire Council unless lease agreement stipulates otherwise.
- n) Fire Hazard - The lot cannot become a fire hazard. Should the lot, in Council's opinion become a fire hazard, Council will arrange for the lot to be slashed at the expense of the lessee.
- o) Access - In the case of land with access road / right of way, for access to other properties which are leased for grazing purposes, gates shall be provided at both ends for access by adjoining lessee.
- p) Council Access - The Council may by its Agents, Servants or Workman enter upon the land described in the Schedule hereto or any part thereof during the continuance of this agreement. No relationship of the landlord and tenant is or is intended to be created between the parties hereto by virtue of this lease/licence or in any way whatsoever.
- q) Usage - Council limits the use of the lots to animal grazing. Under no circumstances are hazardous or toxic substances allowed on Council properties.
- r) Sublet - The Lessee/Licensee shall not assign, sub-let or otherwise deal with the demised premises without the consent of Council.
- s) Fixtures – The ownership of existing fixtures will be decided prior to the establishment of a new lease or licence. Any new fixtures erected after a new lease or licence is granted will be owned by the Lessee / Licensee and must be maintained during the period of the lease / licence. The transfer of fixtures owned by an outgoing Lessee / Licensee is their responsibility.
- t) The Lessee / Licensee shall not interfere with any other person authorised by the Council to use the reserve or any part thereof.
- u) Termination of agreement - If, for any reason, these conditions are breached, Council reserves the right to terminate the lease.
- v) Council inspection – An inspection will take place every quarter to ensure the lessee is adhering to all conditions of the lease. Any failure to meet Council's criteria will terminate the lease immediately upon inspection, with one weeks' notice to be made available to transport stock/equipment from the lot. Should the applicant not remove all articles from the lot within the week, all articles will be impounded, with release of such articles being at the appropriate rate specified in Council's Fees & Charges listing for the current year.

Selection Process

Where a property is vacant or will become vacant at the expiry of an existing Lease/Licence, a report will be submitted to Council presenting a range of options for future use. Options shall include but not be limited to retention for community or commercial Lease/Licence or other purpose, modifications / alterations to the property and disposal.

In circumstances where Council has determined that a Council property will be retained for community or commercial lease, recommended criteria for selection of a preferred tenant will be reported to Council for approval, prior to proceeding to invite expressions of interest from the community.

Once expressions of interest have been invited, received and assessed against the criteria, a further report detailing all applicants and assessment against the selection criteria will be submitted together with a recommendation for a preferred applicant.

7. Related Legislation, Policies and Guidelines

Local Government Act 1993 and associated regulations
 Crown Lands Act 1989 and associated regulations
 Roads Act 1993 No 33

Adopted:	xx/xx/2017	
Lasted Reviewed:	xx/xx/2017	
Next Review:	15/02/2021	

10) MINUTES OF THE BLAYNEY SHIRE AUDIT COMMITTEE MEETING HELD 30 OCTOBER 2017

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 6.3 A well-run Council organisation.

File No: FM.AU.1

Recommendation:

That the minutes of the Blayney Shire Audit Committee meeting held 30 October 2017 be received.

Reason for Report:

For Council to endorse the minutes of the Blayney Shire Audit Committee meeting held 30 October 2017.

Report:**MINUTES OF THE MEETING OF BLAYNEY SHIRE AUDIT COMMITTEE HELD IN THE COMMUNITY CENTRE WEDNESDAY 30 OCTOBER 2017**

The meeting commenced at 9:06am

1. Present

Rebecca Ryan	(General Manager)
Cr. S Ferguson	(Councillor)
Leanne Smith	(Intentus - NSW Audit Office Contract Auditor)
Steve Kent	(Chair – Independent)
Phil Burgett	(Independent)
Anton Franze	(Director Corporate Services – secretariat)
Tiffany Irlam	(Chief Financial Officer)
Chris Clayton	(NSW Audit Office) via telephone

2. Apologies

Nil.

3. Declarations of Interest

Nil.

4. Adoption of Previous Minutes

Minutes of meeting held 7 August 2017 were adopted.

Carried: Burgett/Kent

5. Risk Management Update

- New Risk Officer appointed July 2017.
- Continuous Pathway Improvement Program: Risk Management Action Plan (RMAP) with Statewide has been finalised.
- Council took up a free offer by Statewide to undertake an Integrity Management Program (IMP) Diagnostic Review. This was phase 2 by Statewide and was conducted by Echelon in March 2017. The review consisted of a diagnostic evaluation of the current systems Council has in place to prevent integrity breaches and claims in terms of the Councillor's & Officers policy. This can form a basis for the development of individual Integrity Management Plans as part of Councils' ongoing Continuous Improvement Pathway via their Risk Management Action Plans.
- Proposed Audit Plan for 2017/18 to focus upon procurement and project management practices associated with major capital expenditure projects:
 - Errowanbang Road (Southern Cadia Access route)
 - Adelaide Street footpath project
 - Bridge Replacement Program.
 - Scope to be prepared and reviewed by Independent members for input into audit scope and methodology.
 - Concern was expressed with timing over Charter review and Audit Plan. One project for 2017/18 year. Clarification was sought on timing and anticipated completion date. Intent is for finalisation before June 2018.

6. External Audit Client Service Plan 2016/17 and Client Service Report

Chris Clayton from NSW Audit Office gave report.

- Plan and report included for information.
- Client Service Report provides assurance before sign off on Management Letter on the Conduct of the audit that is to be issued in November 2017 by the NSW Audit Office.
- On the 2016/17 statements, material items worthy of mention include:
 - Rural Fire Service assets issue has been identified. Red fleet vehicle depreciation not recognised by Council.
 - Inala Units, with its impending sale, has been moved from Non-Current Asset to Current Asset.

7. Interim Audit Management Letter

Leanne Smith from Intentus, contract auditor for the NSW Audit Office, gave an update on issues outstanding.

- Asset Revaluation Issue: Planning and process was much better for 2016/17. Documentation and work was significantly better.
- Bank signatory issue not evident in 2016/17 final audit.
- Reconciliation issue has also been resolved in 2016/17 final audit review.

8. 2016/17 Audited Financial Reports

Council's Chief Financial Officer, Tiffaney Irlam, gave a report.

- Financial Reports were noted.
- Significant impacts included Financial Assistance Grant 2017/18 advance payment in 2016/17 presented a favourable effect on end result.
- Movement in assets for Inala Units as previously mentioned.
- Sewer revaluation resulted in a \$600m adjustment.
- Leanne & Chris acknowledged the work by the Chief Financial Officer and team for being responsive to audit demands and for timeliness of requested material.
- Audited Financial Reports lodged with Office of Local Government 25/10/2017, in advance of statutory due date of 31/10/2017.
- Committee noted and recommended reports to Council.

9. Integrity Management Program Diagnostic Review

Report by Rebecca Ryan, General Manager and Anton Franze, Director Corporate Services.

- A copy of the report was circularised to members and Council will use the report to inform areas of focus to upon in the future.
- Process involved the selection of employees across Council (indoor and outdoor) and questioning them on governance practices within Council.
- Recommendations have been provided in report based on findings.
- It provides good baseline data for improvements.

10. Council Policy review program

- Policy review program being undertaken following appointment of new Council. Policy review timetable was tabled.
- Timeline for policy reviews within Council are based on whether review is mandatory i.e. annual otherwise review timeframe is election term or when a change is prompted. For example, a change of legislation or other prompt would instigate earlier review.
- Policy cycle tabled was adopted.

11. Status of prior report recommendations

- Schedule of Audit recommendations was tabled.

12. Any major developments / issues since last meeting

PWC Review

- Councils from a number of states and New Zealand participating in comparative review.
- Report to be distributed to committee.
- Council fared favourably.
- Report provides good workforce data and is evolving in the assets / capital works sphere.

Audit Committee

- Review of Charter to be undertaken with new Council. In addition to review of Committee Charter it was suggested that an Internal Audit Charter review be undertaken.

Invitations

- Invitation extended to other Council members / staff on committee role to assist with broadening understanding of all.

Performance Audits

Chris Clayton from NSW Audit Office discussed the focus of Performance Audits being undertaken. Councils involved have been contacted.

Focus is on:

- How Councils report against service delivery.
- Fraud control.
- Council approach to shared service arrangements.

Blayney Shire Council has not been approached to participate.

13. Any other business

- Nil.

Meeting Dates

Next meeting is to be confirmed.

There being no further business the meeting closed at 10:05am

Risk/Policy/Legislation Considerations:

The Audit Committee (the Committee) has been established to promote good corporate governance in Council. Good corporate governance of the Council ensures that the people of Blayney Shire receive the services that they need in an effective and efficient manner, delivered with honesty and integrity.

The objective of the Committee is to provide independent assurance and assistance to Council with respect to the following key areas as per Section 428A of the *Local Government Amendment (Governance and Planning) Bill 2016*. Such areas include compliance; risk management; fraud control; internal control; financial management; governance; service reviews; other matters prescribed by the regulations, and execution of Council functions.

The Committee is an independent advisory Committee that assists the Council to fulfil its oversight responsibilities.

Budget Implications:

Costs associated with holding of Audit Committee meetings, sitting fees for independent members and associated service reviews and audits are provided for in Council's 2017/18 Operational Plan for this purpose.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

11) DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT

Department: Infrastructure Services

Author: Director Infrastructure Services

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

File No: GO.ME.1

Recommendation:

That the Director of Infrastructure Services Monthly report for November 2017 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

Sport and Recreation Master Plan

At the ordinary October meeting, Council resolved to place this strategic document on public exhibition.

