



9 July 2019

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, 15 July 2019 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) Mayoral Minute
- (7) Confirmation of Minutes - Ordinary Council Meeting held on 24.06.19
- (8) Matters arising from Minutes
- (9) Reports of Staff
 - (a) Executive Services
 - (b) Corporate Services
 - (c) Infrastructure Services
 - (d) Planning and Environmental Services
- (10) Closed Meeting

Yours faithfully

Rebecca Ryan
General Manager

Meeting Calendar 2019

July

Time	Date	Meeting	Location
6.00pm	15 July 2019	Council Meeting	Community Centre
5.00pm	17 July 2019	Cemetery Forum Meeting	Community Centre
5.45pm	17 July 2019	Access Advisory Committee Meeting	Community Centre

August

Time	Date	Meeting	Location
9.00am	1 August 2019	Audit, Risk and Improvement Committee Meeting	Community Centre
9.00am	2 August 2019	Country Mayors Meeting	Sydney
6.00pm	5 August 2019	Cultural Centre Working Group Meeting	Community Centre
9.00am	9 August 2019	Mining and Energy Related Councils Meeting	Sydney
10.00am	9 August 2019	Traffic Committee Meeting	Community Centre
10.30am	14 August 2019	Central Tablelands Water Meeting	Grenfell
6.00pm	15 August 2019	Sports Council Meeting	Community Centre
6.00pm	19 August 2019	Council Meeting	Community Centre
2.30pm	23 August 2019	Upper Macquarie Country Council Meeting	Kelso
6.00pm	27 August 2019	Tourism, Towns and Villages Committee Meeting	Community Centre

September

Time	Date	Meeting	Location
6.00pm	16 September 2019	Council Meeting	Community Centre
2.30pm	27 September 2019	Upper Macquarie County Council Workshop	Kelso

INDEX OF REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING
HELD ON MONDAY 15 JULY 2019

CONFIRMATION OF MINUTES	4
01) Minutes of the Previous Council Meeting held Monday 24 June 2019	4
EXECUTIVE SERVICES	20
02) Council Resolution Report.....	20
03) Risk, Work Health and Safety Quarterly Report	28
04) LGNSW Annual Conference 2019.....	30
05) SSCF Round 3	32
CORPORATE SERVICES	36
06) Report Of Council Investments As At 30 June 2019.....	36
07) Compliance and Reporting Activities	41
08) Review of Agency Information Guide	43
09) Gift And Benefits Policy Amendment.....	45
10) Risk Management Policy Amendment.....	47
11) Legislative Compliance Policy	49
INFRASTRUCTURE SERVICES	51
12) Director Infrastructure Services Monthly Report.....	51
PLANNING AND ENVIRONMENTAL SERVICES	55
13) DA2019/35 Erection of a Shed at 5 Binstead Street Blayney	55
14) DA2019/9 Erection of a Shed & Greenhouse at 267 Forest Reefs Road, Millthorpe.....	68
CONFIDENTIAL MEETING REPORTS	121
15) Invest In Orange Region Report.....	121

**01) MINUTES OF THE PREVIOUS COUNCIL MEETING HELD MONDAY
24 JUNE 2019****Department:** Executive Services**Author:** General Manager**CSP Link:** 2. Local Governance and Finance**File No:** GO.ME.3**Recommendation:**

That the Minutes of the Ordinary Council Meeting held on 24 June 2019, being minute numbers 1906/001 to 1906/022 be confirmed.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING
HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY
CENTRE, ON 24 JUNE 2019, COMMENCING AT 6.00PM**

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

General Manager (Mrs R Ryan), Director Corporate Services (Mr A Franze), Director Infrastructure Services (Mr G Baker), Director Planning & Environmental Services (Mr M Dicker) and Executive Assistant to the General Manager (Mrs L Ferson)

ACKNOWLEDGEMENT OF COUNTRY**RECORDING OF MEETING STATEMENT****DISCLOSURES OF INTEREST**

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

Councillor /Staff	Interest	Item	Pg	Report	Reason
Cr Ferguson	Pecuniary	3	12	Minutes of the Extraordinary Meeting held on Monday 17 June 2019	Standing Disclosure of Pecuniary interest in the CentrePoint Sports and Leisure Centre Aquatic and Building Upgrades relating to Resolution No. 1906/E005.

MAYORAL MINUTE**MITCHELL CONSERVATORIUM SCHOLARSHIP CONCERT
2019****1906/001****RESOLVED:**

That Council congratulate our 2019 Mitchell Conservatorium

Scholarship Winners being Ruby Green and Jake Ryan.
 (Ferguson/Kingham)
CARRIED

CONFIRMATION OF MINUTES

**MINUTES OF THE PREVIOUS COUNCIL MEETING HELD
 MONDAY 20 MAY 2019**

1906/002 **RESOLVED:**
 That the Minutes of the Ordinary Council Meeting held on 20 May 2019, being minute numbers 1905/001 to 1905/018 be confirmed.
 (Reynolds/Newstead)
CARRIED

MATTERS ARISING FROM THE MINUTES

Nil

**MINUTES OF THE EXTRAORDINARY MEETING HELD ON
 MONDAY 17 JUNE 2019**

1906/003 **RESOLVED:**
 That the Minutes of the Extraordinary Council Meeting held on 17 June 2019, being minute numbers 1906/E001 to 1906/E006 be confirmed.
 (Ewin/Denton)
CARRIED

MATTERS ARISING FROM THE MINUTES

Nil

EXECUTIVE SERVICES REPORTS

APPLICATION FOR LEAVE OF ABSENCE

1906/004 **RESOLVED:**
 That Council approve the Leave of Absence application submitted by Councillor Denton for the October 2019 Council meeting.
 (Somerville/Kingham)
CARRIED

**MINUTES OF THE BLAYNEY SHIRE TOURISM, TOWNS AND
 VILLAGES COMMITTEE MEETING HELD 28 MAY 2019**

1906/005 **RESOLVED:**
 That the minutes of the Blayney Shire Tourism, Towns and Villages Committee Meeting, held on Tuesday 28 May 2019, be received and noted.
 (Reynolds/Newstead)
CARRIED

CORPORATE SERVICES REPORTS

REPORT OF COUNCIL INVESTMENTS AS AT 31 MAY 2019

1906/006

RESOLVED:

1. That the report indicating Council's investment position as at 31 May 2019 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

(Somerville/Denton)

CARRIED

ADOPTION OF 2019/20 - 2022/23 DELIVERY PROGRAM AND 2019/20 OPERATIONAL PLAN

MOTION:

1. That in accordance with s.402-406 of the Local Government Act 1993, the 2019/20 Operational Plan be adopted by Council;
2. That Council adopt the Revenue Policy for 2019/20, as outlined in the 2019/20 Operational Plan;
3. That Council adopt the Statement of Rating Structure and their respective short names as contained in the Operational Plan 2019/20 and make the Ordinary Rate and charges, including sewer charges and domestic waste management charges, pursuant to s.494 and s.496 of the Local Government Act 1993 and Waste Management Levy pursuant to s.501 of the Local Government Act 1993 detailed in the tables below;
4. That the schedule of financial assistance under the Community Financial Assistance Program pursuant to s.356 Local Government Act be adopted.
5. That the Village Enhancement Program incorporating the Development Coordinator Program, the Youth Week Grants Program and the Local Heritage Assistance Program that financially assist others under s.356 Local Government Act (1993) be adopted.

Rating Structure for the 2019/20 Rating Year							
Name of Category/Sub Category	No. of Assessments (A)	Base Rate (B)	Ad Valorem (C)	Land Value (D)	Total Yield (E)	Average Rate (F)	% Yield from Base Amount
Residential							
Ordinary Rate	1150	\$325	0.00265842	\$145,759,820	\$761,241	\$661.94	49.10%
Sub Category – Blayney & Carcoar	1347	\$325	0.00530615	\$90,298,348	\$916,912	\$680.70	47.74%
Sub Category - Millthorpe	327	\$325	0.00260570	\$44,537,606	\$222,327	\$679.89	47.80%
Business							
Ordinary Rate	91	\$325	0.00587026	\$10,249,330	\$89,741	\$986.16	32.96%

Sub Category - Business Blayney, Millthorpe & Carcoar	221	\$325	0.00939695	\$21,655,739	\$275,323	\$1,245.80	26.09%
Farmland							
Ordinary Rate	744	\$480	0.00331497	\$550,777,533	\$2,182,931	\$2,934.04	16.36%
Mining							
Ordinary Rate	1	\$1,050	0.04482365	\$ 324,000	\$15,573		6.74%
Sub Category – Mining Gold	0	\$1,050	0.04400000	\$ -	\$ -		
Sub Category - Mining Gold / Copper Combined	1	\$1,050	0.04314530	\$101,700,000	\$4,388,927		0.02%
Total Yield	3,882			\$965,302,376	\$8,852,974		

Commercial (Non-Residential)					
	Annual Charge (Prior to SDF Factor)	No of Properties	Quarter Charge before SDF applied	Min. quarterly amount charged	
20mm Water Service	\$528	161	\$132	\$159	
25mm Water Service	\$812	21	\$203	\$159	
32mm Water Service	\$1,328	18	\$332	\$159	
40mm Water Service	\$2,076	11	\$519	\$159	
50mm Water Service	\$3,240	24	\$810	\$159	
80mm Water Service	\$8,268	1	\$2,067		
100mm Water Service	\$12,960	6	\$3,240		
150mm Water Service	\$29,164	2	\$7,291		
Vacant/Unmetered	\$328	53			
Estimated Total Yield					\$360,000

Residential			
	Access Charge	No of Properties	Total Yield
Connected	\$636	1,502	\$955,272
Vacant/Unmetered	\$328	103	\$33,784
Estimated Total Yield			\$989,056

Commercial (Non –Residential)		
	Annual Fee	No of Properties
Annual Trade Waste Fee	\$98	64
Annual Trade Waste Fee (Large Dischargers Category 3)	\$365	1
Liquid trade Waste User Charges with Trade Waste Agreement (Category 1, Category 2/2s)	\$2	23
Liquid trade Waste User Charges with No Trade Waste Agreement	\$19.40	12

Excess Mass Chargers for Category (3 Dischargers)	\$As per the table	
Water Testing Charges (if required)	\$260.00 per quarter	1
Estimated Total Yield		\$59,580

Charge Category and Description	Annual Charge	No. of Properties
Waste Management Levy		
Waste Management Levy <i>This is waste management charge is applied to all properties funding waste disposal services for the Blayney Shire.</i>	\$24	3,999
Domestic Waste Management		
Domestic Waste Management Service Charge <i>This is applied to properties that have a residence within the waste collection area.</i>	\$380	2,564
Domestic Waste Management Availability Charge <i>This charge is applied to properties within the waste collection area that do not have a service but it is available i.e. vacant land.</i>	\$60	216
Commercial (Non-Domestic) Waste Management		
Non-Domestic Waste Management Service Charge <i>This is applied to properties for non-domestic properties within the waste collection area.</i>	\$480	347
Non-Domestic Waste Management Availability Charge <i>This charge is applied to properties within the waste collection area that do not have a service but it is available i.e. vacant land.</i>	\$60	94
Extra Services		
Additional Garbage Charge – per red bin	\$280	92
Additional Recycling Charge – per yellow bin	\$140	29
TOTAL YIELD		\$1,336,396

(Newstead/Somerville)

An **AMENDMENT** was moved by Cr Reynolds and seconded by Cr Kingham:

1. That in accordance with s.402-406 of the Local Government Act 1993, the 2019/20 Operational Plan be adopted by Council
2. That Council adopt the Revenue Policy for 2019/20, as outlined in the 2019/20 Operational Plan;
3. That Council adopt the Statement of Rating Structure and their respective short names as contained in the Operational Plan 2019/20 and make the Ordinary Rate and charges, including sewer charges and domestic waste management charges, pursuant to s.494 and s.496 of the Local Government Act 1993 and Waste Management Levy pursuant to s.501 of the Local Government Act 1993 detailed in the tables below;
4. That the schedule of financial assistance under the Community Financial Assistance Program pursuant to s.356 Local Government Act be adopted.
5. That the Village Enhancement Program incorporating the

Development Coordinator Program, the Youth Week Grants Program and the Local Heritage Assistance Program that financially assist others under s.356 Local Government Act (1993) be adopted.

6. That the priority work on new and renewal footpaths (in consultation with the Access Committee) and stormwater infrastructure be considered by Council at a workshop before work commences in 2019/20.

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TOTAL YIELD	\$1,336,396	

The amendment became the substantive motion and was put.

1906/007 RESOLVED:

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(Reynolds/Kingham)

CARRIED

INFRASTRUCTURE SERVICES REPORTS

DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT

1906/008

RESOLVED:

That the Director Infrastructure Services Monthly Report for June 2019 be received and noted.