The Sports Council has held an extraordinary meeting to discuss the proposed master plans, with feedback to be provided to the consultant, and also recommended that the individual village master plans be referred to the individual villages for their consideration and feedback.

The Director has been invited to attend a meeting to discuss with the Newbridge Progress Association in coming weeks, and welcomes other opportunities.

The public exhibition period closes on Friday 17 November.

Major Works

Southern Cadia Access Route

Works are progressing well, with the unsealed portion of Errowanbang Road nearing sub-base level. With the approval of the DGB20 Tender at the Extraordinary Meeting, Council staff will commence gravelling of the base layer on the week of 20 November 2017. It is planned to undertake sealing to the Dirt Hole Creek Bridge prior to Christmas.

Current expenditure on the project is approximately \$3.4 million, with an earned value of \$3.6 million. This indicates that the project is currently \$200,000 ahead of budget. Savings have been made through greater than expected productivity on the replacement of culverts, lower than expected traffic control costs, and lower than expected utilities relocation costs. With the

tender for DGB20 awarded, it is expected that Council will also realise savings on the base course layer of this project.

The current estimated cost to completion is \$5.8 million (excluding contingency), for an estimated final cost of \$9.2 million. This compares favourably with the \$10.54 million budget; however, it is noted that 2/3 of the project still remains, with any number of items having the potential to cause delays.

Road Rehabilitation Works

Heavy patching works have been completed on Carcoar, Three Brothers and Moorilda Roads. Works are scheduled to commence on Barry Road on 14 November 2017, and are expected to take up to 4 weeks to complete.

Council has also undertaken some gravel resheeting of Gap Road to repair badly worn pavement, improving all weather access.

Footpaths

Works are near completion in Mandurama replacing the footpath on the south eastern side of Olive Street. These works have also included the construction of a footpath to the Memorial Hall along Gold Street.

This crew will then commence works on Orange Road to construct a missing link from Binstead Street along Orange Road.

Culvert Replacement

It is planned to replace a small box culvert on Mount McDonald Road within Lyndhurst. This culvert is showing a high level of distress, and has significant joint separation.

Small Bridges Replacement

Council is working with the School of Engineering at Charles Sturt University to prepare design work for the replacement of a series of small format bridges across the shire.

Undertaking design work in this format will enable Council staff to satisfy training requirements, whilst working in a collaborative way.

Major Contracts

Replacement of 6 Timber Bridges

Errowanbang Road bridge is complete and has been opened to traffic. The bridge was finished ahead of time and on budget.

Gallymont Road is complete and open to traffic. This has been finished ahead of program and on budget.

Dowsetts Lane bridge is expected to be completed and open by mid November.

The Coombing Street Bridge structure is complete. Once tidy up and drainage works are completed, to Council's satisfaction, the bridge will be opened to traffic in mid November.

Newbridge Road Bridge has commenced and is expected to be finished by mid December.

Final sealing of approaches will be conducted before Christmas at which point the entire project will have reached practical completion. This will be approximately 3 weeks ahead of the current Practical Completion.

Browns Creek Road Bridges ECI

Currently Council is working with Prevention Partners to create a legally binding and auditable framework and documentation for the management of the ECI with the two recently selected contractors.

Parks and Recreation

Johnston Crescent Trees

Council's consultation period for the trees has completed. The onsite meeting was attended by 9 residents, where Council officers discussed potential options to mitigate the risks posed by the trees. From those who attended, the preference was unanimous that the trees be removed, with the landowners present representing properties on both sides of Johnston Crescent.

In addition to the 9 residents who attended the site meeting, Council also received 2 written submissions from residents. 1 requested consideration to retaining the trees alongside the storage sheds as a visual screen to the abattoir, whilst the other was from the owner of the storage sheds supporting their removal. They also provided further evidence of branches falling on their property.

Council officers continue their investigations into the most cost effective and efficient way to treat these trees, and will prepare a final report for the December Council Meeting for Council's consideration.

Assets

Council has undertaken community consultation for the naming of the unnamed road between 162 – 168 Forest Reefs Road as detailed in a spate report to Council.

Assets staff recently completed the annual OLG Road and Bridges report. This report details Council's expenditure on its assets, splitting maintenance, renewal, and capital expansion expenditure.

Electricity Procurement – Large Sites

Council's current electricity supply contract for large sites is due to expire on 31 December 2017. In September this year Centroc, on behalf of member councils, undertook a procurement process to identify a preferred provider of an electricity supply contract. The new electricity supply contract is to commence January 2018, and will expire on 31 December 2019.

The new contract has confirmed the current volatility in the electricity market and the subsequent cost increase this is placing on the operation of Council.

Council has 3 sites which will be directly impacted by the new contract, being the sewerage treatment plant (STP), CentrePoint and street lighting. The below table represents the budget increase for the effected Council sites which demonstrate the significant increase the new contract will represent. These figures do not include Network charges, which are passed through in the billing process. The future budget shows an increase of approximately 122% on the current price.

		Previous 12 months	Future 12 month budget
Year 1	Street lighting	\$17,291	\$38,313
	STP NAAA000003	\$13,669	\$30,346
	Ctr Point 4001021119	\$11,546	\$25,634
	Total Electricity Cost	\$42,507	\$94,293

Energy Efficiency Program

Council is currently advertising a request for quotation to undertake the design and installation of energy efficient lighting at CentrePoint and works depot. This project was one of the selected projects to be delivered through the NSW Governments Innovation Fund. It is anticipated this project will be completed early in the New Year and will assist Council in reducing its carbon footprint and electricity costs.

The Solar PV project to be delivered under the same program will commence shortly with the development of tender documentation. The on-site solar generation will directly offset consumption at the installed sites, resulting in decreased costs of purchased electricity. These sites will include the STP and CentrePoint which will assist in the reduction of the financial impacts of the new electricity supply contract.

Heavy Plant and Fleet

Council staff attended a workshop on the incoming National Heavy Vehicle Law. The information gained from this session will help Council audit its current performance, and identify areas for improvement in its management of heavy vehicles.

Risk/Policy/Legislation Considerations:

Information report only

Budget Implications:

Information report only.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

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

That Council receive and note the proposed work locations for resealing, heavy patching, and footpath renewals.

Reason for Report:

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

Report:

The location of reseals, heavy patching, and footpath renewals has been determined for the 2017/18 financial year within the funding allocations.

Resealing

The resealing budget for 2017/18 is \$390,000. Council has approximately 60kms of seal in very poor condition. It is proposed to reseal 17.5kms of very poor condition seal this financial year, in addition to a final seal on a further 1.9kms of works completed in winter 2017.

Road	From	To	Length	Estimate
Carbine Road	2.75km from Long Swamp Road	3.50km from Long Swamp Road	0.75km	\$10,933
Naylor Street	Eulamore Street	Belubula Street	0.55km	\$15,950
Burns St/Newbridge Road	Adelaide Street	80km zone	0.44km	\$10,231
Newbridge Road	80 zone +1.08km	80 zone +3.17km	2.09km	\$39,397
Garland Road	Cobbs Lane	Cobbs Lane +6.02km	6.02km	\$122,206
Tallwood Road	Forest Reefs Road	Beneree Road +0.66km	3.57km	\$62,170
Buesnel Lane	Forest Reefs Road	End of Road	0.51km	\$10,353

Stoke Lane	Eastern end of road	Western end of road	0.44km	\$3,845
Ivory Street	Mid Western Highway	End of Seal	0.19km	\$1,929
Lawson Street	Marshalls Lane	Marshalls Lane	0.82km	\$28,675
Gerty Street	Marshalls Lane	End of Road	0.92km	\$31,981
Hobbys Yards Road	Three Brothers Road +0.82km	Three Brothers Road +2.00km	1.18km	\$23,913
Sub-total Reseals			17.48km	\$361,583
Final Seals				
Carcoar Road	Forest Reefs Road	Kinghams Lane	1.87km	\$32,538
Ewin Street			0.06km	\$1,531
Sub-Total Final Seals			1.93km	\$34,069
Total			19.41km	\$395,652

It is noted that this is marginally over budget based on these estimates. The seal designs are not yet completed, so final estimates are not yet available. Depending on the seal design, and the prevailing oil price at the time of works, prices can vary between -20%/+10%.

Upon receiving the final seal designs, if this program is over budget, it is proposed to drop Gerty Street from the program to balance the budget.

Heavy Patching

The heavy patching budget for 2017/2018 is \$560,572. Works are required to be undertaken on some of the reseal sections to ensure that the road is in suitable condition for resealing.

Road	From	To	Length	Estimate
Carcoar Road	Kinghams Lane	Kinghams Lane +1.8km south	1.8km	\$240,000
Three Brothers Road	Hobbys Yards Road	Kurangia Road	Various Patches	\$155,000
Moorilda Road	0.63km from Kurangia Road north	0.85km from Kurangia Road north	0.22km	\$40,000
Newbridge Road	80 zone +1.08km	80 zone +3.17km	Various Patches	\$119,800
Total			~4.5km	\$554,800

Council has already completed works on Carcoar, Three Brothers and Moorilda Roads as part of this program.

Footpath Renewals

The footpath renewals budget for 2017/18 is \$43,076. It is proposed to complete approximately 210m of renewal across the footpath network:

These works will take place on and around the schools in Blayney, as these are high traffic areas:

- Water Street
- Lindsay Street
- Osman Street

Risk/Policy/Legislation Considerations:

The heavy patching works are identified as at 8 November 2017, and could change into the future dependant on the prevailing weather conditions. Council Officers will re-prioritise works within the budget as needed.