(Newstead/Somervaille)

CARRIED

CENTROC - REGIONAL SUPPLY AND DELIVERY OF BULK FUEL

1906/009

RESOLVED:

1. That Council accept and sign contracts with the following providers for the supply and delivery of bulk fuel:-
 - Oilspan Holdings Australia
 - Park
 - Ocwen Energy
 - Liberty Oil Australia
2. That Council recommends to Centroc that the 0.15% Centroc Contract Management Fee is replaced by an upfront Contract Management Fee that is determined by a transparent and accountable basis.

(Denton/Newstead)
CARRIED

PROPOSED ROAD CLOSURE - ERROWANBANG ROAD - SOUTHERN CADIA ACCESS ROUTE

1906/010

RESOLVED:

That Council approve the part road closure of Errowanbang Road, Carcoar being Lots 5 and 8 in DP 1231139, and classify Lots 5 and 8 as Operational Land.

(Kingham/Reynolds)
CARRIED

LAND ACQUISITION FOR ROAD RE-ALIGNMENT BETWEEN 459 AND 489 ERROWANBANG ROAD - DP1231139

1906/011

RESOLVED:

That Council approve:

1. The compulsory acquisition of Lots 4, 6, 7, and 9 in DP1231139 registered 23 May 2017; and
2. The making of an Application to the Minister for Local Government and Governor for approval of such compulsory acquisition; and
3. Upon acquisition the land be classified as “operational land” under Section 31 of the Local Government Act (1993); and
4. The placement of Council’s seal on all documentation associated with the compulsory acquisition for the realignment of Errowanbang Road including on any Deed of Agreement for Compulsory Acquisition pursuant to Section 30 of the Land Acquisition (Just Terms Compensation) Act (1991).

(Kingham/Newstead)
CARRIED

LAND ACQUISITION FOR ROAD RE-ALIGNMENT AT 285 ERROWANBANG ROAD - DP1238422

1906/012

RESOLVED:

That Council approve:

1. The compulsory acquisition of Lot 2 in DP1238422 registered 11 December 2017; and
2. The making of an Application to the Minister for Local Government and Governor for approval of such compulsory acquisition; and
3. Upon acquisition the land be classified as “operational land” under Section 31 of the Local Government Act (1993); and
4. The placement of Council’s seal on all documentation associated with the compulsory acquisition for the realignment of Errowanbang Road including on any Deed of Agreement for Compulsory Acquisition pursuant to Section 30 of the Land Acquisition (Just Terms Compensation) Act (1991).

(Kingham/Reynolds)

CARRIED**LAND ACQUISITION FOR ROAD RE-ALIGNMENT BETWEEN
860 AND 1150 ERROWANBANG ROAD - DP1216561****1906/013****RESOLVED:**

That Council approve:

1. The compulsory acquisition of Lots 5, 6, 7, 8, 9, 10 and 13 in DP1216561 registered 3 February 2016; and
2. The making of an Application to the Minister for Local Government and Governor for approval of such compulsory acquisition; and
3. Upon acquisition the land be classified as “operational land” under Section 31 of the Local Government Act (1993); and
4. The placement of Council’s seal on all documentation associated with the compulsory acquisition for the realignment of Errowanbang Road including on any Deed of Agreement for Compulsory Acquisition pursuant to Section 30 of the Land Acquisition (Just Terms Compensation) Act (1991).

(Kingham/Reynolds)

CARRIED**LAND ACQUISITION FOR ROAD REALIGNMENT AT 1201
NEWBRIDGE ROAD - DP1238468****1906/014****RESOLVED:**

That Council approve

1. The compulsory acquisition of Lots 1, 2 and 3 in DP1238468 registered 26 February 2018; and
2. The making of an Application to the Minister for Local Government and Governor for approval of such compulsory acquisition; and
3. Upon acquisition the land be classified as “operational land” under Section 31 of the Local Government Act (1993); and
4. The placement of Council’s seal on all documentation associated with the compulsory acquisition for the realignment of Newbridge Road including on any Deed of Agreement for Compulsory Acquisition pursuant to Section 30 of the Land Acquisition (Just Terms Compensation) Act (1991).

(Newstead/Reynolds)

CARRIED**LAND ACQUISITION FOR ROAD REALIGNMENT SOUTHERN
CADIA ACCESS ROUTE - DP1248618****1906/015****RESOLVED:**

That Council approve

1. The compulsory acquisition of Lots 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21 and 22 in DP1248618 registered 28 November 2018; and
2. The making of an Application to the Minister for Local

- Government and Governor for approval of such compulsory acquisition; and
3. Upon acquisition the land be classified as “operational land” under Section 31 of the Local Government Act (1993); and
 4. The placement of Council's seal on all documentation associated with the compulsory acquisition for the realignment of Errowanbang Road including on any Deed of Agreement for Compulsory Acquisition pursuant to Section 30 of the Land Acquisition (Just Terms Compensation) Act (1991).

(Kingham/Newstead)

CARRIED

**MINUTES OF THE BLAYNEY SHIRE SPORTS COUNCIL
MEETING HELD ON THURSDAY 16 MAY 2019**

1906/016

RESOLVED:

That the minutes of the Blayney Shire Sports Council Meeting, held on Thursday 16 May 2019, be received and noted.

(Kingham/Denton)

CARRIED

**MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 7
JUNE 2019**

MOTION:

1. That the minutes of the Blayney Traffic Committee Meeting, held on Friday 7 June 2019, be received and noted.
2. That Council endorse the Traffic Management Plan for the Millthorpe Winter Fire Festival Night Market, to be staged on 2 August 2019 on Pym Street Millthorpe as a Class 2 event, subject to the conditions detailed in the Director Infrastructure Services' Report and subject to the following amendments:
The Traffic Control Plan to include:
 - Warning signage “side road closed” on Park Street.
 - “Special Event Zone” 40km, signage on Victoria Street & Elliott Street.
 - Traffic Controller to be qualified to direct traffic.
 - Hostile vehicle protection, to be included at Pym/Victoria, Blake/Pym and Elliott Street west.
3. That Council install a no stopping sign on Mid Western Highway 10m north of the Gold Street intersection outside the Mandurama Shop in accordance with Rule 170 of the NSW Road Rules 2014.

(Reynolds/Newstead)

An **AMENDMENT** was moved by Cr Kingham and seconded by Cr Somerville:

1. That the minutes of the Blayney Traffic Committee Meeting, held on Friday 7 June 2019, be received and noted.
2. That Council endorse the Traffic Management Plan for the Millthorpe Winter Fire Festival Night Market, to be staged on 2

August 2019 on Pym Street Millthorpe as a Class 2 event, subject to the conditions detailed in the Director Infrastructure Services' Report and subject to the following amendments:

The Traffic Control Plan to include:

- Warning signage “side road closed” on Park Street.
 - “Special Event Zone” 40km, signage on Victoria Street & Elliott Street.
 - Traffic Controller to be qualified to direct traffic.
 - Hostile vehicle protection, to be included at Pym/Victoria, Blake/Pym and Elliott Street west.
3. That the traffic committee reconsiders the recommendation to install a no stopping sign on Mid Western Highway 10m north of the Gold Street intersection outside the Mandurama Shop in accordance with Rule 170 of the NSW Road Rules 2014.

The amendment became the substantive motion and was put.

1906/017

RESOLVED:

1. That the minutes of the Blayney Traffic Committee Meeting, held on Friday 7 June 2019, be received and noted.
2. That Council endorse the Traffic Management Plan for the Millthorpe Winter Fire Festival Night Market, to be staged on 2 August 2019 on Pym Street Millthorpe as a Class 2 event, subject to the conditions detailed in the Director Infrastructure Services' Report and subject to the following amendments:
The Traffic Control Plan to include:
 - Warning signage “side road closed” on Park Street.
 - “Special Event Zone” 40km, signage on Victoria Street & Elliott Street.
 - Traffic Controller to be qualified to direct traffic.
 - Hostile vehicle protection, to be included at Pym/Victoria, Blake/Pym and Elliott Street west.
3. That the traffic committee reconsiders the recommendation to install a no stopping sign on Mid Western Highway 10m north of the Gold Street intersection outside the Mandurama Shop in accordance with Rule 170 of the NSW Road Rules 2014.

(Kingham/Somerville)

CARRIED

DELEGATES REPORTS

REPORT OF THE CENTROC BOARD MEETING AND THE CENTRAL NSW JOINT ORGANISATION MEETING HELD 29 MAY 2019 AND ROUND TABLE WITH MINISTERS ON 30 MAY 2019

1906/018

RESOLVED:

That the Mayoral Report from the Centroc Board and Central NSW Joint Organisation Meeting held 30 May 2019 and Round Table with Ministers on 30 May 2019 be received and noted.

(Somerville/Newstead)

CARRIED

- 1906/019** **DELEGATES REPORT - IPWEA ROADS CONGRESS**
RESOLVED:
That Council note the IPWEA Road Congress Report for June 2019.

(Newstead/Kingham)
CARRIED

CLOSED MEETING

- 1906/020** **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 matter:

GENERAL MANAGER CONTRACT RENEWAL
This matter is considered to be confidential under Section 10A(2) (a) of the Local Government Act, as it deals with personnel matters concerning particular individuals.

(Reynolds/Somerville)
CARRIED

CONFIDENTIAL MEETING REPORTS

- 1906/021** **GENERAL MANAGER CONTRACT RENEWAL**
RESOLVED:
1. That Council note the successful outcome of the contract negotiations undertaken by the Mayor and Deputy Mayor.
2. That authority be given for formal execution of the new five year contract for General Manager, Rebecca Ryan, and that the Mayor be authorised to sign the contract on Council's behalf.

(Kingham/Newstead)
CARRIED
- 1906/022** **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 1906/021.

There being no further business, the meeting concluded at 8.28pm.

The Minute Numbers 1906/001 to 1906/022 were confirmed on 15 July 2019 and are a full and accurate record of proceedings of the Ordinary Meeting held on 24 June 2019.

Cr S Ferguson
MAYOR

Mrs R Ryan
GENERAL MANAGER

02) COUNCIL RESOLUTION REPORT**Department:** Executive Services**Author:** General Manager**CSP Link:** 2. Local Governance and Finance**File No:** GO.ME.1**Recommendation:**

That Council notes the Resolution Report to June 2019.

Reason for Report:

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

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

Council have requested an Outstanding Resolution Report on a quarterly basis.

Report:

This Council Outstanding Resolution Report includes Council Resolutions up until the July 2019 Council Meeting.

Council currently has 19 resolutions 'in progress'.

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

Date of Meeting	Res. No	Resolution	Owner	Comments
18-Apr-17	1704/015	Planning Proposal to amend Blayney Local Environmental Plan 2012 - Flood Planning Map RESOLVED That Council forward a Planning Proposal to the Minister for Planning and Environment seeking to amend the flood planning map within the Blayney Local Environmental Plan 2012.	DPES	In progress: DPE approved Gateway time extension to 19 March 2020. Communication strategy to be developed prior to exhibition commencing.
15-May-	1705/006	Minutes of the Blayney Shire	GM	Library re-

Date of Meeting	Res. No	Resolution	Owner	Comments
17		<p>Cultural Centre Working Group Meeting held Monday 1 May 2017 RESOLVED</p> <p>3. That Council undertake the Blayney Library painting and shelving project and include the additional minor items of new sliding door and installation of a small hot water service as capital expenditure requests to ensure Library and Family History Services are supported in the short term.</p>		opened 5 June 2019. Some final installations and moving back Family and History Group equipment and files to be completed.
14-Aug-17	1708/010	<p>Neville Multipurpose Court RESOLVED</p> <p>That subject to the agreement by the Presbyterian Church, Council provides approval and support for the Neville Multipurpose Court Project and formalise a long term lease or licence agreement for part of Lot 9 DP662515 then lodge a Development Application.</p>	GM	DA for subdivision of Church Lot lodged, approval pending. Design work completed and project now shovel ready status.
25-Sep-17	1709/031	<p>Blayney Shire Council (R590102) Reserve Trust - Lease To Blayney Multi Service Outlet RESOLVED</p> <p>1. That Council, acting in its capacity as Reserve Trust Manager, consent to a lease being issued to the Blayney Multi Service Outlet for a period of 10 years for Crown Reserve R590102 (Lot 23 Section 14 DP 758121) known as Blayney Shire Council Reserve Trust.</p> <p>2. That Council, acting in its capacity as Reserve Trust Manager, apply a lease fee of \$483 (including GST) per annum.</p> <p>3. That Council make application for the purpose of Blayney Shire Council Reserve Trust R590102 to be amended to community.</p> <p>4. That pursuant to the requirements of the Crown Land Act (1989), Council advertise for</p>	DCS	Crown Lands are investigating further as Certificate of Title is in name of Council.

Date of Meeting	Res. No	Resolution	Owner	Comments
		<p>a period of 14 days its intention to enter into a long term lease for Reserve 590102.</p> <p>5. That Council authorise the General Manager to facilitate lease amendments required by NSW Department of Industry – Lands.</p> <p>6. That Council authorise the Mayor and General Manager affix the Council Seal, sign and execute the lease.</p>		
19-Feb-18	1802/017	<p>LGA Boundary Alteration - McKellars Lane, Hobbys Yards</p> <p>RESOLVED</p> <p>1. That Council reaffirm the transfer of Lot 1 DP 118421 from the Bathurst Regional Council LGA to the Blayney Shire Council LGA;</p> <p>2. That, subject to approval by Bathurst Regional Council, the adjustment for rates and annual charges take effect from the next year following proclamation.</p> <p>3. That the Office of Local Government be informed of Council's decision and request Minister for Local Government to recommend to the Governor the approval to issue a proclamation under section 218B of the Local Government Act, altering the boundary with Bathurst Regional Council.</p>	DCS	Correspondence received 02/05/2019 from OLG to validate Lot and DP reference before taking to next stage of approval and finalisation. Matter in progress.
21-May-18	1805/013	<p>Amendment to Blayney Shire Community Centre Trust</p> <p>RESOLVED</p> <p>1. That Council endorse the incorporation of the property located at 39 Church Street, Blayney (Lot 23 Section 14 DP 758121) known as Crown Reserve R590102 with the Blayney Shire Community Centre Trust, encompassing 41 Church Street, Blayney (Lot 24 Section 14 DP758121) known as Crown Reserve R1000284; and</p>	DCS	Matter on hold pending clarification of ownership of 39 Church Street, Blayney – Lot 23, Sec 14, DP758121 (Old CWA).

Date of Meeting	Res. No	Resolution	Owner	Comments
		2. That Council make application to Crown Lands to combine Reserves R590102 and R1000284 under the Blayney Shire Community Centre Trust.		
29-Oct-18	1810/E003	Sewer Rehabilitation - Pipe Relining Services Contract RESOLVED That Council accept and sign contracts with Interflow for the Sewer Rehabilitation - Pipe Relining Services contract.	MWW	Currently developing list of works for contracts.
18-Feb-19	1902/021	King George Oval Pump Renewal RESOLVED 1. That Council approve the renewal of the King George Oval bore and irrigation pumping equipment, 2. The supplementary vote of \$68,100 be included in the third Quarterly Budget Review, to be funded from the King George Oval Internal Reserve.	MWW	Currently waiting on information on bore licence from Department of Industry – Water.
18-Feb-19	1902/029	Amendment to Lease Agreement: Blayney Solar Farm RESOLVED 1. That the Council endorse the General Manager to finalise the revised Agreement of lease contract terms with Verde Generation Developments Pty Ltd and Blayney (Solure) Pty Ltd. 2. That Council endorse execution of the lease of Lot 222/DP 1175708 and Lot 3/DP1103517 being 31 and 33 Gerty Street, Blayney and associated documentation by the Mayor and General Manager under Council seal.	DCS	Executed lease documents returned to Council. Awaiting confirmation of lease commencement (on or before 31 December 2019) prior to registration of lease against title. Matter pending.
18-Mar-19	1903/002	Flyers Creek Wind Farm Voluntary Planning Agreement RESOLVED That Council authorise the General Manager to review the existing Voluntary Planning Agreement for the Flyers Creek	DPES	In progress.

Date of Meeting	Res. No	Resolution	Owner	Comments
		Windfarm and initiate renegotiation discussions with Infigen Energy.		
15-Apr-19	1904/013	Road Naming - Subdivision of 32 Plumb Street RESOLVED That Council: 2. Endorse the inclusion of Billy Lambert into the list of approved names.	MI	Correspondence issued to Geographical Names Board of NSW requesting Billy Lambert be added to our list of approved names. Awaiting response.
20-May-19	1905/003	Blayney Train Station Community Art Space RESOLVED That Council seek a Community Use Licence for the currently disused booking office, waiting rooms, storage sheds and former refreshment buildings at the Blayney Train Station, with the view that a sub licence agreement will facilitate an Art Gallery and Community Space.	GM	In Progress.
20-May-19	1905/004	Southern Lights RESOLVED That Council note the report on Southern Lights Project and: 1. Provide in principle support for Central NSW Joint Organisation in seeking funding to progress the replacement of Council's existing street lights with smart-enabled LED lighting; and 2. Monitor the timeframe from Essential Energy for the Bulk Lamp Replacement for street lights.	GM	In Progress.
20-May-19	1905/011	Adoption of Code of Conduct and Procedures RESOLVED 1. That Council adopt the Model Code of Conduct for Councillors, Model Code of Conduct for Council staff and Model Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers and they be included in Council's policy register.	DCS	Policies updated to policy register and website. Amendment to Gifts and Benefits policy proposed for July 2019 Council meeting.

Date of Meeting	Res. No	Resolution	Owner	Comments
		2. That Council Adopt the Procedures for the Administration of the Model Code of Conduct and they be included in Council’s policy register. 3. That the submission(s) on the Model Code of Conduct for Councillors; Model Code of Conduct for Council staff; Model Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers; and Procedures for the Administration of the Model Code of Conduct be noted. 4. That Council’s Gifts & Benefit policy be amended to align with the Model Codes of Conduct and define gifts and benefits of token value as one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50.		
17-Jun-19	1906/E003	Borrowings - Residential Land Development RESOLVED 1. That Council endorse execution of the letter of offer from TCorp for borrowings to fund the Residential Land Development. 2. A report be brought back to Council to amend the Investment Policy to include the investment limitations imposed by TCorp in order to access low cost borrowings.	CFO	Letter of offer was accepted and borrowings drawn 28 June 2019. Investment Policy under review as per Resolution, to be presented to Council.
17-Jun-19	1906/E005	Tender 11/2019 - CentrePoint Sport & Leisure Centre Aquatic & Building Upgrades RESOLVED 7. Undertake an operational review of all CentrePoint Sport and Leisure Centre services and operations prior to reopening in 2020 with the objective of identifying efficiencies, increasing membership, users and revenue.	DPES	In Progress.

Date of Meeting	Res. No	Resolution	Owner	Comments
		8. Finalise the plans for Stage 2 of the CentrePoint Sport and Leisure Centre Aquatic and Building Upgrades to a 'shovel ready' project to facilitate funding options.		
24-Jun-19	1906/009	Centroc - Regional Supply and Delivery of Bulk Fuel RESOLVED 1. That Council accept and sign contracts with the following providers for the supply and delivery of bulk fuel:- <ul style="list-style-type: none"> • Oilsplus Holdings Australia • Park • Ocwen Energy • Liberty Oil Australia 2. That Council recommends to Centroc that the 0.15% Centroc Contract Management Fee is replaced by an upfront Contract Management Fee that is determined by a transparent and accountable basis.	DIS	Contracts issued.
24-Jun-19	1906/010	Proposed Road Closure - Errowanbang Road - Southern Cadia Access Route RESOLVED That Council approve the part road closure of Errowanbang Road, Carcoar being Lots 5 and 8 in DP 1231139, and classify Lots 5 and 8 as Operational Land.	DIS	Notice issued for publication in NSW Government Gazette on Friday 5 July.
24-Jun-19	1906/021	General Manager Contract Renewal RESOLVED 2. That authority be given for formal execution of the new five year contract for General Manager, Rebecca Ryan, and that the Mayor be authorised to sign the contract on Council's behalf.	Mayor	In Progress.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

03) RISK, WORK HEALTH AND SAFETY QUARTERLY REPORT

Department: Executive Services

Author: WHS and Risk Coordinator

CSP Link: 2. Local Governance and Finance

File No: GO.ME.1

Recommendation:

That Council note and receive the Risk, Work Health and Safety Report for the quarter April 2019 to June 2019.

Reason for Report:

To update Council on Risk, Work Health and Safety activities and performance for the period of April 2019 to June 2019.

Report:

StateCover:

One lost time incident reported to Statecover for this period. Return to Work Plan in place.

Statewide:

Council insurance renewal finalised for 2019/2020. Continuous Improvement Pathway (CIP) workbooks finalised and submitted to Statewide Insurance.

Risk and Audit Maturity Assessment completed and recommendations in progress. Enterprise Risk Management (ERM) session with Councillors, MANEX and Managers booked for 23 September 2019.

Insurance rebate received for 17/18 \$9,092.

Consultation:

WHS Committee meeting held in June. New Incidents discussed and recommendations allocated to members for completion. Work Health & Safety Constitution due for review.

Training:

37 Contractor Inductions conducted in this reporting period.

16 Staff participated in Sharps Handling and Infection Control Training.

All staff attended compulsory Drug and Alcohol Testing and Awareness Training. Those that missed this training will be included in training to be delivered by WHS & Risk Coordinator.

Incident Reporting Table

Notifications	Mar	Apr	May	Total
Workplace Incidents	7	1	1	9
Lost time injuries	0	0	1	1
Hazard notifications	0	0	0	0
Contractor inductions	0	0	28	28
Volunteer Inductions	0	0	0	0
Workplace Observations	1	7	0	8
Site Specific Risk Assessments	30	9	0	39
Toolbox talks	20	13	1	34
Weed spray sheets	1	1	1	3
Play equip Inspections	1	0	5	6

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

04) LGNSW ANNUAL CONFERENCE 2019

Department: Executive Services

Author: General Manager

CSP Link: 2. Local Governance and Finance

File No: GR.ME.2

Recommendation:

That Council:

1. nominate the Mayor as voting delegate to the LGNSW Annual Conference 2019; and
2. approves the registration and attendance of the Mayor, Deputy Mayor and General Manager as Blayney Shire Council Delegates to attend the LGNSW Annual Conference 2019.

Reason for Report:

To inform Council of the Local Government NSW (LGNSW) Annual Conference 2019 and appoint the voting delegate for Blayney Shire Council.

To seek Council approval for the registration and payment of expenses as per Council Policy for Council Delegates attending the LGNSW Annual Conference.

Report:

The LGNSW Annual Conference is being held at the William Inglis Hotel in Warwick Farm, from Monday 14 October to Wednesday 16 October 2019.

Councils must register the names of their delegates for voting during formal business sessions by 20 September 2019. Blayney Shire Council is entitled to 1 voting delegate, which has in the past been allocated to the Mayor.

Motions are required to be submitted online by 19 August 2019 to allow printing and distribution of the Business Paper. The latest date motions can be accepted for inclusion in the Conference Business Paper is 16 September 2019.

Risk/Policy/Legislation Considerations:

Motions should be strategic, affect members state-wide and introduce new or emerging policy issues and actions. The LGNSW Board will accept motions for inclusion in the Business Paper for the Conference only where they are consistent with the objects of the Association and relate to Local Government in NSW and/or across Australia.

The issue must concern or is likely to concern Local Government as a sector, seek to advance the Local Government policy agenda of the Association and/or improve governance of the Association.

They must have a lawful purpose, be clearly worded and unambiguous in nature and cannot express preference for one or several members over one or several other members.

Should Councillors propose a motion it will require a title, adequate wording and background information with support evidenced by a Council Resolution.

A motions Sub-Committee reviews and groups all submitted motions received before making the final decision on inclusion or not.

Budget Implications:

The 2019/20 budget includes an allocation for the Mayor, Deputy Mayor and General Manager to attend the LGNSW Conference.

As per Councils 'Payment of Expenses and the Provision of Facilities to the Mayor and Councillors Policy' Council will meet the Registration, Accommodation, Travel and Car Parking costs for Council Delegates attending the LGNSW Conference as authorised by Council Resolution.

Any additional accommodation costs incurred as a result of the attendance of partners shall be borne by the Councillor or Delegate.

Should a delegate be unable to attend once registered, a substitute delegate may attend in their place at no additional charge.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

05) SSCF ROUND 3**Department:** Executive Services**Author:** General Manager**CSP Link:** 2. Local Governance and Finance**File No:** GS.LI.1

Recommendation:

That Council endorse the Community Engagement Strategy and reporting timeframe proposed in developing a list of Council administered projects for submission under SCCF Round 3.

Reason for Report:

To provide Council with an update on the NSW Government's Stronger Country Communities Fund (SCCF 3) Round 3 program. Guidelines have been finalised and applications are now open.

For Council to endorse a Community Engagement Strategy seeking each Village and Town Association, Sporting Club and Cultural Group to submit feedback on their one priority project

Report:

The funding available for SCCF 3 projects in Blayney Shire Local Government Area is \$781,996.

A community engagement strategy has commenced with SCCF 3 a topic in the GM Conversation and information emailed to the Development Coordinators, Sporting Associations, Cultural Groups and the individual Town and Village Committees.