Budget Implications:

All works scheduled are within Council's budget allocation of the 2017/18 Operation Plan.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

13) PROPOSED ROAD NAME - UNNAMED ROAD AT 168 FOREST REEFS ROAD, MILLTHORPE

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: GO.ME.2, RD.MT.1

Recommendation:

1. That Council note the report on the naming of the Unnamed Road at 162 - 168 Forest Reefs Road, Millthorpe and:
 - a. That it be included on Council's Asset Register as a Council Public Road with a length of 250m, and;
 - b. That the recommended name, Old Showground Lane be placed on public exhibition for a period of not less than 28 days and the public and relevant authorities be invited to make submissions.

Reason for Report:

To seek Council approval for the proposed naming of the unnamed public road at 162 – 168 Forest Reefs Road, Millthorpe to Old Showground Lane.

Report:

Councillors will recall the report presented to the Ordinary meeting of Council on the 14 August 2017, where the following resolution was adopted:

Resolution No.1708/020

That Council accept the unnamed road providing access to Lot 2 DP901611, Lots 311, 312 DP1199175 and Lots 100,101 DP1226099 as a Council Public Road.

In accordance with Council's, Road and Street Names Policy (25F), public consultation was invited by writing to all affected residents seeking suggestions.

As at the 6 September 2017, Council had received 2 submissions, with 3 road name suggestions:

Proposed Name	No. Support	No. Objections	Derivation	Issues
Showground Place or Lane or Close	2	0	The Millthorpe Showground was located on the road from 1902 to 1941	Potentially misleading, as there is no Showground at site.

<p>Old Showground Road or Lane or Place or Close</p>	<p>2</p>	<p>0</p>	<p>The Millthorpe Showground was located on the road from 1902 to 1941</p>	<p>'Old' could be seen as 'qualifying terminology', which is contrary to Geographical Names Board (GNB) Road Naming Guidelines. Indicative advice from the GNB is that upon appeal the proposal may be accepted on the basis that it is an integral part of the name and not separating an 'old' road alignment from a 'new' alignment.</p>
<p>Whiley's or Whileys Road or Way</p>	<p>1</p>	<p>0</p>	<p>George Whiley winner ploughing competition at the Millthorpe Show and was a member of one of the pioneering families of Millthorpe</p>	<p>Not compliant as there is a Whiley Road approximately 5km away (Spring Hill to Millthorpe Road).</p>

It is therefore recommended that the unnamed road at 162 - 168 Forest Reefs Road, Millthorpe, be named Old Showground Lane and be placed on public exhibition for not less than 28 days, and the required notifications be made in accordance with Council's Road and Street Names Policy (25F).

Risk/Policy/Legislation Considerations:

s162 of the Roads Act (1993) provides for Council as the local roads authority to name a public road.

The proposed naming has been identified in accordance with Council's Road and Street Names Policy (25F), and related Guidelines, and notification undertaken in accordance with the Geographic Names Board Guidelines for the naming of roads.

Budget Implications:

The cost of supply and installation of 1 street sign is approximately \$300 and within existing budget allocations.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

14) CARCOAR ROAD - COWRIGA CREEK WET CROSSING

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: LE.RG.2

Recommendation:

That Council accept the licence for the wet crossing on Carcoar Road, Licence Number RI 567669 and authorise the Mayor and General Manager to execute and affix the Council Seal to the Licence, and other associated documents for this Licence.

Reason for Report:

To seek Council's approval for entering into a licence for the use of Crown Land for the wet crossing over Cowriga Creek on Carcoar Road, and the subsequent use of Council's seal on the Licence Agreement

Report:

As Councillors are aware, Council has been working with Crown Lands for some time to obtain a licence to construct the wet crossing on Carcoar Road, and associated track, over Crown Land.

Council has now received an Offer of Licence from Crown Lands for this important access. The licence is offered for a term of 2 years, with the condition that Council acquires the land associated with the track, in due course.

The terms of the licence are standard, and will permit Council to undertake the works required to repair the existing wet crossing.

Once this Licence Agreement is signed, Council needs to reapply for the Fisheries Permit to work within the stream, it is expected that this would be forthcoming, but may take a while to work through the system. Past experience that this granting of a permit may take at least a month from application.

Once Council has obtained the permit, works will be scheduled as soon as resources allow. It is anticipated this will occur in February/March 2018.

Risk/Policy/Legislation Considerations:

Under the terms of the Licence, Council becomes responsible for the maintenance of this land, and any liability claims that may occur on it due to the public using it as a thoroughfare.

Further, s701 of the Local Government Act (1993) provides that if land forms part of a thoroughfare in the nature of a road, it is admissible as evidence in legal proceedings that the land forms part of a public road.

It is also noted within the Licence that the land may be subject to an Aboriginal Land Claim, and the licence will be terminated if it is determined that this land is claimable.

Budget Implications:

The budget of \$52,391 was carried forward from the 2016/17 budget, with works to be completed within this allocation.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

**15) MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE MEETING HELD
17 OCTOBER 2017**

Department: Infrastructure Services

Author: Manager Infrastructure

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

File No: TT.ME.1

Recommendation:

1. That the minutes of the Blayney Traffic Committee, held on Tuesday 19 October 2017, be received and noted.
2. That Council provides in principle support to Millfest to be held Saturday 9 December 2017 subject to the following conditions:
 - a. All implementation and Traffic Control works and Plans are to be completed by persons qualified to do so.
 - b. The Event Organiser is to notify all Emergency Services of the event and associated road closures, including Blayney Hospital.
 - c. The Event Organiser is to notify all business proprietors and residents affected by the event at least 7 days prior to the event.
 - d. The Event Organiser will, advertise the temporary road closures, including a contact number for an event organiser, at least seven days prior to the event, in the local media.
 - e. Council is to be provided with an up to date copy of a \$20M Public Liability Insurance Policy indicating Blayney Shire Council's interests, with the date and location of the event, and
 - f. The provision of satisfactory parking arrangements put in place by the Event Organisers.
3. That Council provides in principle support to the Millthorpe Markets to be held Sunday 3 December 2017 subject to the following conditions:
 - a. Development and implementation of a Traffic Management Plan (including Traffic Control Plans). All implementation and Traffic Control Works and Plans are to be completed by persons qualified to do so. Specifically the Event Organiser needs to provide updated TCP (including 40km zone, formalised road closure at Redmond Oval entrance and No Parking at Millthorpe Rural Fire Service), which Council will forward to Roads and Maritime Services (RMS).
 - b. Approval is to be obtained from the RMS Traffic Operations Manager.
 - c. Approval is to be obtained from NSW Police.
 - d. The Event Organiser is to notify all Emergency Services of the event and associated road closures, including Blayney Hospital.

- e. The Event Organiser is to notify all business proprietors and residents affected by the event at least 7 days prior to the event.
- f. The Event Organiser will, advertise the temporary road closures, including a contact number for an event organiser, at least seven days prior to the event, in the local media.
- g. Council acknowledges copy of \$20M Public Liability Insurance Policy indicating Blayney Shire Council's interests, with the date and location of the event.
- h. Event Organiser to email bicycle clubs – advising Millthorpe Markets are on 3 December and could they ask their members to avoid riding to or around Millthorpe due to the increased traffic conditions.

MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE MEETING HELD ON FRIDAY 17 OCTOBER 2017 IN THE COMMUNITY CENTRE

Meeting commenced at 10.10am

PRESENT

Geoff Paton (Blayney Shire Council), Jackie Barry (Roads & Maritime Services), Cr Bruce Reynolds (Blayney Shire Council), Iris Dorsett (Tablelands Area Road Safety), Reg Rendall (Paul Toole Representative), Nikki Smith (Blayney Shire Council).

APOLOGIES

Peter Foran (NSW Police).

CONFIRMATION OF MINUTES

RESOLVED: That the minutes of the previous Traffic Committee Meeting held on Friday, 25 August 2017 be confirmed to be a true and accurate record of that meeting. (Jackie Barry/Reg Rendall)

TRAFFIC COMMITTEE REGISTER

Nil.

CORRESPONDENCE

20171017:01 – Millfest – 9 December 2017

RECOMMENDATION: That Council provides in principal support to Millfest to be held Saturday 9 December 2017 subject to the following conditions:

- a. All implementation and Traffic Control works and Plans are to be completed by persons qualified to do so.
- b. The Event Organiser is to notify all Emergency Services of the event and associated road closures, including Blayney Hospital.
- c. The Event Organiser is to notify all business proprietors and residents affected by the event at least 7 days prior to the event.
- d. The Event Organiser will, advertise the temporary road closures, including a contact number for an event organiser, at least seven days prior to the event, in the local media.

- e. Council is to be provided with an up to date copy of a \$20M Public Liability Insurance Policy indicating Blayney Shire Council's interests, with the date and location of the event, and
- f. The provision of satisfactory parking arrangements put in place by the Event Organisers.

(Reg Rendall/Jackie Barry)

The Committee suggests that Council discuss parking arrangements for future events with the Millfest Event Organiser.

20171017:02 – Millthorpe Markets – 3 December 2017

This item was moved from General Business.