Council will submit either one or more applications for projects to the value of \$781,996. Council projects will either be on Council land, under the care and control of Council or a Council asset. As demonstrated in previous rounds and in particular the Drought Communities Funding, it will be necessary to shortlist and prioritise from a very diverse and equally valuable submissions.

A report will be presented to the August meeting for Council to shortlist these projects to enable staff time to investigate and develop into shovel ready status.

Some summary points

- Projects need to clearly demonstrate community support for projects and align with the program objectives
- At least 50 per cent of the Round 3 funding will be allocated to projects supporting young people
- Applications open for 3 months

- Period to deliver projects is now 3 years

Project costs may include those associated with:

- building local infrastructure
- building a new website or app
- delivering programs
- exhibition displays
- hosting an event.

Youth-related projects must be for;

- development of new or upgrades to existing infrastructure for young people; or
- delivering programs for young people.
- Align to the areas of community, wellbeing, connectivity and work readiness.

General community amenity projects must be for;

- construction of new, or upgrades to existing, local community or sporting infrastructure.

A significant change to this round is that eligible community groups are also able to submit an application. Eligible organisations are incorporated, not-for-profit that have a public purpose and carry out activities in NSW, including Local Aboriginal Land Councils. If successful, these organisations will be responsible for delivering projects, not Council.

The SCCF Website, for Guidelines and FAQ;s are provided in the following links

www.nsw.gov.au/improving-nsw/regional-nsw/regional-growth-fund/stronger-country-communities

www.nsw.gov.au/improving-nsw/regional-nsw/regional-growth-fund/stronger-country-communities/frequently-asked-questions

Each Village and Town Association, Sporting Club and Cultural Group has been provided SCCF 3 information, and requested to submit one priority project by early August. This project must be aligned with the funding program objectives and Blayney Shire Community Strategic Plan, the Sport and Recreation Masterplan or any of the individual Town/Village Community Plans.

Council staff will prepare a report for the August meeting with all submitted projects, and those shortlisted will be progressed to application ready status.

A final report to the September Meeting will be presented to Council to prioritise the final list, enabling staff the time to submit the necessary application forms by the 27 September 2019.

Key dates are as follows;

- Monday 18 August Council Meeting
- Council to shortlist Council administered projects
 - Projects are scoped and prepared for application

- Monday 16 September Council Meeting
- Council selects Council administered projects for SCCF 3
 - Staff commence SCCF 3 applications

Friday 27 September 2019 Applications close 5pm
October 2019 – January 2020 Projects are assessed

Risk/Policy/Legislation Considerations:

Bringing forward projects as a result of an opportunistic grant has resource demands in addition to financial, strategic and reputational risks. The 3 year timeframe for SCCF 3 to be delivered means that the implementation may be planned appropriately, hence reducing this conflict for resources.

The offset to this; is price movements within the 3 years, which can add in some cases 10-20% additional expense for any project.

Council is seeking input for those youth focussed, community amenity infrastructure projects that Council owns, is in care or control of, is a Council asset and will administer. This does not mean that eligible organisations are not able to develop their own program or project and submit an application themselves, for assessment by the NSW Government.

If these community administered projects are on Council land however, the whole of life cost will need consideration, prior to permission granted and support by Council.

Budget Implications:

SCCF 3 funding is not included in the 2019/20 Operational Plan or 2019/2023 Delivery Program. Upon an application being successful, and Council approving the Funding Agreement, budget adjustments will be made in whichever year the funding is received and expended.

Assets built with grant funds need to be maintained and repaired and in many cases operated entirely at Council's expense, so the project assessment will include a whole of life cost.

Before submitting a grant application, project cost estimates for local community infrastructure must be prepared, or previous estimates reviewed, based on historic unit rates, Construction Cost Guides, a qualified Quantity Surveyor or similar. In recognition that grant funding is a fixed amount and Council bears the risk of cost overruns, costings will include a fixed price risk premium in addition to any standard contingency as per Council's Capital Expenditure Guidelines.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

06) REPORT OF COUNCIL INVESTMENTS AS AT 30 JUNE 2019

Department: Corporate Services

Author: Chief Financial Officer

CSP Link: 2. Local Governance and Finance

File No: FM.IN.1

Recommendation:

1. That the report indicating Council's investment position as at 30 June 2019 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

Reason for Report:

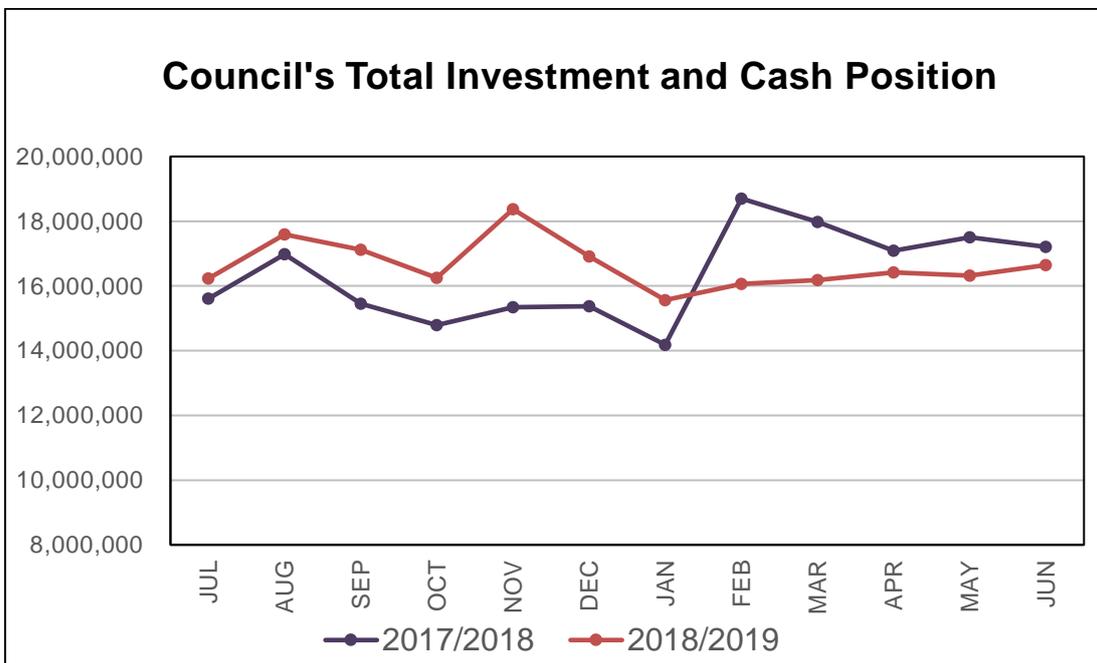
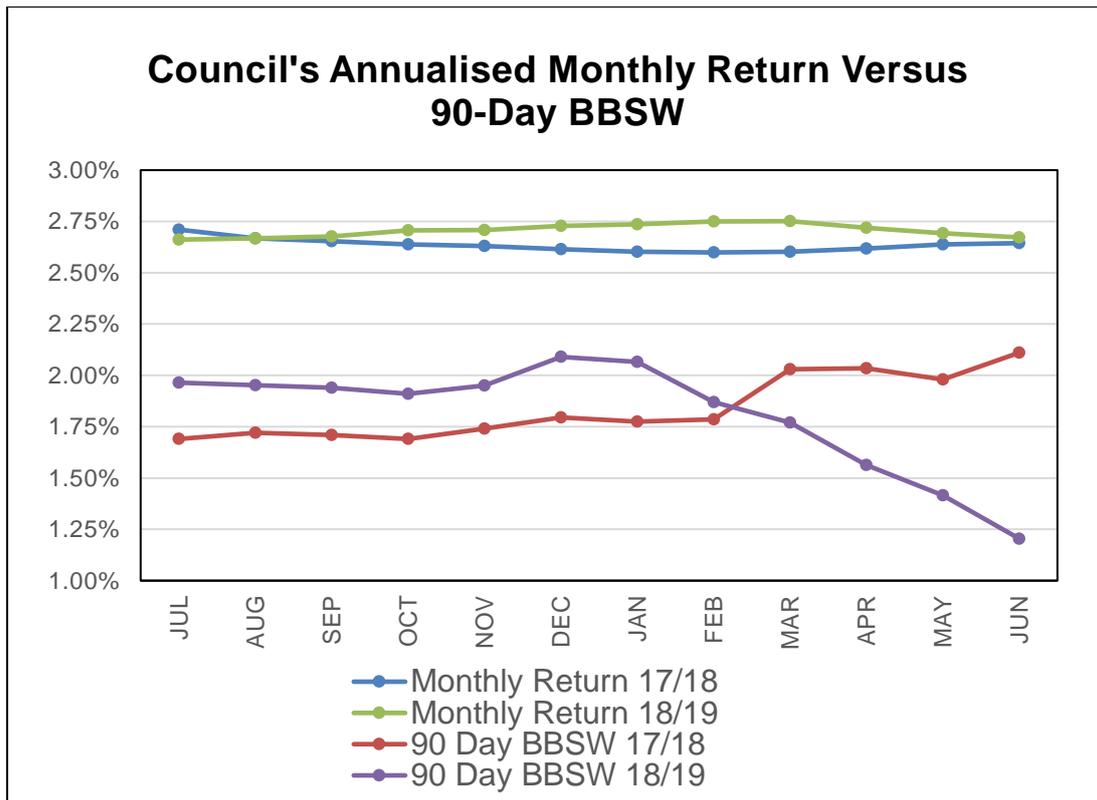
For Council to endorse the Report of Council Investments as at 30 June 2019.

Report:

This report provides details of Council's Investment Portfolio as at 30 June 2019.

Council's total investment and cash position as at 30 June 2019 is \$16,646,850. Investments earned interest of \$33,556 for the month of June 2019.

Council's monthly net return on Term Deposits annualised for June of 2.67% outperformed the 90 day Bank Bill Swap Rate of 1.20%.



REGISTER OF INVESTMENTS AND CASH AS AT 30 JUNE 2019				
Institution	Rating	Maturity	Amount \$	Interest Rate
Bankwest	A1+/AA-	02/07/2019	500,000	2.800%
Bankwest	A1+/AA-	16/07/2019	500,000	2.700%
ME Bank	A2/BBB	30/07/2019	500,000	2.830%
Bankwest	A1+/AA-	06/08/2019	500,000	2.700%
Bendigo & Adelaide Bank	A2/BBB+	13/08/2019	500,000	2.650%
AMP Bank	A2/A-	27/08/2019	500,000	2.850%
Bendigo & Adelaide Bank	A2/BBB+	03/09/2019	500,000	2.650%
ME Bank	A2/BBB	17/09/2019	500,000	2.700%
NAB	A1+/AA-	01/10/2019	500,000	2.720%
NAB	A1+/AA-	15/10/2019	500,000	2.750%
NAB	A1+/AA-	29/10/2019	500,000	2.720%
NAB	A1+/AA-	12/11/2019	500,000	2.730%
AMP Bank	A2/A-	19/11/2019	500,000	2.650%
NAB	A1+/AA-	26/11/2019	500,000	2.750%
ME Bank	A2/BBB	03/12/2019	500,000	2.350%
MyState Bank Ltd	A2/BBB	03/12/2019	500,000	2.800%
Auswide Bank Ltd	A2/BBB	10/12/2019	500,000	2.850%
AMP Bank	A2/A-	07/01/2020	500,000	2.800%
AMP Bank	A2/A-	14/01/2020	500,000	2.500%
Auswide Bank Ltd	A2/BBB	28/01/2020	500,000	2.250%
MyState Bank Ltd	A2/BBB	04/02/2020	500,000	2.850%
MyState Bank Ltd	A2/BBB	18/02/2020	500,000	2.700%
MyState Bank Ltd	A2/BBB	03/03/2020	500,000	2.650%
AMP Bank	A2/A-	17/03/2020	500,000	2.400%
NAB	A1+/AA-	31/03/2020	500,000	2.500%
ANZ	A1+/AA-	14/04/2020	500,000	2.350%
Total Investments			13,000,000	2.662%
Commonwealth Bank - At Call Account *			-	1.400%
Commonwealth Bank Balance - General *			801,772	1.350%
Tcorp IM Cash Fund *			2,845,078	2.320%
TOTAL INVESTMENTS & CASH			16,646,850	
Benchmarks:	BBSW 90 Day Index *			1.205%
	RBA Cash Rate *			1.250%

* % Interest rates as at 30/06/2019

Summary of Investment Movements – June 2019		
Financial Institution	Invest/(Recall) Amount \$	Commentary
Auswide Bank Ltd	(514,111)	Term Deposit Matured 04/06/2019
Auswide Bank Ltd	500,000	Term Deposit Reinvested 04/06/2019
AMP	(511,238)	Term Deposit Matured 25/06/2019
TCorp IM Cash Fund	1,320,000	Borrowings Deposited 28/06/2019

Long Term Credit Rating (or Moody's, Fitch, S&P or Equivalent)	Policy Maximum	Current Holding %	Current Holding \$
TCorp IM Funds	100%	18%	2,845,078
AAA – AA Category	100%	32%	5,000,000
A Category	80%	16%	2,500,000
BBB+ to BBB Category	40%	35%	5,500,000
			15,845,078

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

Restricted Cash, Cash Equivalents & Investments		
	Actual 30/06/2018 \$ 000's	Forecast 30/06/2019 \$ 000's
External Restrictions	9,122	8,444
Internal Cash Restrictions	8,093	5,156
TOTAL RESTRICTED ASSETS	17,215	13,600

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

I, Tiffany Irlam, certify that the investments listed in this report have been made in accordance with s625 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 s625 of the Local Government Act (1993). 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) COMPLIANCE AND REPORTING ACTIVITIES**Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 2. Local Governance and Finance**File No:** IM.CO.3**Recommendation:**

That the report on Compliance and Reporting Activities for the 6 month period to June 2019 be received.

Reason for Report:

For Council to be updated on compliance and reporting activities for the six month period to June 2019.

Report:

The Office of Local Government (OLG) issues all councils with a calendar of compliance and reporting activities annually. These activities are statutory obligations required under various pieces of legislation.

This report outlines compliance and reporting activities undertaken for the 6 month period to June 2019:

Activity	Legislation	Due Date	Completion Date
Issue 3 rd Rates Instalment notices	L.G. Act s.562	31/01/2019	22/01/2019
Ledgers prepared for 6 monthly inspection by Auditors	L.G. Regulation cl.228	31/01/2019	31/01/2019
Public Interest Disclosure (PID) (six monthly) report to NSW Ombudsman	PID Act s.6CA	31/01/2019	21/01/2019
Submission of Quarterly Budget Review Statement to Council (2 nd Quarter)	L.G. Regulation cl.203(1)	28/02/2019	18/02/2019
Delivery Program progress report to Council	L.G. Act s.404(5)	Six monthly	18/02/2019
Issue 4 th Rates Instalment notices	L.G. Act s.562	30/04/2019	12/04/2019
Submission of Quarterly Budget Review Statement to Council (3 rd Quarter)	L.G. Regulation cl.203(1)	31/05/2019	20/05/2019
Adoption of 2019/20-2022/23 Delivery Program and 2019/20 Operational Plan	L.G. Act s.404 and s.405	30/06/2019	24/06/2019

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

08) REVIEW OF AGENCY INFORMATION GUIDE

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: IM.CO.3

Recommendation:

That Council adopt the Agency Information Guide and Proactive Release Program for the ensuing 12 months and make it available through Council's website.

Reason for Report:

For Council to review and adopt Council's Agency Information Guide.

Report:

Council is required under Section 21 of the Government Information (Public Access) Act to adopt an Agency Information Guide.

Section 21 of the Government Information (Public Access) Act also prescribes that Council must review its agency information guide and adopt a new agency information guide at intervals of not more than 12 months. Council last adopted this guide at its July 2018 meeting.

An "agency information guide" is a guide that:

- a) describes the structure and functions of the Council, and
- b) describes the ways in which the functions (including, in particular, the decision-making functions) of the Council affect members of the public, and
- c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the Council's policy and the exercise of the Council's functions, and
- d) identifies the various kinds of government information held by the Council, and
- e) identifies the kinds of government information held by the Council that the Council makes (or will make) publicly available, and
- f) specifies the manner in which the Council makes (or will make) government information publicly available, and
- g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

Council must make government information publicly available as provided by its agency information guide. This is done via Council's website.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

1 Blayney Shire Council Agency Information Guide 13 Pages

09) GIFT AND BENEFITS POLICY AMENDMENT

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: CM.PO.1

Recommendation:

That the Gifts and Benefits policy, as amended, be placed on public exhibition for a period of at least 28 days.

Reason for Report:

To seek Council approval for an amendment to the Gifts and Benefits policy.

Report:

Council at its meeting held 20 May 2019 approved the Model Codes of Conduct for Councillors, Staff and Committee Members, Delegates of Council and Council Advisers. Council also recommended that the Gifts & Benefit policy be amended to align with the Model Codes of Conduct and define gifts and benefits of token value as one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$50.

The purpose of the policy is as follows:

- To provide clear guidelines for Councillors, staff members and other representatives of Council to enable them to deal with any offer of a gift or benefit;
- To protect Councillors, staff members and other representatives of Council from being compromised or to avoid the public perception of bias;
- To provide a safe working environment by reducing situations which can cause undue stress and anxiety; and
- To demonstrate to suppliers, citizens and other agencies that Council will deal with all matters in an impartial, transparent and accountable manner.

A copy of the draft policy, as amended, is provided as an attachment to this report. The guidelines will be amended following exhibition and adoption of the policy.

Risk/Policy/Legislation Considerations:

The Crimes Act (NSW) creates an offence if a Councillor or employee corruptly receives or solicits (or corruptly agrees to receive or solicit) from another person any benefit as an inducement to do, or not do, something in relation to their official duties.

The Local Government Act requires that Councils adopt a Code of Conduct. The section states that serious corrupt, of which bribery is an example, may lead to the dismissal or temporary suspension from office of a Councillor or of a staff member.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

1 Gifts and Benefits policy

11 Pages

10) **RISK MANAGEMENT POLICY AMENDMENT**

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: GO.PO.1

Recommendation:

That the Risk Management Policy, as amended, be placed on public exhibition for a period of at least 28 days.

Reason for Report:

For Council to endorse the Risk Management Policy, as amended, for public exhibition.

Report:

Council has recently undertaken a review of the Risk Management Policy and Enterprise Risk Management Guideline and have sought to combine the documents after it was found that the risk appetite for Council was in the guideline and should not be an operational decision but rather adopted by the elected Council.

The objectives of the Risk Management Policy are:

- To provide a consistent approach to risk management across Council in accordance with methodology established in AS/NZS ISO 31000:2009 Risk Management Principles and Guidelines, and other applicable guidelines, procedures, standards and codes of practice. Enterprise risk management will be embedded into the policy development, strategic and operational planning and review and change management processes.
- To ensure Risk Management is integrated into Council's operational considerations and decision making at all levels.

A Risk Maturity Assessment of Council coordinated through Council's Insurance Broker, Jardine Lloyd Thompson, also reaffirmed the need for policy amendment with additional minor amendments.

The draft policy format and content has been overhauled as part of this revision and therefore changes are not tracked. A copy of the draft policy is provided as an attachment to this report.

As part of Council's commitment to transparency and openness, public notice is recommended to be given prior to the policy adoption process.

Risk/Policy/Legislation Considerations:

Adoption of the policy will clearly articulate the Council's commitment to the implementation of Risk Management throughout the organisation.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

1 Risk Management policy

17 Pages

11) LEGISLATIVE COMPLIANCE POLICY**Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 2. Local Governance and Finance**File No:** GO.PO.1

Recommendation:

That the Legislative Compliance Policy be placed on public exhibition for a period of at least 28 days.

Reason for Report:

For Council to endorse the Legislative Compliance Policy for public exhibition.

Report:

Council has developed the Legislative Compliance Policy following the report by the NSW Audit Office on the year ended 30 June 2018 audit that identified its absence.

The Legislative Compliance Policy establishes the overarching principles and commitment to action for Council with respect to achieving compliance by:

- identifying a clear legislative compliance framework within which Council operates;
- promoting a consistent, rigorous and comprehensive approach to compliance throughout Council;
- developing and maintaining practices that facilitate and monitor compliance within Council;
- seeking to ensure standards of good corporate governance; and
- engendering a culture of compliance where every person within Council accepts personal responsibility for compliance.

A copy of the draft policy is provided as an attachment to this report.

As part of Council's commitment to transparency and openness, public notice is recommended to be given prior to the policy adoption process.

Risk/Policy/Legislation Considerations:

Adoption of the policy will assist to establish a framework and sound governance for legislative compliance.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

1 2K Legislative Compliance Policy

5 Pages

12) DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT**Department:** Infrastructure Services**Author:** Director Infrastructure Services**CSP Link:** 1. Public Infrastructure and Services**File No:** GO.ME.1**Recommendation:**

That the Director Infrastructure Services Monthly Report for July 2019 be received and noted.

Reason for Report:

To update Councillors on matters associated with shire infrastructure, its maintenance, operation, upgrade and construction.

Report:**Topical Issues**Blayney to Demondrille Railway

On 3 July, the Mayor and I attended a Transport for NSW (TfNSW) briefing in relation to the Blayney to Demondrille Railway.

TfNSW provided an update on the Cowra Lines Feasibility Study being undertaken by Lycopodium. The study will seek to identify any new, and clarify existing freight business opportunities that could utilise an upgraded line. It will include engagement with freight providers and a full site inspection of the line to refine engineering costings, as part of the development of a Benefit - Cost Ratio.

The final report is expected to be completed by end of September 2019.

Newbridge Rail Overbridge Replacement

Works on the Transport for NSW (TfNSW) project to replace the old timber bridge over the railway at Newbridge is progressing well. The new bridge structure has been completed with road furniture currently being installed.

Council staff are liaising with the contractor to ensure all works on Council owned assets are in accordance with Council requirements.

As yet Council has not been notified of a date for completion.

Central West Councils Environment & Waterways Alliance

The Central West Councils Environment & Waterways Alliance is an organisation representing the Councils of Central West NSW, in order to share resources, attract grant funding and build capacity in regards to managing the environment across the region.

The Alliance dates back to 2000 when a group of councils came together to combat the emerging threat of salinity across the region. As the focus has changed the group name has also, as has its operational region.

In 2014 the Central Tablelands and Central West Local Land Services provided financial and logistical support to the alliance, however at the end of the 2017-18 financial year the arrangement ceased. The organisation is currently being restructured.

Over the past 18 months, Council has benefitted from funding for the Rural Cemeteries Plan of Management project, and the Creating Superb Homes for Parrots, augmentation project.

The current Chair is Mr David Waddell from Orange City Council.

Major Works

Forest Reefs Road & Newbridge Road

Base layer placement has commenced on both roads, with seals scheduled for 16 and 17 July.

Realignment of Forest Reefs Road has also commenced. This change in horizontal alignment will improve the safety of this road.

Small bridge replacement program

Works have commenced on Kinds Lane, with excavation works completed at the time of writing this report. The subgrade condition is providing a good bearing capacity, so there appears to be little risk of unsuitable material.

Road Maintenance Works

Gravel Resheeting works have been undertaken on Boondaroo Road and Halls Road.

Footpaths

The concrete gang has completed the link along Ogilvy Street to the existing path near Farm Lane, including the extension of the kerb and gutter and provision of a new pram ramp.

A pathway has been provided at the Neville Memorial Park, providing a connection from the accessible carpark and toilet to the BBQ area.

Works have now been redirected to completion of the shared path along Harrow Street in Lyndhurst from the Rural Fire Service station to the Lyndhurst Recreation Ground entrance.

Council has now received the Crown Lands licence for the footpath works on Henry Street along the Belubula River.

Land Development

Council has provided its final comments on the draft design package for the subdivision of 32 Plumb Street to Calare Civil. Once the final drawings are

returned an application for issue of a Construction Certificate will be made and a Request for Tender issued.

Major Contracts

Carcoar Road Bridge

Comments have been provided to Murray Constructions on the preliminary design for the replacement of the bridge. An on-site commencement date has not yet been confirmed.

Carcoar Multi-purpose Court

The contractor has completed this project, subject to the application of the acrylic surface to be undertaken in September due to the unsuitable cold conditions in winter.

Central West Equestrian & Livestock Centre (CWELC)

The footings for the structural columns are now complete and works have commenced for the installation of the water infrastructure and electrical trenching. These works are expected to take approximately 4 weeks.

ICR hope to commence installation of the structural columns in August.

Assets

Asset staff are working with Finance staff to complete the end of year financial reporting. This includes accounting for asset additions, disposals and renewals, as well as calculating annual depreciation and asset condition reporting.

Staff have commenced work on an updated road map for the Shire and for the Villages. Work has also commenced on the preparation of a progress report and other information to enable Councillors to undertake a midterm review of the Active Movement Strategy at a Councillor workshop.

Parks and Recreation

Routine works have continued with tree maintenance (inspections and trimming) of trees within streets and open spaces, sporting ground preparations and mowing.

Works to provide replacement trees at Newbridge Recreation Ground have commenced, with the installation of a new wind break on the western side of the ground, and further plantings to be provided along the southern boundary.