RECOMMENDATION: That Council provides in principal support to the Millthorpe Markets to be held Sunday 3 December 2017 subject to the following conditions:

- a. Development and implementation of a Traffic Management Plan (including Traffic Control Plans). All implementation and Traffic Control Works and Plans are to be completed by persons qualified to do so. Specifically the Event Organiser needs to provide updated TCP (including 40km zone, formalised road closure at Redmond Oval entrance and No Parking at Millthorpe Rural Fire Service), which Council will forward to Roads and Maritime Services (RMS).
- b. Approval is to be obtained from the RMS Traffic Operations Manager.
- c. Approval is to be obtained from NSW Police.
- d. The Event Organiser is to notify all Emergency Services of the event and associated road closures, including Blayney Hospital.
- e. The Event Organiser is to notify all business proprietors and residents affected by the event at least 7 days prior to the event.
- f. The Event Organiser will, advertise the temporary road closures, including a contact number for an event organiser, at least seven days prior to the event, in the local media.
- g. Council acknowledges copy of \$20M Public Liability Insurance Policy indicating Blayney Shire Council's interests, with the date and location of the event.
- h. Event Organiser to email bicycle clubs – advising Millthorpe Markets are on 3 December and could they ask their members to avoid riding to or around Millthorpe due to the increased traffic conditions.

(Jackie Barry/Cr Bruce Reynolds)

The Committee suggests Council discuss parking for future events with the event organisers, including possible use of Millthorpe Station car park and use of shuttle buses, and possible use of VMS Boards.

GENERAL BUSINESS

20171017:03 - Special Events

Jackie Barry from RMS enquired if Blayney Shire Council would be interested in the RMS running a presentation on Special Events explaining time frames and why documents are required.

OUTCOME: The LTC are in favour of RMS holding an information night in early 2018 for stakeholders organising events within Blayney Shire. RMS will liaise with Council regarding dates for 2018.

20171017:04 - Adelaide Street North

Vehicular traffic entering Adelaide Street (North) disobeying the “No Entry” signage.

Also discussed similar traffic movements going into and out of the carwash using Radburn Street which is a one way street.

OUTCOME: LTC to advise local Police and Highway Patrol of the issue raised.

The Tablelands Area Road Safety Officer will forward a letter to residents within the area and provide an article to the Blayney Chronicle educating residents that it is an offence and police have been advised.

20171017:05 - Cyclist Warning Signs – Orange City Council

Request from Orange City Council regarding cyclist warning signage discussed.

OUTCOME: Council to write to Orange City Council requesting a meeting with Orange, Cabonne and Blayney Councils to discuss consistency of cyclist warning signs throughout the 3 shires. Any proposals to be presented to the LTC.

20171017:06 - Proposed Spring Terrace School Bus Route – Apple City Tours

The proposed route was discussed.

OUTCOME: Council to assess the route and advise NSW Department of Transport of the outcome of that assessment.

20171017:07 - RMS – Child Alighted from School bus

NOTE: The Tablelands Road Safety Officer has completed an extensive campaign on education with stakeholders and the community.

20171017:08 - Trucks Exhaust Brakes – Church Street

OUTCOME: Council to write to RMS requesting installation of advisory signs for trucks not to use exhaust brakes in residential area.

20171017:09 - Newman’s Buses – Marshalls Lane

OUTCOME: Council to write to RMS recommending use of an approved sign.

20171017:10 - Forest Reefs Intersection – Long Swamp Road, Forest Reefs Road, Tallwood Road

Cr Reynolds enquired if this intersection could be reviewed and designed better.

OUTCOME: Council will consider these issues when doing Roadworks on Forest Reefs Road during 2018/19 financial year.

20171017:11 - Church Street/Adelaide Street Intersection

Cr Reynolds raised the issue of trucks crossing this intersection and noticed school children use this intersection to cross the road.

LTC discussed this is an RMS Road and has been earmarked in Blayney Shire Council's Masterplan for an upgrade along the lines of the Adelaide St / Ogilvy Street intersection.

OUTCOME: Traffic counters to be placed on Church Street.

Tablelands Road Safety Officer to undertake observations studies and assessment on pedestrian usage of this intersection and report to LTC 16 February 2018.

20171017:12 - Park Street Intersection at Millthorpe – Article in Blayney Chronicle

LTC discussed this intersection which has been previously discussed at LTC. This is a state road and RMS, Police, Safety Around Schools Project Officer, Blayney Shire Council and the LTC have done on-site inspections. There is a continuity line which traffic can move forward to after obeying the stop sign.

20171017:13 - George Street Child Care Centre at Millthorpe

Cr Reynolds was advised that LTC had an on-site meeting and report went to Blayney Shire Council extraordinary meeting.

OUTCOME: Report and minutes of extraordinary meeting to be sent to Cr Reynolds.

INFORMAL MATTERS

20171017:14 – Monthly Road Safety Reports – May, June and July 2017.
Reports noted.

20171017:15 – Chifley Local Area Command – Serious/Fatal Motor Vehicle Accidents Reports – June and July 2017.

Reports noted.

FUTURE MEETING DATES - 2017

- Friday 15 December 2017

MEETING CLOSED

The meeting closed at 12.59pm.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

16) **MINUTES OF THE EXTRAORDINARY MEETING OF BLAYNEY SHIRE SPORTS COUNCIL HELD ON THURSDAY, 19 OCTOBER 2017**

Department: Infrastructure Services

Author: Administration Officer Infrastructure Services

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

File No: PR.ME.1

Recommendation:

That the minutes of the Blayney Shire Sports Council Meeting, held on Thursday 19 October 2017, be received and noted.

MINUTES OF THE EXTRAORDINARY MEETING OF BLAYNEY SHIRE SPORTS COUNCIL HELD ON THURSDAY 19 OCTOBER 2017 AT THE BLAYNEY SHIRE COUNCIL DEPOT

Meeting commenced at 6.00pm.

PRESENT:

Grant Baker (Blayney Shire Council), Rodney Corbett (Blayney Junior Soccer), Trevor Jones (Blayney Harness Club), Adam Hornby (Blayney Senior Rugby League), Cr David Kingham (Blayney Shire Council), Greg Mitchell (Blayney Little Athletics), Rosemary Reid (Blayney Senior Tennis/Blayney A&P Association), Michael Truloff (Millthorpe Public School/Millthorpe Junior Cricket/Redmond Oval Committee), Andrew Russ (Blayney Rugby Union).

APOLOGIES:

Christine Smith (Heritage Country Schools PSSA), Cheryl Rutherford (Blayney Junior Tennis), Cr John Newstead (Blayney Shire Council), Lisa Oborn (Blayney Senior Rugby League).

RECOMMENDED: That the apologies be accepted.

(Rosemary Reid/Michael Truloff)

MINUTES PREVIOUS MEETING – 18 May 2017 (as circulated)

RECOMMENDED: That the minutes of the previous meeting held 18 May 2017 be accepted.

(Adam Hornby/Trevor Jones)

MATTERS ARISING FROM THE MINUTES

Rod Corbett, Blayney Junior Cricket discussed Napier Oval fence.

ACTION: Council to provide details to next Sports Council meeting.

DISCLOSURES OF INTEREST

Nil.

GENERAL BUSINESS**Sports Council Terms of Reference**

Terms of Reference presented for consideration at next meeting.

Draft Blayney Shire Sport & Recreation Plan

ACTION: Council to provide Office of Sport link to Regional Profile to members.

- **King George Oval**
 - Pine trees limiting site especially on southern side.
 - Built amenity improvements should be a priority.
 - Improve weather protection on grandstand.
 - Improve entrance(s).
 - Development of new change rooms.
 - Include enhanced equal access seating provision along front fence.
 - Potential issue of dogs at King George Oval. Propose trial period of access for 6 months and review.
- **Napier Oval**

Sports Council and Council should be aiming at the stage 2 full redevelopment.

 - 2 cricket pitches.
 - Soccer fields for both Junior & Senior.
 - Cricket training nets.
 - Walking/running track built around playing fields.
 - Include perimeter fence to restrict vehicular access to playing fields.
 - Include subsoil drainage and irrigation.
 - Bubbler shelter to protect from frost, get water supply operational.
 - The money that would be required for Dakers Oval proposal of toilets, fencing and cricket nets should be redirected to the Napier Oval project instead of council trying to develop an area that is a flood plain.
 - Dakers could be used as an open park area that residents and visitors could use.
- **Redmond Oval**
 - Add half court for basketball.
 - Gym station opportunities.
 - Add field lighting.

Blayney Harness Club

Paul Toole to be invited to open seating at Blayney Harness Club's Race Meeting on Sunday, 19 November 2017 – Carnival of Cups.

Committee

ACTION: Recommend individual village sport master plans be referred to relevant local Village Associations for comment.

Blayney Sports Awards Dinner

21 October 2017.

NEXT MEETING

Thursday 16th November 2017 at 6:00pm.

Meeting Closed 6:50pm.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

17) REVIEW OF DETERMINATION - DA55/2016 - ANIMAL BREEDING, KEEPING AND TRAINING FACILITY - LOT 144 DP 750408, 73 SOMERS LANE MANDURAMA

Department: Planning and Environmental Services

Author: Director Planning and Environmental Services

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

File No: DB.AB.1002

Recommendation:

That pursuant to Section 82A of the Environmental Planning and Assessment Act, 1979, Council's Refusal Notice of Determination dated 21 December 2016 of Development Application No. DA55/2016 for an animal breeding, keeping and training facility at Lot 144 DP 750408, 73 Somers Lane, Mandurama be reaffirmed for the following reasons:

- a. The development will have unacceptable noise exceedances during the daytime period,
- b. The development will be non-complaint with the daytime noise criterion of the Industrial Noise Policy,
- c. The development is not considered to meet the objective of the RU1 Primary Production zone that aims "To minimize conflict between land uses within this zone and land uses within adjoining zones.",
- d. The development is likely to create ongoing land use conflict particularly to neighbouring residential dwellings for the wider locality which is not in the public interest,
- e. The site is considered unsuitable for the proposed development given the number of residential dwellings in close proximity, settlement pattern of the locality and ongoing daytime noise exceedances associated with the development,
- f. Issues relating to noise raised within submissions remain unresolved,
- g. Council is not satisfied that the known daytime noise exceedances could be mitigated on an ongoing basis to prevent ongoing land use conflict with neighbouring properties.