The Stronger Country Communities Fund provided for the installation of shade sails in various playground across the Shire. These include Carrington Park, Heritage Park, Capital Park, and Mandurama Recreation Ground. Carcoar Sportsground has been delayed due to a change in scope, and works have also been extended to Newbridge Recreation Ground.

The final toilet upgrade as part of the Stronger Country Communities Fund project, at Barry is progressing. Council has been liaising with the Barry/Hobbys Yards Progress Association and Canobolas Zone RFS to

minimise duplication of facilities, and provide a new shared disabled toilet facility and RFS dedicated shower. A meeting is set for 18 July to finalise plans, and then undertake a Request for Quotation for its construction.

Heavy Plant and Fleet - Workshop

Council has been working on specifications for the replacement of the plant within 2019/20 budget

Risk/Policy/Legislation Considerations:

Information report only.

Budget Implications:

Information report only.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

**13) DA2019/35 ERECTION OF A SHED AT 5 BINSTEAD STREET
BLAYNEY**

Department: Planning and Environmental Services

Author: Town Planner

CSP Link: 5. The Natural Environment

File No: DB.AB.1375

Recommendation:

That Council consent to Development Application 35/2019 for the construction of a shed at Lot 10 in Deposited Plan No. 562385, 5 Binstead Street, Blayney, subject to the recommended conditions of consent.

Reason for Report:

For Council to consider and determine Development Application 35/2019 for the construction of a shed at Lot 10 in Deposited Plan No. 562385, 5 Binstead Street, Blayney as the shed will result in the subject property exceeding the maximum cumulative floor area of 128m² stated within the Blayney Shire Development Control Plan 2018.

Report:**EXECUTIVE SUMMARY**

Councils consent is sought for the construction of a shed at Lot 10 in Deposited Plan No. 562385, 5 Binstead Street, Blayney (the subject property).

The subject property is a regular shaped allotment located on the corner of Binstead and Hawke Streets, comprising of a total area of 1602.81m². An existing dwelling house and three (3) garages/sheds with minimal vegetation is located on the subject property.

The surrounding land use is predominately-residential development, with dwelling houses located to the north and east, a service station located to the south and an open space area located to the west of the subject property.

The key issue for consideration is the whether the proposed development meets the relevant objectives/performance criteria and acceptable solutions of the *Blayney Development Control Plan 2018* for a detached garage in an urban area.

In particular, the proposed shed exceeds the cumulative floor area of 128m² of garages/sheds on the subject property. As such, the applicant has sought Councils approval for a variation to the acceptable solution with a cumulative floor area of 170m².

In summary, it is considered that the variation should be supported and the proposed development is consistent with the aims, objectives and performance criteria of the *Blayney Local Environmental Plan 2012* and *Blayney Development Control Plan 2018*, subject to recommended conditions of consent.

Proposed Development

Councils consent is sought for the construction of a shed at Lot 10 in Deposited Plan No. 562385, 5 Binstead Street, Blayney.

The proposed shed has a total floor area of 63m² (9.00m x 7.00m) with a colorbond finish and will be used for storage purposes.

Section 1.7 – Application of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994

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

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

Section 4.15 Evaluation

Matters for Consideration – General

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

4.15 (1) (a) (i) The Provisions of any Environmental Planning Instrument

Blayney Local Environmental Plan 2012

Part 1 – Preliminary

Clause 1.2 Aims of Plan

The proposed development is considered consistent with the broad aims of the *Blayney Local Environmental Plan 2012*.

Clause 1.7 Maps

Land zoning :	R1 General Residential
Lot size:	1602.81m ²
Heritage:	N/A
Terrestrial biodiversity:	N/A
Groundwater vulnerability:	N/A
Drinking water catchment:	N/A
Watercourse:	N/A
Flood:	N/A

Clause 1.9A – Suspension of Covenants, Agreements and Instruments

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

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

This clause does not affect the rights or interest of any public authority under any registered instruments. A search of Council's records indicates that the subject property is not affected by any of the foregoing covenants, instruments, agreements or plans.

Part 2 – Permitted or prohibited development**Clause 2.3 – Zone objectives and Land Use Table**

The subject property is zoned R1 General Residential Zone. A shed is permissible in the R1 General Residential Zone as it is ancillary to the residential use of the land. The objectives of the R1 General Residential Zone seek to:

- Provide for housing needs of the community.
- Provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day-to-day needs of residents.

The development is assessed to be consistent with the foregoing objectives.

State Environmental Planning Policies

State Environmental Planning Policy No.55 – Remediation of Land provides a state wide approach to remediation of contaminated lands. On the basis that the subject property has been used for residential purposes and shows no evidence of a potentially contaminating land use it is considered unlikely that any contamination exists on the subject property and does not warrant any further investigation.

4.15 (1) (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 apply to the land to which the development relates

There are no such proposed instruments relevant to this development.

4.15 (1) (a) (iii) any development control plan that applies to the land to which the development relates**Blayney Development Control Plan 2018****Part C - Residential****Section C3 - Garages, Carports, Shed, Outbuildings and Pools/Spas applies to the proposed development**

The proposed development generally complies with Part C Residential, Section C3, of the *Blayney Development Control Plan 2018*. However, the applicant seeks a variation under Part A1.11 from C3.3(c) as the proposed shed exceeds the cumulative floor area for garages and sheds on the subject property. An assessment of the variation is detailed below in C3.3(c) of this report.

C3.1 Use

The proposed use of the shed is for storage purposes. The proposed development will not be used as a dwelling, habitable room or home business industry.

C3.2 Visual Impact/Amenity

This clause seeks to ensure that outbuildings and garages/carports will not dominate views from the street, will be in keeping with scale and setting of the locality, integrate with the dwelling and not impact on the amenity of adjoining properties.

Visibility:

The subject property has a total area of 1602.81m² and the existing buildings are located towards the western side of the land. No buildings are located on the eastern side of the land and it appears from Binstead Street that the subject property is two (2) separate allotments, therefore having minimal impact on the streetscape.

Furthermore, the proposed shed is located behind the dwelling house and in line with the existing colorbond shed; therefore, the proposed development is in keeping with the scale/setting on the subject property and the surrounding locality.

It is important to note that the owner has indicated in the near future that he would like to subdivide the land into two (2) allotments; therefore, the location of the proposed shed would be on separate allotment in the future.

Setbacks/Amenity:

The proposed setbacks are considered appropriate and take into consideration the future development on the subject property.

Streetscape:

The proposed shed is located behind the dwelling house and in line with the existing colorbond shed; therefore, the proposed development is in keeping with the scale/setting of the buildings on the subject property and the surrounding locality.

Colour/Materials:

The proposed shed will match the existing colourbond shed on the subject property.

Other Standards:

The proposed shed complies with the relevant requirements in the *National Construction Code* and *Australian Standards*.

C3.3 Garages, Carports, Outbuildings & Sheds in Urban Areas**2) Detached Garages/Carports/Sheds/Shipping Containers:**

- a) The proposed development is located behind the dwelling house and towards the rear of the subject property.
- b) The proposed development does not exceed a ridge height of 4.8m (proposed 3.6m).
- c) The proposed shed exceeds the cumulative floor area of 128m² of garages/sheds on the subject property. As such, the applicant has sought Councils approval for a variation to the acceptable solution with a cumulative floor area of 170m².

Existing Shed A – 54m²

Existing Shed B – 30m²

Existing Shed C – 23m²

Proposed Shed – 63m²

Total = 170m² (variation of 42m²).

In summary, it is considered that the variation should be supported due to the following reasons:

- The subject property has a total area of 1602.81m² and the existing buildings are located towards the western side of the land. No buildings are located on the eastern side of the land; therefore, it appears from Binstead Street that the subject property is two (2) separate allotments.
- The proposed shed is located behind the dwelling house and in line with the existing colorbond shed; therefore, it is considered that the proposed development is in keeping with the residential scale and setting in the locality.
- The owner indicated that he would like to subdivide the land into two (2) allotments; therefore, the location of the proposed shed would be on separate allotment in the future.
- If subdivision occurs, each respective lot will comply with the maximum cumulative floor area of 128m² stated within the Blayney Shire Development Control Plan 2018.

4.15 (1) (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 apply to the land to which the development relates

There are no such agreements relevant to this proposal.

4.15 (1) (a) (iv) any matters prescribed by the regulations that apply to the land to which the development relates

There are no such matters relevant to the development.

4.15(1) (a) (v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), that apply to the land to which the development relates

Not applicable to this application.

4.15 (1) (b) the likely impacts of that development

The likely impacts of proposed development have been addressed in this report. Based on this assessment, it is considered that the proposed development is unlikely to have a significant or detrimental impact.

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

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

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

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

4.15 (1) (e) The public interest

The proposed development is considered to be of minor interest to the wider public due to the localised nature of potential impacts. The proposal is not inconsistent with any relevant policy statements, planning studies, guidelines that have not been directly considered in this assessment.

Conclusion

The proposed development complies with the relevant aims, objectives and provisions of the *Blayney Local Environmental Plan 2012*. A section 4.15 assessment of the development indicates that the development is acceptable in this instance.

Attached are recommended conditions of consent considered appropriate to ensure that the development proceeds in an acceptable manner.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

- | | | |
|---|-----------------------|---------|
| 1 | Conditions of Consent | 4 Pages |
| 2 | Plans | 2 Pages |

Attachments (separate document)

Nil

**SCHEDULE A
CONDITIONS OF CONSENT**

CONDITIONS ISSUED WITH DEVELOPMENT APPLICATION No. 35/2019

Reasons for Decision

1. To comply with statutory requirements.

Approved Plans

1. Development is to take place in accordance with:

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
-	Statement of Environmental Effects	Humphrey Tucker		26/03/2019
	Site & Site Analysis Plan	Humphrey Tucker	-	-
386659-GA	Floor Plan & Elevations	Ranbuild	-	-

As amended in accordance with any conditions of this consent.

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

Prescribed Conditions

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

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

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

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

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

- a) in the case of work for which a principal contractor is required to be appointed:
 1. The name of the licence number of the principal contractor, and

2. The name of the insurer by which the work is insured under Part 6 of that Act, b) in the case of work to be done by an owner-builder:

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

If arrangements for doing the residential building work are changed while the work is in progress so that the information under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

Prior to Issue of a Construction Certificate

NIL

Prior to Works Commencing

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

6. The developer is to submit a soil and water management plan for the site in accordance with *WBC Guidelines for Engineering Work*.

No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as the plan has been approved by Council and the measures detailed in the plan are in place prior to works commencing.

The measures detailed in the plan are to remain in place until all landscaping is completed. inspection report for the works. Documentary evidence of the currency of the cover is to be provided to Council prior to the commencement of works within the road reserve.

7. The applicant is to prepare and implement a Traffic Management Plan that provides necessary direction to traffic or pedestrian movement through or past the work site. The Traffic Management Plan is to be prepared by a suitably qualified person in accordance with the provisions of the relevant Australian Standards and is to be submitted to Council for approval PRIOR to its implementation.

8. The developer is to submit a soil and water management plan for the site in accordance with *WBC Guidelines for Engineering Work*.

No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as the plan has been approved by Council and the measures detailed in the plan are in place prior to works commencing.

The measures detailed in the plan are to remain in place until all landscaping is completed.

9. Prior to the commencement of any works on Council or Roads and Maritime Services (RMS) controlled land including a public road, the applicant is to affect Public

Liability Insurance to the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate or final inspection report for the works. Documentary evidence of the currency of the cover is to be provided to Council prior to the commencement of works within the road reserve.

During Construction

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

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

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

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

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

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

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

13. Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's *WBC Guidelines for Engineering Works* (see Council's website), and the Dept Housing – *Soil and Water Management for Urban Development (The Blue Book)*.

Note: All erosion and sediment control measures must be in place prior to earthworks commencing. Copies of the above Policy are available from Council's Environmental Planning and Building Services Department.

14. All wall and roof cladding shall be comprised of low reflective surface material. Note: Sheet metal shall be of factory prefinished (e.g. colorbond or galvanised iron) type material and zincalume will not be permitted.

15. The applicant is to arrange an inspection of the development/subdivision work by Council's Engineering Department, at the following stages of the development. This condition applies notwithstanding any private certification of the engineering works.

E	Concrete Crossings	Footway After placing of formwork and reinforcement and prior to concrete placement.
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16. A 3m wide vehicular crossing(s) over the footway adjacent to the proposed ingress/egress point(s) is/are to be designed and constructed in accordance with *WBC Guidelines for Engineering Works*. Further the applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act as amended, **or inspection report**, at the completion of construction of the footway crossing, from Council or an accredited certifying authority, certifying that the works have been completed in accordance with *WBC Guidelines for Engineering Works* and that the levels are in accordance with those issued.

17. All road and inter allotment drainage is to be conveyed to the gutter in Binstead Street and a legal point of discharge.

18. The developer is to relocate any utility services if required, at the developer's cost.

Prior to Issue of Occupation Certificate

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

Ongoing

20. The approved building must not be used for any other purpose other than the approved use i.e. a shed. Any proposed change of use shall only be permitted with the consent of Council.

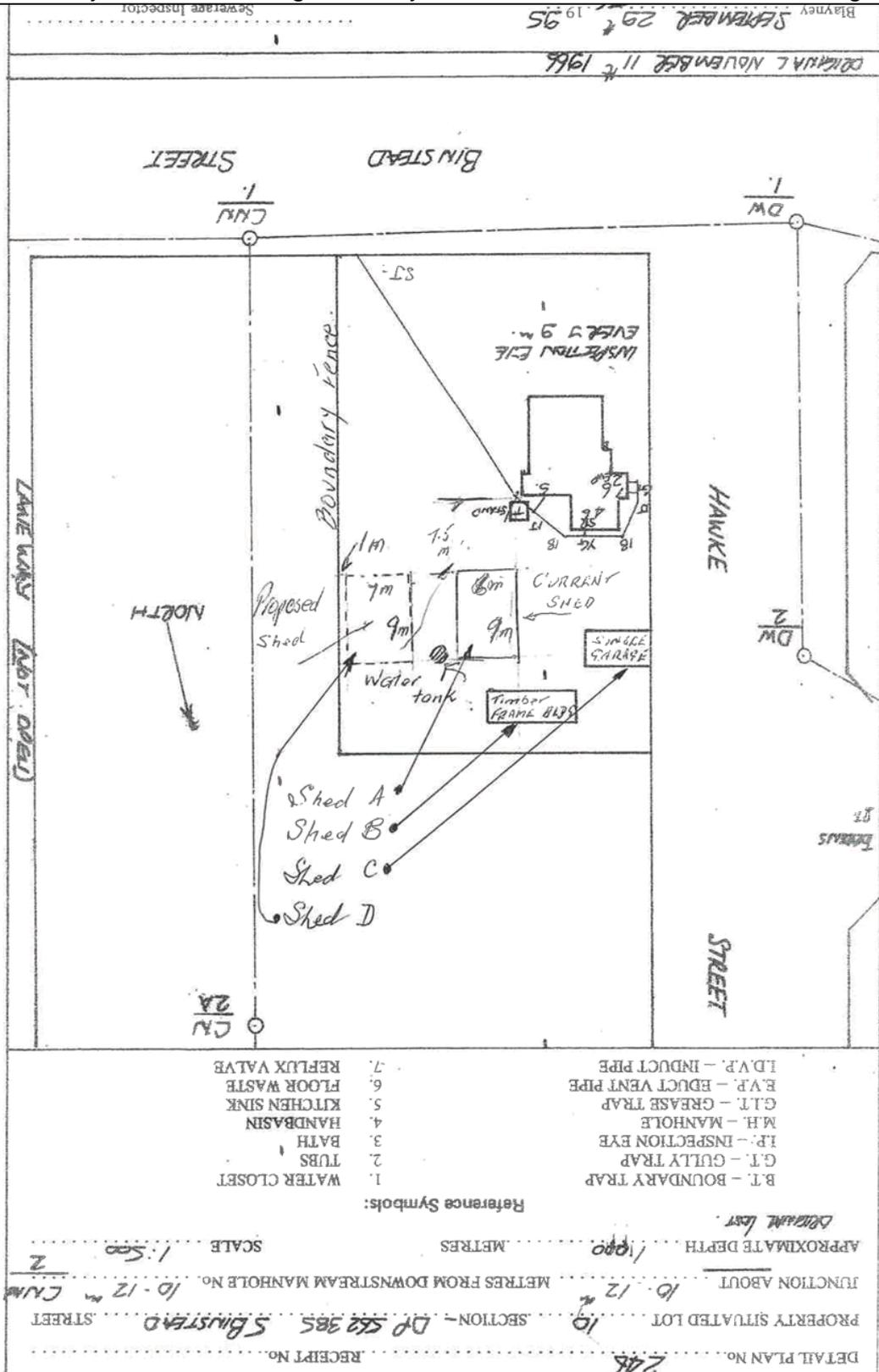
Advisory Notes

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

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

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

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



14) DA2019/9 ERECTION OF A SHED & GREENHOUSE AT 267 FOREST REEFS ROAD, MILLTHORPE

Department: Planning and Environmental Services

Author: Manager Planning

CSP Link: 5. The Natural Environment

File No: DB.AB.1348

Recommendation:

That Council consents to Development Application DA9/2019 for the construction of Outbuildings at Lot 2 DP1239233– 267 Forest Reefs Road, Blayney.

Reason for Report:

For Council to consider and determine Development Application 9/2019 for the construction of two outbuildings at Lot 2 DP1239233, 267 Forest Reefs Road, Millthorpe.

Report:**Executive Summary**

Council's consent is sought for the construction of two outbuildings at 267 Forest Reefs Road, Millthorpe, being Lot 2 DP1239233 (the 'subject property'). The proposed outbuildings would be used for the purpose of a storage shed and greenhouse.

The subject property is an irregularly shaped lot comprising a total area of 2.59ha. It forms part of the extensive large lot residential area that extends from the western boundary of the Millthorpe Village towards Forest Reefs.

A number of other properties adjoining and proximate to the subject property have previously been developed for large lot residential use.

The proposed outbuildings would be located adjacent to the western and northern boundaries of the subject property, with the proposed storage shed being located 10m from the western boundary and the greenhouse being located 20m from the northern boundary.

The proposed greenhouse would be constructed from two shipping containers purposefully modified. In this regard, it is noted that the acceptable solution for shipping containers within Council's *Development Control Plan 2018* identifies that a maximum of one shipping container is permitted per lot or must appear as one if multiple containers are enclosed. This matter is discussed in the body of this report.

Notably, works for the proposed storage shed and greenhouse commenced without development consent. Specifically, three shipping containers were placed on site and a slab was poured for the storage shed. The applicant ceased all further work immediately at the direction of Council staff.

In summary, it is considered that the proposed development is consistent with the aims, objectives and performance criteria of the *Blayney Local Environmental Plan 2012* and *Blayney Development Control Plan 2018*.

Proposed Development

Council's consent is sought for the construction of two outbuildings at 267 Forest Reefs Road.

The proposed outbuildings would be located adjacent to the western and northern boundaries of the subject property, with the proposed storage shed being located 10m from the western boundary and the greenhouse being located 20m from the northern boundary.

The proposed greenhouse would be constructed of two shipping containers purposefully modified for the intended use. Specifically, large sections of the northern elevation and roof would be removed and replaced with windows.

The proposed shed would be constructed in a combination of Trimdek or Trimwall roof and wall cladding in muted grey tones.

Existing Conditions

The existing conditions of the subject property and its location are illustrated in Figure 1, 2 and 3 below.



Figure 1: The subject property – shed slab constructed without development consent.



Figure 2: The subject property – shipping containers moved to site without development consent.



Figure 3: Site Context Plan – Subject property denoted by heavy red line

Assessment - Environmental Planning and Assessment Act 1979

Section 1.7 – Application of Part 7 of the Biodiversity Conservation Act 2016 and Part 7A of the Fisheries Management Act 1994

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

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

Section 4.15 - Evaluation

Section 4.15(1)(a)(i) The Provisions of any Environmental Planning Instrument

Blayney Local Environmental Plan 2012

Part 1 – Preliminary

Clause 1.2 Aims of Plan

The proposed development is considered to be consistent with the broad aims of the *Blayney Local Environmental Plan 2012*.

Relevant issues are addressed in the body of this report.

Clause 1.7 Maps

Land zoning:	R5 Large Lot Residential
Lot size:	2ha
Heritage:	N/A
Terrestrial biodiversity:	Yes
Groundwater vulnerability:	Yes
Drinking water catchment:	No
Watercourse:	No
Flood:	No

Clause 1.9A – Suspension of Covenants, Agreements and Instruments

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

- a covenant imposed by the Council or that the Council requires to be imposed, or
- any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or

- any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or
- any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or
- any property vegetation plan within the meaning of the Native Vegetation Act 2003, or
- any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or
- any planning agreement within the meaning of Division 6 of Part 4 of the Act.

This clause does not affect the rights or interest of any public authority under any registered instruments.

A search of Council’s records indicates that the subject property is not affected by any of the foregoing covenants, instruments, agreements or plans.

Notwithstanding, it is noted that the Section 88B Instrument for the subject property includes the following restriction on the use of the land denoted (D) on DP1239233 (otherwise known as a building envelope):

No dwelling house, cottage or other erection or construction for the purpose of or capable of use as residential premises or residential use shall be erected, maintained or allowed to remain upon the land hereby burdened outside the area denoted (D) on the plan”.

Notably, the restriction on the use of the land does not appear to preclude the construction of shed outside of the area denoted (D).

The area denoted (D) is identified in Figure 4 below, being an extract of the Deposited Plan for the subject property.

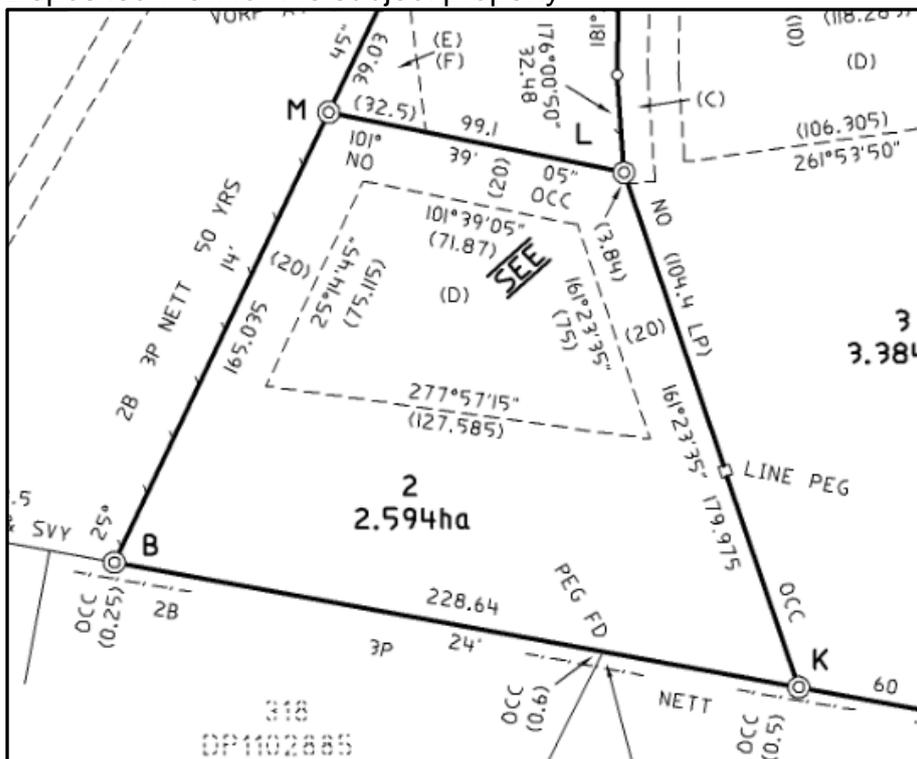


Figure 4: Extract of Deposited Plan 1239233**Part 2 – Permitted or prohibited development****Clause 2.3 – Zone objectives and Land Use Table**

The subject property is zoned R5 Large lot residential. A *Dwelling* is permissible in the in the R5 Large lot residential zone.

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

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

The proposed development is not inconsistent with the foregoing objectives.

Part 6 – Additional local provisions**Clause 6.2 Stormwater management**

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

Given the size of the property, it is unlikely that the proposed development will have a significant or detrimental impact on adjoining properties, native bushland or receiving waters.

Clause 6.4 Groundwater vulnerability

Clause 6.4 seeks to maintain the hydrological functions of key groundwater systems and protect vulnerable groundwater resources from depletion and contamination as a result of development.

An on-site effluent management study was submitted with the development application. The effluent management study states that no impact on groundwater is expected from the application of effluent on the site.

Clause 6.8 Essential services

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

Essential services are identified as the supply of water, the supply of electricity, the disposal and management of sewage, stormwater drainage / conservation and suitable vehicle access.

It is understood that the subject property has access to the necessary essential services.

State Environmental Planning Policy 55 – Remediation of Land

State Environmental Planning Policy 55 – Remediation of Land (SEPP55) requires that a consent authority must not consent to the carrying out of development of land unless it has considered whether the land is contaminated; is satisfied that the land is suitable in its contaminated state for the development that is proposed, and if the land requires remediation to be made suitable for the proposed development it is satisfied that the land will be remediated before the land is used for that purpose.

Furthermore, SEPP 55 requires that before determining an application to carry out development that would involve a change of use of land (specified in subclause 4 of the SEPP), the consent authority must consider a preliminary investigation of the land concerned.