Reason for Report:

This report relates to an application made under Section 82A of the Environmental Planning and Assessment Act 1979 (EPAA) to review Councils

refusal of DA 55/2016 for an animal breeding, keeping and training facility at 73 Somers Lane, Mandurama.

The review of determination was received on 21 June 2017 and was accompanied by an acoustic assessment prepared by Acoustik dated 16 June 2017, a letter from CAN-DO ROOFING (licensed plumber) and a minor change regarding the time of walking greyhounds.

Report:

Description of Review

The review of determination is seeking Council to reverse its previous refusal and grant development consent based on;

- The information contained in the acoustic assessment report provided by Acoustik dated 3 November 2017, including;
 - A maximum of 20 greyhounds to be kept for commercial training and kennelling purposes,
 - Greyhounds will be housed in an acoustically treated shed of a night time.
 - Greyhounds will utilise the outdoor runs during the daytime
 - Occasional use of the slip track.
- Management Plan provided by the applicant dated 3 November 2017.
- The shed containing kennels will be connected to the septic tank of the existing dwelling

Background

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

Council at its meeting of 19 December 2016 resolved (**Resolution No 1612/020**);

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

1. *Additional information, being an adequate noise assessment prepared by a suitably qualified person and geotechnical report have not been supplied as requested in accordance with clause 54 of the Environmental Planning and Assessment Regulation 2000,*
2. *An adequate noise assessment and geotechnical report has not been provided to;*
 - h. Support the development.*
 - i. Enable proper consideration of the compatibility of the development with the existing rural residential landuse pattern,*
 - j. Confirm landuse conflict will not be created from the development,*
 - k. Confirm the site is suitable for the development,*

- l. Enable proper consideration of the development and its impact upon the natural and built environment,*
- m. Address issues detailed in submissions made against the development*

The 19 December 2016 report can be viewed at

<http://www.blayney.nsw.gov.au/your-council/council-meetings-and-committees/business-papers-and-minutes/2016-minutes/2016-business-papers-and-minutes>.

Timeline

- 27 May 2016 – DA55/2016 was lodged,
- 30 November 2016 – Onsite meeting at 417 Mandurama Road and 73 Somers Lane Mandurama,
- 19 December 2016 – Council determine by way of refusal DA55/2016,
- 21 December 2016 – Council issues Notice of Determination,
- 21 June 2017, Review of Determination lodged by applicant,
- 10 July 2017 – First peer review received from Wilkinson Murray,
- 26 July 2017 – Council wrote to the applicant seeking 11 clarifications and justifications of approach in the noise assessment dated 16 June 2017 prepared by Acoustik,
- 4 September 2017 – Amended acoustic assessment submitted by Acoustik,
- 7 September 2017 – Council undertook notification of the review of determination,
- 7 September 2017 – Clarification letter received by Council from Acoustik,
- 11 September 2017 – Second peer review received from Wilkinson Murray on Acoustik report dated 4 September 2017,
- 27 September 2017 - Council wrote to applicant summarising the issues raised in submissions received,
- 19 October 2017 – Meeting between; Mayor, DPES and applicant,
- 19 October 2017 – Applicant provided a response to the summary of issues raised in submissions,
- 3 November 2017 – Amended acoustic assessment submitted by Acoustik,
- 3 November 2017 – Applicant provided a proposed Management Plan,
- 7 November 2017 – Third peer review received from Wilkinson Murray on Acoustik report dated 3 November 2017,
- 9 November 2017 – Clarification letter received by Council from Acoustik,
- 9 November 2017 – Onsite meeting at; 73 Somers Lane, 417 Mandurama Road, lot 40 DP 750408, lot 139 DP 750408 and 366 Mandurama Road.

Where the above-mentioned is a document, it has been included as an attachment. Additionally a locality plan is provided as Attachment 1 to give context of the location of the facility.

Because noise was one of the reasons for the initial refusal of the development application and noise is such a highly specialised field, Council engaged Wilkinson Murray Pty Ltd (WM) to provide independent specialist advice relating to noise for the review of determination.

Site Description and Locality

The land is located on the eastern side of Somers Lane, 3km south east of Mandurama, and is 5.96ha in area. The property slopes toward the south and east. There are 2 dams on the property; one to the east and one in the south western corner of the property and another near the north eastern corner.

The existing dwelling and associated outbuildings achieve access off Somers Lane via a formed entrance, and the facility utilizes the same entrance. Telephone, water, electricity and domestic waste services are available to the property. Wastewater disposal for the dwelling is via an existing onsite effluent disposal system.

The house is set back 20m from the western road boundary and 70m from the northern boundary. An existing shed is set back about 35m from the northern boundary, and a new shed has been built as exempt development adjacent to the older shed, approximately 20m back from the northern boundary. All buildings are partly screened from Somers Lane to the west by mature trees and shrubs.

S82A assessment Environmental Planning & Assessment Act 1979

Review of Determination

The Heads of Consideration under Section 79C(1) of the Environmental Planning and Assessment Act 1979 will be used to consider the application for the review of determination.

Overview

The newer shed currently houses 12 kennels, with a meal preparation area and a walking machine. All kennels have a bed and bedding, raised off the floor, and clean water available. The applicant has advised this would be reconfigured to house 20 dogs.

Directly to the north west of the shed there are 2 holding yards approximately 25m² each in size, that are used to allow for 2-4 greyhounds at a time for a period of 5 to 10 minutes each night to excrete waste before the night period.

The outside yards and kennels are located to the north eastern corner of the land, and comprise 10 runs with a kennel and water in each, approximately some 50m from the northern boundary. Each yard is 5m wide and 35m long and contains a kennel.

Each yard kennel is constructed of white coolroom panels, for temperature control for the dogs, and these are proposed to be painted a suitable colour to blend in with the landscape. The yards themselves would be screened with shade cloth along the sides. The screening measures are intended to minimise the opportunity for the dogs to bark, shielding the dogs from the

exercise yards, shielding the neighbours view of the yard to reduce impact, and reducing the dogs' view so they don't become excited and bark.

A 5m wide slip track is located along the entire eastern boundary of the land (approximately 300m in length). This is used under direct supervision 3 times a week, in daylight hours for a maximum of 15 minutes at a time. A line of trees has been planted some years ago on the neighbouring property directly abutting the eastern boundary of 73 Somers Lane Mandurama.

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

Section 79C Evaluation - matters for consideration

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

1. State Environmental Planning Policies

SEPP 44 – No proposed impacts as no additional construction works are proposed.

2. Regional Environmental Planning Policies

There are no particular REPPs relevant to the proposal.

3. Local Environmental Plans

Blayney Local Environmental Plan 2012.

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

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

The applicant has indicated no intention to board dogs belonging to others, and is applying to house, breed and train greyhounds only owned by the residents of the property.

The objectives of the RU1 Primary Production zone are:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimize the fragmentation and alienation of resource lands.

- To minimize conflict between land uses within this zone and land uses within adjoining zones.
- To enable function centres, restaurants and appropriate forms of tourist and visitor accommodation to be developed in conjunction with agricultural uses.

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

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

The proposed development will not subdivide or alienate resource lands.

The supporting documentation provided with the review of determination does not conclusively confirm that land use conflict would be minimized to an acceptable level in this locality, which all properties are zoned RU1 Primary Production.

The final WM peer review dated 7 November 2017 does indicate that the most significant impacts at the most sensitive times could be controlled by all dogs being kept internally overnight. This was a significant change between the Acoustik noise assessment dated 4 September 2017 and the final report dated 3 November 2017.

The applicant in the most recent Acoustik noise assessment proposes to house all 20 greyhounds internally of a night time. Despite this the WM final peer review dated 7 November 2017, in particular the last 3 paragraphs outline significant risk that would likely exist if Council proceeded to approve this development. The final 3 paragraphs state;

“The applicants own report identifies non-compliances during the daytime (a period generally not as sensitive as night time). I therefore still see significant risk that neighbours will be unreasonably affected by dog barking at times.

When the dogs are outside there are no other feasible and reasonable physical noise mitigation measures available so Council will need to rely on the owner or staff based on site to reduce the number of times dogs start barking, how many bark and how long they bark. Council will need to be confident the conditions of approval can be complied with, or take a precautionary approach with a reduced number of dogs approved on site.

For this reason, a condition requiring a Plan of Management (to be approved by Council) would be necessary to ensure daytime levels generally meet intrusive criteria by limiting the number of dogs and their propensity to bark. If exceedances do occur then the PoM needs to identify how the duration of exceedance can be minimised”.

On pages 10 and 12 of the acoustic assessment report provided by Acoustik dated 3 November 2017, it is confirmed in table 4 and text that for 3 of the 7 existing residents within 500m of the development the daytime intrusive criteria will be exceeded.

There is potential for this to increase to 5 of 9 residential dwellings as 2 development applications have been lodged with council for dwellings on lots; 139 and 140 respectfully. These 2 allotments are directly to the north and north east of the facility and the facility would be approximately 80m from the proposed dwelling on lot 139 and 245m from the dwelling on proposed lot 140.

The final peer review by WM reiterates the applicants own noise assessment confirms a daytime exceedance and states the significant risk particularly during the daytime period that would exist if Council proceeded to approve the development.

WM state that additionally when dogs are outside there are no other feasible or reasonable physical noise mitigation measures available. Council would need to rely upon the owner implementing any measures outlined within any Plan of Management (PoM) and Council would need to be confident the conditions could be complied with.

The proposed PoM submitted by the applicant on 3 November 2017 does not outline any measures that provide Council with reassurance that when an instance of daytime level exceedances occur due to dogs being outside, that the exceedance could be managed or addressed to ensure they generally meet intrusive criteria.

Council additionally is not in a position to specify a maximum number of dogs that could be outside in a development consent, which could be a mechanism to address the issue of daytime exceedances, because a number of factors contribute to the potential for daytime exceedances, not just the number of dogs.

Council cannot simply pick a maximum number of dogs to address the daytime exceedance issue, because there would be no science behind the calculation to ensure that the daytime criterion would be met based on a reduced number of dogs.

It is noted that all 3 Acoustik noise assessments are based upon testing which 13 greyhounds outside were outside. In no documentation does the applicant or Acoustik confirm what number of greyhounds would be outside during the daytime period, nor do they propose an alternate maximum number outside that would ensure compliance in the daytime.

None of the supporting documentation in particular the PoM discusses how noise generated from the outdoor kennels would be contained, reduced and most importantly mitigated if barking did occur.

WM indicate the significant risk that still remains that neighbours will be unreasonably affected. WM suggest the only way to mitigate this is if Council had confidence that conditions could be complied with, in particular through a PoM.

It is considered to be of a significantly high risk that a consent would not be complied with as the facility was established without prior development consent, the significance of noise related impacts detailed to Council in submissions received regarding noise over the past 18 months.

On 9 November 2017 Acoustik submitted a further clarification letter specifically rebutting comments the daytime noise issue and comments made by Wilkinson Murray in their peer review dated 7 November 2017. It is acknowledged that both acoustic consultants have had differing opinions regarding specific criterion WM have asked Acoustik to consider in their reports.

Whilst the property and those that surround it are all zoned as RU1 Primary Production and the development is permissible with consent, the development is not considered to meet the objective of the zone *“To minimize conflict between land uses within this zone and land uses within adjoining zones.”*

79C (a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority that would apply to the land to which the development relates

There are no such matters relevant to the development.

79C (a)(iii) any development control plan

There are no such matters relevant to the development.

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

There are no such agreements relevant to this proposal.

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

There are no such matters relevant to this proposal.

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

Not applicable to this development.

79C (b) the likely impacts of that development

The development application was originally refused because adequate information had not been provided to;

- Support the development,

- Enable proper consideration of the compatibility of the development with the existing rural residential landuse pattern,
- Confirm landuse conflict will not be created from the development,
- Confirm the site is suitable for the development,
- Enable proper consideration of the development and its impact upon the natural and built environment,
- Address issues detailed in submissions made against the development.

WM requested Acoustik to clarify and justify a number approaches in their first two noise assessments provided prior to the final 3 November 2017 report. WM do not query the contents of the final Acoustik noise assessment dated 7 November 2017, but also state there is still significant risk neighbours will be unreasonably affected.

Referencing the Acoustik noise assessment dated 3 November 2017 and the final WM peer review dated 7 November 2017, WM acknowledge that the most significant impacts at the most sensitive times could be controlled, however there is still significant risk even if the shed is acoustically treated that the neighbours *“will be unreasonably affected by dog barking at times”* through non compliances during the daytime.

WM acknowledge the daytime is *“(a period generally not as sensitive as night time)”* but they also state that the applicants own noise assessment confirms there will be non-compliance during the daytime and *“still see significant risk that neighbours will be unreasonably affected by dog barking at times.”*

The impacts of the development are likely to be ongoing given the settlement pattern and the number of residential dwellings in close proximity to the facility, including;

- 7 existing dwellings within 500m of the facility,
- DA has been lodged for a dwelling on lot 140, 245m to the north east of the proposed facility (dwelling location is considered in Acoustik report dated 3/11/2017)
- DA has been lodged for a dwelling on lot 139, 80m to the north of the proposed facility (not considered in Acoustik report dated 3/11/2017 as the DA was lodged after review application lodged).

The WM peer review dated 7 November 2017 states;

“When the dogs are outside there are no other feasible and reasonable physical noise mitigation measures available so Council will need to rely on the owner or staff based on site to reduce the number of times dogs start barking, how many bark and how long they bark. Council will need to be confident the conditions of approval can be complied with, or take a precautionary approach with a reduced number of dogs approved on site.”

The proposed PoM submitted by the applicant on 3 November 2017 does not outline any measures or processes that provide reassurance and surety that daytime levels could be contained to prevent unacceptable disturbance on the

neighbourhood and noise which is likely to be offensive particularly those not associated to the development.

Council cannot be confident that through conditions of consent or a stringent PoM that on an ongoing basis the impact of the facility would not create unacceptable noise disturbance on the wider neighbourhood, particularly to neighbouring residential dwellings.

It would not be in the public interest for Council to approve a development, in which the applicants own noise assessment outlines non compliances with the Industrial Noise Policy.

The applicants own noise assessment in Table 4, on page 10 and the text on page 12 outlines that the development will exceed the intrusive noise criteria outlined in the Industrial Noise Policy by;

- 7dB at residence 1,
- 6dB at residence 2,
- 3dB at residences 3 and dwelling proposed on lot 140.

Therefore if approval was granted the risk of ongoing impact the facility would create would be high with potential for ongoing noise impacts on neighbouring properties. The development does not appear to be appropriate for the locality because it is likely to continue having an ongoing negative impact on the wider locality.

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

The site description and locality are outlined and described earlier within this report.

Lot 144 DP 750408, 73 Somers Lane, Mandurama is not considered an appropriate location for the proposed development as currently proposed.

It is accepted that in the final Acoustik report the applicant has proposed to acoustically treat the existing metal clad shed to house the greyhounds internally of a night time. These measures would likely negate the most significant impacts at the most sensitive times (from 10pm to 7am) of the facility. The final WM peer review acknowledges this and also advises certification (further testing once acoustic treatment has been undertaken) to confirm compliance.

However, the significantly high likelihood that neighbours would continue to be unreasonably affected by dog barking at times during the daytime as stated by WM peer review dated 7 November 2017, indicates the facility would continue to create land use conflict in this locality into the future and indicate the site is not suitable for the development.

This will in turn result in; unacceptable disturbance on the neighbourhood and noise which is likely to be offensive particularly those not associated to the development questioning the suitability of the site for the development.

Whilst the locality is zoned RU1 Primary Production the number of residential dwellings (acknowledging Council is currently assessing development applications for 2 additional residential dwellings that adjoin this allotment) that are all within very close proximity of each other.

If Council approved this development, Council would be legalising and endorsing a development which appears to create known land use conflict within an entire locality, which is a poor strategic planning outcome.

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

On 7 September 2017, Council undertook notification of the review of determination, 3 submissions were received, mainly regarding:

- Amenity and zoning
- Compliance
- Noise
- Effluent disposal
- Negative impact relating to land value.

The issues raised in the review of determination are similar to those originally raised during the development application notification.

Council summarised the issues which were provided to the applicant to enable a response to each issue. The issues, applicant's response and Council comment are provided as follows:

1. This is a closely settled lifestyle block/hobby farm area, with residences and livestock. Distance to houses is less than 100m, and no amount of hedging will stop the impacts.

Applicant response: The hedging/screening that we are prepared to put up around the dog yards, as always been to restrict the greyhounds view and therefore minimise stimulation, Thus, reducing the amount of times they could bark.

Council comment: There is a significantly high risk of ongoing non-compliances during the daytime period, creating land use conflict, unacceptable disturbance on the neighbourhood and noise which is likely to be offensive particularly to those not associated to the development.

2. It has the ability to totally destroy a previously quiet and peaceful rural residential area. It has already affected neighbours nearby with severe noise pollution, smell and unsightly sheds.

Applicant response: We have advised in the last 2 responses, that we would be happy to paint the outside kennels to address visual amenity. However, we haven't completed this as yet, as we have had to cover the expenses of lodging a DA, then the resubmission of the DA and the Acoustic testing. Furthermore, there are two pending developments for the area. Wouldn't this also have the ability to destroy a previously quiet and peaceful rural residential area, with increased dwellings, traffic, buildings and animals?

Council comment: There is a significantly high risk of ongoing non-compliances during the daytime period, creating land use conflict,

unacceptable disturbance on the neighbourhood and noise which is likely to be offensive particularly to those not associated to the development.

3. The development is totally out of character with any surrounding land use and affects many residential properties with noise levels that would not be tolerated in any other residential area.

Applicant response: As per the comment made by Council in the previous Council paper, there are 9 dwellings within 800m of the site and only three (as at November 2017) submissions were received. We believe that there were only 2 submissions during this period. Therefore, it doesn't affect "many residential properties" especially when we implement noise reduction methods.

Council comment: The locality is zoned RU1 Primary Production, the likely impacts of the development are likely to be ongoing given the settlement pattern and the number of residential dwellings in close proximity to the facility.

4. The area (former "village" of Somers - 1889) should be rezoned from rural to rural residential so that this type of development cannot be allowed.

Applicant response: This is out of our control. This is an opinion.

Council comment: This is a matter for the future Strategy review process and not for this review of determination.

5. The correct zoning should be determined for this land. We are paying rural residential rates, evidence of the residential nature of the Somers Lane area, and pay for Council rubbish collection services. It should be zoned R5 with appropriate development restrictions enforced to suit the actual land use.

Applicant response: This is out of our control.

Council comment: This is not a matter for this review of determination.

6. The applicants have a domestic dog which has been trespassing on my land (Lot 139). There are greyhounds which also roam free with the domestic dog, and I have concerns for the welfare and safety of my sheep. Council's ranger has been contacted but nothing has happened.

Applicant response: To our knowledge this has happened once. The Council ranger did actually contact us and let us know. We have taken steps to stop further instances of this occurring. I will point out, however, that this would have happened even if we didn't have greyhounds. I will also address that, the greyhounds that "roam freely" are currently being rehabilitated to ensure that they accepted into the Greyhound Adoption Program, so they can be rehomed as pets. Before they are allowed to "roam freely", we do lots of work with them, to ensure that they are not a safety risk to other animals, and will not escape the yard. It's a shame that due to people's arrogance and ignorance, these beautiful dogs are thought of and spoken about is [sic] such a horrid way.

Council comment: This is not a matter for this review of determination.

7. The tension generated by the facility in nearby residences is resulting in harmful health effects, and we have been subject to verbal abuse.

Outdoor activities are now limited, and windows must be kept closed.

Applicant response: Totally agree!! The ongoing and constant phone calls and occasional visits made by the neighbours to other neighbours to drum up support in the submissions against us has been tiring and would be appreciated if they would stop. Outdoor activities have not stopped.

Council comment: This is not a matter for this review of determination.

8. Breaches of the Greyhounds NSW Code of Practice, including the requirement for them to obtain Council approval.

Applicant response: This is being rectified by the DA now before Council.

Council comment: This Greyhounds NSW Code of Practice is not administered by Council.

9. The scale of the buildings already on site suggest it is more than a hobby, and the resident trains for other people, so it is a paying concern.

Applicant response: This is an assumption. The size of the shed has nothing to do with if it is for a hobby or commercial. I own every dog on the property. Therefore, I don't train for anyone. We are not registered for GST. We are not commercial. We make absolutely no profit by having the greyhounds. It's a hobby that the whole family can be involved in. There is nothing commercial about us. The GRNSW has us registered as Hobby Trainers. Hobby.

Council comment: The applicant has confirmed in the Acoustik noise assessment dated 3 November 2017 (this was after the notification took place) approval is being sought for a maximum 20 greyhounds associated with greyhound racing in NSW. The facility is only proposed to house greyhounds that belong to the residents of 73 Somers Lane Mandurama.

10. No mention of the maximum number of dogs to be housed at this facility.

Applicant response: Actually there was. GRNSW advised that according to the code, up to 40 dogs could be housed comfortably in the exercising kennels. In the DA, we advised 25-40 as a MAXIMUM. As constantly stated during meetings with council, we are willing to work with Council to come to an agreement as to the amount of dogs in training. Currently there are 21 greyhounds on the property. 1 more is about to be rehomed in the next two weeks.

Council comment: The applicant is seeking approval for a maximum 20 greyhounds associated with greyhound racing in NSW. This is confirmed in the Acoustik noise assessment dated 3 November 2017.

11. Wind from the south spreads odour from the site, at disagreeable levels.

This may result from a breach of the Code of Practice.

Applicant response: A compliance report from GRNSW found no breaches to the code.

Council comment: Alleged breaches of the Code should be referred to GRNSW. Odour is not envisaged to be an ongoing concern.

12. The Code of Practice states details for the proximity of greyhounds to other animals. There are sheep and lambs within 20m of the property boundary.

Applicant response: GRNSW found no breaches to the code. The kennel block and outside kennels are further than 20m from the boundary.

Council comment: Alleged breaches of the Code should be referred to GRNSW.

13. Council seems to be determined to approve this proposal, and the neighbours have had to put up with the effects for some 18 months. It was set up as an illegal development and no action has been taken. It makes a mockery of planning laws.

Applicant response: Council has been fair to all parties. A DA is now before Council for review.

Council comment: Council has been working with all parties involved to ensure an informed decision can be made.

14. This is the wrong location. Concern is held for the scale of the facility and future expansion of the infrastructure and number of dogs, and how any restrictions placed on the applicant would be enforced, if it was now approved.

Applicant response: Where is the right location? We have stated time and time and time again, that we are not expanding. As already stated, we are happy to work with Council to find a happy medium, so that all parties concerned are reasonably happy with outcome. We are also always happy to welcome compliance checks.

Council comment: This review of determination is considering if the development is appropriate in this particular location. The applicant has confirmed approval is sought for a maximum 20 greyhounds associated with greyhound racing in NSW.

15. Council and GRNSW have not shown any regulatory enforcement capacity.

Applicant response: We have compliance checks from GRNSW. As stated many times previously, happy to have compliance checks from Council also. Most recently, an unscheduled compliance check from GRNSW was completed 17 October. No breaches found.

Council comment: Council has been working with all parties to ensure an informed decision can be made. Regulatory enforcement of the GRNSW Code is the responsibility of GRNSW.

16. In NSW there are no criteria specific guidelines relating to the keeping of dogs in kennels. The GRNSW criteria is not being followed at the site. Noise control guidelines operate in Victoria, as referenced in the NSW EPA guidelines, which should be applied to the keeping of greyhounds. These set down criteria including location of kennels, construction and electronic standards for noise control, staff access and feeding times for dogs, exercise times, and consideration for topography.

Applicant response: We live in NSW. There are no staff. We are a family of 4. It is a hobby. GRNSW site inspection found no breaches of the codes.

Council comment: The GRNSW Code is administered by GRNSW, not by Council. Council can only consider NSW related legislation.

17. The noise assessment only addresses the noise as it affects the property to the east. It does not address the most reasonable and best position for a house on the vacant lot to the north, the door of the shed would be within 55m of the future house site on Lot 139. The noise assessment should be redone and a site analysis undertaken for the house site to the north.

Applicant response: The noise test has already been done and submitted.

Council comment: To ensure the adequacy of the acoustic assessment(s) Council engaged Wilkinson Murray Pty Ltd to independently peer review and provide independent advice on all noise related matters. When the review of determination was lodged the location of a proposed dwelling for lot 139 was not known as the development application for that dwelling had not been lodged.

18. The noise generated by the greyhounds barking and howling frequently throughout the day and night has impacted on our quality of life (Lot 228). There are no measures that the applicant can use to dispel the noise due to the proximity of the surrounding residents eg. noise barrier walls. What is constructed to shield one residence may make it worse for another. Enclosing and insulating sheds and pens does not address the external runs.

Applicant response: Again, shielding is to reduce the stimulation that the dogs can see. We can never keep the dogs quiet 100% of the time. No proof that the noise is completely the fault of the greyhounds. Other dogs in the area are stimulated by cars driving past, and wildlife.

Council comment: The final WM peer review agrees acoustically treating the shed and housing all greyhounds inside will likely nullify the most significant impacts of the facility at the most sensitive times (which is the night time period of 10pm to 7am).

WM still outline though there is significant risk neighbours will be unreasonably affected by dog barking at times. When dogs are outside there are no other feasible and reasonable noise mitigation measures that can be put in place.

This would create a situation where there is an increased risk of ongoing; land use conflict, unacceptable disturbance on the neighbourhood and noise which is likely to be offensive particularly to those not associated to the development.

19. Locking the dogs up overnight every night may create animal welfare issues.

Applicant response: This would be a temporary measure until we were able to get all greyhounds into the shed of a night.

Council comment: The design of the shed would ensure the welfare of the animals is considered. Welfare of the dogs would be monitored by GRNSW.

20. The topography and prevailing wind direction means that the noise reverberates across the gully to our home (Lot 228).

Applicant response: Unfortunately this can't be stopped. It wouldn't matter if it was greyhounds, cattle, motorbikes or sheep. If someone decides to build on a hill, certain accommodations may have to be made.

Council comment: WM still outline there is significant risk neighbours will be unreasonably affected during the daytime period through exceedances. When dogs are outside there are no other feasible and reasonable noise mitigation measures that can be put in place, therefore creating a situation where there is a highly likely chance of ongoing; land use conflict, unacceptable disturbance on the neighbourhood and noise which is likely to be offensive particularly to those not associated to the development.

21. The noise report is confusing and misleading, with erroneous information and deficiencies, with a bias to the interests of the applicant. It requires better mapping detail, including topography and climatic factors, accurate location of greyhounds and number of dogs, longer monitoring periods, and accurate recording of noise levels.

Applicant response: Not a qualified acoustic consultant. I find it all confusing. We employed a professional, perhaps his findings were just the findings, and that the greyhounds are not that noisy?

Council comment: To ensure the adequacy of the acoustic assessment(s) Council engaged Wilkinson Murray Pty Ltd to independently peer review and provide independent advice on all noise related matters for the review of determination.

22. The noise assessment measures only barking, and does not include howling, which may occur intermittently over several hours.

Applicant response: Noise report covers all noise. We could have even been negatively impacted by neighbouring dogs barking. By this concern, the writer uses "intermittently" meaning not constant. And not all noises were over the allowable Db.

Council comment: WM required dBA penalties to be applied for intermittency and annoyance of barking, these penalties are included in the final Acoustik noise assessment dated 3 November 2017.

23. The second noise report is better than the first, but does not consider all noise sources. It also does not consider the full capacity of the facility, but is based on existing and previous lower numbers of dogs.

Applicant response: They can only measure the noise on the dogs that are there. We are at full capacity as already stated, we are not increasing in number of greyhounds.

Council comment: WM have ensured the acoustic assessments prepared by Acoustik have considered the relevant criterion.

24. The location of adjoining houses with respect to the noise sources has not been accurately determined.

Applicant response: We employed a professional. We have every faith he has covered what he needed to.

Council comment: The location of adjoining houses appears to be correct in the final Acoustik noise assessment dated 3 November 2017.

25. The potential two new houses to the north of the site (DAs 48/2017 and 71/2017) have yet to be determined, but would be located within 300m of the facility.

Applicant response: They are not yet developed.

Council comment: The dwelling for lot 140 is considered in the final Acoustik report and it is noted that the predicted level would exceed daytime criterion. When the review of determination was lodged the location of a proposed dwelling for lot 139 was not known as the development application for that dwelling had not been lodged.

If approved it is highly likely unacceptable disturbance on the neighbourhood and noise which is likely to be offensive would be an ongoing issue particularly to those not associated to the development.

26. The external yards do not comply with the GRNSW standards – distance from stock, and minimum size of yards for dogs.

Applicant response: A compliance report from GRNSW found no breaches of the code.

Council comment: Alleged breaches of the Code should be referred to GRNSW.

27. The noise made by 25-30 dogs (and potentially up to 40) is unacceptable and intolerable.

Applicant response: It must be accepted that there will be noise at times associated with the greyhounds, as with any dogs. We are happy to work with Council to ensure that we are compliant at all times.

Council comment: The Acoustik noise assessment dated 3 November 2017 outlines approval is being sought for a maximum 20 Greyhounds that would be kept for commercial training and kennelling purposes at the facility. If approved it is highly likely unacceptable disturbance on the neighbourhood and noise which is likely to be offensive would be an ongoing issue particularly to those not associated to the development.

28. The data recorded is inaccurate, sometimes assumed rather than actually recorded, and utilises inaccurate night time noise thresholds. Traffic noise recorded along Mandurama is inaccurate. Noise peaks were recorded by residents as due to the greyhounds, not traffic. Resident diary entries do not always tally with the noise report data, in terms of weather recorded, location and timing of noise logger on site, time period of logging and associated data provided.

Applicant response: We employed a professional. He has reported his findings.

Council comment: To ensure the adequacy of the acoustic assessment(s) Council engaged Wilkinson Murray Pty Ltd to independently peer review and provide independent advice on all noise related matters part of the review of determination.

29. The barking and howling of the greyhounds stimulates other dogs in the neighbourhood, and these increased noises are not acknowledged or accounted for.

Applicant response: It could be the other way around, seeing as our greyhounds do not get excited by everyday traffic (owners cars do excite the greyhounds, as they think they are going for a drive). Our greyhounds are not the only source of noise in the area.

Council comment: To ensure the adequacy of the acoustic assessment(s) Council engaged Wilkinson Murray Pty Ltd to independently peer review and provide independent advice on all noise related matters part of the review of determination.

30. The noise generated from the greyhounds is often higher than background levels throughout the day, evening and night, as verified from the actual data from the environmental noise logger and diary events.

Applicant response: Of course the noise is going to be higher than the background noise?? A conversation between two people would be higher than the background noise.

Council comment: The final WM peer review agrees acoustically treating the shed and housing all greyhounds inside will likely nullify the most significant impacts of the facility at the most sensitive times (which is the night time period of 10pm to 7am).

WM still outline there may be significant risk neighbours will be unreasonably affected during the daytime period through exceedances. When dogs are outside there are no other feasible and reasonable noise mitigation measures that can be put in place, therefore creating a situation where there is a highly likely chance of ongoing; land use conflict, unacceptable disturbance on the neighbourhood and noise which is likely to be offensive particularly to those not associated to the development.

31. Council has accepted a report from a plumber with a vested interest, whilst I have had to pay for a geotech for my land (Lot 139). The shed effluent flows directly onto my land and is a direct health hazard. The plumber who wrote the letter has a history of constructing illegal greyhound facilities.

Applicant Response: I've provided this information to the plumber concerned.

Council comment: One of the reasons the development application was originally refused was because a geotechnical report had not been provided. A letter from a licensed plumber was lodged with the review of determination included that provides written certification that the drainage system within the shed could be connected to the existing dwellings septic tank.

Connection of the shed to the existing septic tank would be satisfactory provided the existing system continued to operate adequately and not fail. If approved Council through conditions of consent could ensure regular inspections and certification is provided, if the effluent disposal system does

fail in the future, then the effluent disposal area can be replaced like any other effluent disposal area within the shire.

32. The plumber's report is now a year out of date and not relevant to the current status of the septic system.

Applicant response: The incorrect date of 2016 was typed. It should have been 2017.

Council comment: The plumber's report was received by Council on 21 June 2017, as a supporting document to the S82A review of determination. Council accepts this was a typographical error and the year of 2017 is accepted.

33. The amount of water used for cleaning and food preparation does not sound accurate at 20L each day.

Applicant response: This is an assumption. Now 2 reports have found no breaches of the code, nor any issues with cleanliness.

Council comment: Alleged breaches of the Code should be referred to GRNSW.

34. As the previous owner of 73 Somers Lane it can be verified that only the toilet waste went through the septic system, all greywater drained into the paddock, and there were no absorption trenches.

Applicant response: We are not qualified plumbers. We don't know.

Council comment: As per 31.

35. The DA said they would install a new onsite effluent system especially for the greyhound facility. Council refused the development on this basis and should stand by this decision, as no report has been provided.

Applicant response: We have fulfilled the requirement asked by Council.

Council comment: As per 31.

36. Solid waste is not collected as regularly as stated, and the yards are quite bare and eroded.

Applicant response: See pictures attached. They are the greenest yards on the property. The paths made by the greyhounds, are no different to sheep tracks, horse tracks, or sheep dog tracks made by constant use.

Council comment: Council has no evidence to doubt that the waste is not collected on a regular basis.

37. There is no provision for the collection of liquid waste, erosion and runoff from the external yards.

Applicant response: Happy to put in a mound at the bottom of the yards. However, its no different if there was stock in that area?

Council comment: This is not envisaged to be of significant impact given the number of animals likely to be outside.

38. Negative impact on the future sale of neighbouring properties and result in devaluation.

Applicant response: That's a matter of opinion. The way two of the parties have conducted themselves throughout this whole ordeal could also be considered a detrimental to the devaluation of any new developments.

Council comment: Land and property valuation is not a matter for s79c assessment or the s82A review.

A copy of the 3 submissions is provided in the attachments.

From the outline above it can be seen that effluent disposal, but in particular noise have been again highlighted as main issues for consideration in this review

Whilst a geotechnical report has not been submitted, a licensed plumber's report has been submitted outlining that the drainage of the shed could easily be connected to the existing dwellings septic tank. This would be considered a reasonable approach if regularly inspected and certified to ensure the effluent disposal system is in adequate working condition.

The applicant has submitted a noise assessment, however WM confirm the daytime non compliances and that there is significant risk that neighbours will be unreasonably affected by dog barking at times if this development is approved.

79C (e) The public interest

The public interest was roused through the notification of the application to adjacent and adjoining landowners. Submissions were lodged and issues raised which are discussed within this report.

Whilst the locality is zoned RU1 Primary Production the number of residential dwellings (acknowledging Council is currently assessing development applications for 2 additional residential dwellings that adjoin this allotment) that are all within very close proximity of each other.

If Council approved this development it would likely lead to a poor strategic planning outcome, whereby Council would be legalising and endorsing a development which to date has created known land use conflict within the locality.

The applicants own noise assessment confirms there is an exceedance above the daytime criterion. WM reiterate this exceedance and advise there is significant risk neighbours will be unreasonably affected by dog barking at times.

It would not be in the public interest for Council to approve a development, in which the applicants own noise assessment outlines non compliances with the Industrial Noise Policy.

The applicants own noise assessment in Table 4, on page 10 and the text on page 12 outlines that the development will exceed the intrusive noise criteria outlined in the Industrial Noise Policy by;

- 7dB at residence 1,
- 6dB at residence 2,
- 3dB at residences 3 and dwelling proposed on lot 140.

It is acknowledged that it is the dogs outside which would be the problem. WM outline that when dogs are outside there are no feasible and reasonable physical noise mitigation measures can be put in place and Council would have to be confident that conditions of consent could be complied with, in particular a PoM.

The number of residential dwellings in close proximity to the facility though do not provide confidence to Council though, even through stringent conditions of consent and an updated PoM that neighbours, in particular residential dwellings would not be impacted by ongoing noise impacts.

Risk/Policy/Legislation Considerations:

With any development application or review of determination, Council could be challenged to the NSW Land and Environment Court.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

1	Location Map	1 Page
2	21 June 2017	21 Pages
3	10 July 2017	3 Pages
4	26 July 2017	2 Pages
5	4 September 2017	24 Pages
6	7 September 2017	4 Pages
7	11 September 2017	2 Pages
8	27 September 2017	5 Pages
9	19 October 2017	12 Pages
10	3 November 2017	24 Pages
11	3 November 2017 Management Plan	2 Pages
12	7 November 2017	2 Pages
13	9 November 2017	2 Pages
14	Submissions	48 Pages

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.

18) LAND ACQUISITION FOR ROAD RE-ALIGNMENT ERROWANBANG ROAD - ROBSON

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.