Given that the subject property has recently been rezoned to R5 Large lot residential and subdivided for a residential purpose, the requirements of SEPP 55 would have been previously considered. On this basis, it is considered unlikely that the subject property would be contaminated.

Further, a site inspection of the subject property did not identify any evidence of a contaminating land use.

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

Not applicable.

Section 4.15(1)(a)(iii) Any Development Control Plan**Blayney Shire Development Control Plan 2018****Part C – Residential**

Part C – Residential of the DCP applies to development applications for a wide range of dwellings, residential accommodation types and ancillary development. The relevant provisions of Part C are addressed below:

C3 Garages, Carports, Sheds, Outbuildings & Pools/Spas**C3.1 Use**

C3.1 seeks to ensure that outbuildings, garages and sheds are not to be used as a dwelling, habitable room, or home business / industry without approval.

A condition of consent will be applied requiring that the proposed outbuildings are used for the purpose of storage and a greenhouse only. Any other use, unless exempt, would require the development consent of Council.

C3.2 Visual Impact / Amenity

C3.2 seeks to ensure that outbuildings and garages/carports will not dominate views from the street or key public places; will be in keeping with the scale and setting of the relevant land use zone, streets and locality character; will

integrate with the dwelling design and surrounding landscaping and buildings; will not significantly impact on the amenity of neighbouring properties (e.g. shadow, noise)

The proposed development is considered to be consistent with the relevant acceptable solutions.

In particular, given that the subject property is setback from the local road network and surrounding dwellings, it is considered unlikely to have significant or detrimental visual impact.

Further, it is considered that any potential visual impact could be mitigated through the use of appropriate colours and materials. In this regard, it is recommended that the greenhouse be clad in second hand galvanised iron, with the storage shed to be finished with Colourbond Woodland Grey or similar.

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

C3.4 has the same objectives of 3.2. The objectives are further clarified by acceptable solutions which require that outbuildings do not exceed the following:

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

The proposed development is consistent with the relevant acceptable solutions.

C3.6 Shipping Containers

C3.6 seeks to minimise the visual impact of shipping containers and ensure that where visible they are modified to appear as a shed.

The acceptable solutions for shipping containers in a R5 Large Lot Residential Zone include the following:

- A maximum of one (1) shipping container is permitted per lot or ownership holding or must appear as one (1) shed form if multiple containers are enclosed; and
- It must be located behind the rear building line of the primary dwelling on urban land; and
- Where visible from any public place, it must be integrated into a shed structure, clad in shed materials, and/or painted to make it appear like a standard shed.

The proposed development is consistent with the relevant acceptable solutions.

In particular, it is noted that the shipping containers are to be joined and substantially modified for the purpose of a greenhouse.

Notwithstanding, it is recommended that greenhouse be clad in second hand galvanised iron in order to ensure that it appears similar to a standard shed.

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

Not applicable

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

- **In the case of a development application for the demolition of a building, the provisions of AS 2601 (Clause 92)**
Not applicable.
- **In the case of a development application for the carrying out of development on land that is subject to a subdivision order made under Schedule 7 to the Act, the provisions of that order and of any development plan prepared for the land by a relevant authority under that Schedule (Clause 92)**
Not applicable.
- **Fire safety and other considerations (Clause 93)**
Not applicable.
- **Buildings to be Upgraded (Clause 94)**
Not applicable.
- **BASIX Commitments (Clause 97A)**
Not applicable.

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

The likely impacts of the proposed development have been addressed in the body of this report.

Based on this assessment, it is considered that the proposed development is unlikely to have a significant or detrimental impact.

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

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

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

In accordance with Part B of the DCP the proposed development was notified to the adjoining the landowners.

The development application was originally notified to adjoining land owners. At that time, six submissions were received by Council. The submission raised a number of valid concerns which were generally quite similar.

Following the first notification period, the applicant sought to amend the development application to provide further clarity regarding the orientation of the proposed shed and to clarify the detailed design and location of the proposed greenhouse.

As a result, the development application was renotified in June, with a further two submissions being received by Council.

The concerns relevant to a planning assessment are addressed below.

Building Envelope

A number of submissions noted that the subject property is affected by a building envelope and that no building is to take place within 20m of the property boundary.

Clause 1.9A of the *Blayney Local Environmental Plan 2012* states that:

“(1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.

This clause does not apply:

(a) to a covenant imposed by the Council or that the Council requires to be imposed, or

(b) ...

(c) ...

(d) ...

(e) ...

(f) ...

(g) ...

(3) *This clause does not affect the rights or interests of any public authority under any registered instrument.*

(4) *Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).”*

Based on this provision, Council is not required to consider any agreement, covenant or other similar instrument that restricts the carrying out of that development, unless the covenant was imposed by Council or that the Council requires to be imposed.

Creation of the subject property was approved under DA144/2015 in December 2015. A review of the file indicates that Council did not require a building envelope or restriction on the use of the land to be imposed on the subject property.

As such, Council considers that the land should be developed in accordance with the *Blayney Development Control Plan 2018*. The relevant provisions have been addressed in the body of this report.

Slab within 10m of Property Boundary

One submission noted that the existing slab is located 8.2m from the common property boundary.

Notably, C3.4 of the DCP requires a minimum setback of 10m for sheds in large lot residential areas. In this regard, it is considered appropriate to apply a condition of consent requiring the applicant to submit a partial survey plan to confirm the setback of the proposed shed at 10m.

In the event that the shed is not setback 10m, the applicant will be required to undertake works necessary re site the shed to ensure it achieves a 10m setback from the property boundary.

Construction of Slab without Council Approval

One submission notes that shed slab may have been constructed without Council consent or inspection. Further, the submission indicates that there appears to be no plumbing for the water closet or moisture barrier.

Given that the slab was poured without Development Consent, Council's Building Surveyor has recommended a condition of consent requiring that a structural engineer's certificate of adequacy be submitted to council prior to the issue of a Construction Certificate.

Will the Shed be used as a Residence?

Many submissions queried whether or not the proposed shed could be used as a dwelling.

As previously noted under the heading 'C3.1 Use', a condition of consent will be applied requiring that the proposed outbuildings are used for the purpose of storage and a greenhouse only. Any other use, unless exempt, would require the development consent of Council.

Shipping Containers - Dimensions

One submission notes that the dimension of the shipping containers exceed the dimension of the proposed greenhouse (original application).

This issue was raised with the applicant, with amended plans subsequently being submitted. Unfortunately, the amended plans are also inaccurate,

showing the greenhouse to be much bigger than the dimensions of the two shipping containers.

To overcome this matter, it is recommended that a condition of consent be applied requiring that an amended site plan be submitted prior to the issue of a Construction Certificate to confirm the dimensions of the greenhouse (i.e. 25m from the western boundary and 20m from the northern boundary).

Shipping Containers – Council Policy

One submission queried Council's Policy on shipping containers. The relevant section of the DCP is addressed under the heading 'C3.6 Shipping Containers'.

Shipping Containers – Visual Impact

A number of submissions noted that that shipping containers will be very visible and should be disguised by being clad in a suitable material, and fast growing evergreens planted to screen the structures.

As noted under the heading 'C3.2 Visual Impact / Amenity' it is considered that any potential visual impact could be mitigated through the use of appropriate colours and materials. In this regard, it is recommended that the greenhouse be clad in second hand galvanised iron.

It is not considered necessary to requiring screening in the form of trees.

Shipping Containers - May be Used for an Online Business.

A number of submissions raised concerns that the shipping containers may be used for an online business.

As previously noted under the heading 'C3.1 Use', a condition of consent will be applied requiring that the proposed outbuildings are used for the purpose of storage and a greenhouse only. Any other use, unless exempt, would require the development consent of Council.

Shipping Containers – What is the timeline for removing unused shipping containers?

A number of submissions queried the timeline for any unused shipping container, or remnant thereof, to be removed from the subject property.

In the event that the development application is approved, it is recommended that Council require the applicant to remove any unused shipping container within three months of the date of development consent.

Works were commenced illegally

A number of submissions identified that shipping containers were placed on site and slab poured for the shed without development consent.

It is noted that works were commenced without development consent. Council staff have sought to balance the interest of both the landowner and adjoining properties owners to resolve the matter.

Water Tank

A number of submissions queried whether the development will require a water tank in association with the effluent management system.

Amended plans submitted with the development application identify the location of a proposed water tank. It is accepted that a water tank of suitable scale and material could be accommodated on-site without having a detrimental visual impact.

It is recommended that a condition of consent be applied requiring specific design details of the proposed water tank prior to the issue of a Construction Certificate.

Amenity and Privacy

One property owner objected to the proposed development on the basis that the 20m setback of the proposed greenhouse will have a detrimental impact on the amenity and privacy of their property.

Further, the submission indicated that the windows of the greenhouse should be oriented to the south so as to not overlook the submitter's property.

Given the location of the proposed greenhouse, it is considered unlikely to have any significant or adverse impact on the amenity of the property.

Light Spill

One submission raised concerns regarding the possibility of light spill from the greenhouse. In particular, the submission indicated that light spill would infringe on the sense of rural peace.

It is considered unlikely that any lighting associated with the proposed greenhouse would have an adverse off-site impact given that the greenhouse would be setback 20m from the northern boundary.

Section 4.15(1)(e) The public interest

The proposed alterations and additions are considered to be of minor interest to the wider public due to the localised nature of potential impacts. The proposal is not inconsistent with any relevant policy statements, planning studies, guidelines etc that have not been directly considered in this assessment.

Summary / Conclusion

The proposal is permissible with consent of Council. The proposed development complies with the relevant aims, objectives and provisions of BLEP 2012. A Section 4.15 assessment of the development indicates that the development is acceptable in this instance.

Attached are recommended conditions of consent considered appropriate to ensure that the development proceeds in an acceptable manner.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

1	Conditions of Consent	7 Pages
2	Plans	6 Pages
3	Submissions	25 Pages

Attachments (separate document)

Nil

Draft Conditions of Consent**Reasons for Conditions**

Statutory requirement and public interest.

Approved Plans**1. Development in Accordance with Approved Plans & Documentation**

Development is to take place in accordance with:

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
	Statement of Environmental Effects	Applicant		16/10/18
Sheet 1 of 1	Unnamed (site plan)	Central Home Improvements		
S0.1	Concrete Footing Plan & Detail	Cook & Roe	A	7/03/2019
S.02	Container Wall Modification Elevations	Cook & Roe	A	7/03/2019
S.03	Roof Removal Plan	Cook & Roe	A	7/03/2019
S.04	Roof Marking Plan & Section	Cook & Roe	A	7/03/2019
	Unnamed (elevation plan)	ShedTech		2/07/2018
Ref: R10299e	Geotechnical Report	Envirowest Consulting Pty Ltd		8/01/2019

as amended in accordance with any conditions of this consent.

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

Prescribed Conditions**2. Building Code of Australia**

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

3. Identification of Site

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

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

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

4. Contract of Insurance

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

5. Home Building Act

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

- a) in the case of work for which a principal contractor is required to be appointed:
 - 1. The name of the licence number of the principal contractor, and
 - 2. The name of the insurer by which the work is insured under Part 6 of that Act,
- b) in the case of work to be done by an owner-builder:
 - 1. The name of the owner-builder, and
 - 2. The name of the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

Prior to Issue of a Construction Certificate

6. Structural Engineer's Certificate for Shed Slab

Prior to the issue of a Construction Certificate, a structural engineer's certificate of adequacy for the existing slab upon which the shed is to be built shall be submitted to Council.

7. Elevation Plans

Prior to the issue of a Construction Certificate, amended elevation plans for the shed and green house must be submitted to Council. The elevation plans must be prepared to the satisfaction of Council's Manager Planning.

The amended elevation plans are to accurately show the finished materials and colours of the shed and greenhouse.

The shed must be clad in factory prefinished material in Colourbond Windspray or similar.

The greenhouse must be clad in second hand galvanised corrugated iron sheeting.

8. Site Plan

Prior to the issue of a Construction Certificate, an amended site plan must be submitted to Council. The site plan must be prepared to the satisfaction of Council's Manager Planning.

The amended site plan must accurately show the location, dimensions and orientation of the proposed greenhouse.

The greenhouse is to be located 25m east of the western boundary and 20m south of the northern boundary. The green house is to have a maximum width of 24m (east – west) and maximum depth of 2.4m (north – south).

9. Partial Survey Plan

Prior to the issue of a Construction Certificate a Certificate of Survey prepared by a registered surveyor setting out the boundaries of Lot 2 DP1239233 must be submitted to Council to certify the existing slab is located 10m from the boundary of the adjoining property at Lot 1 DP546309.

In the event that the existing slab is located less than 10m from the boundary of the adjoining property at Lot 1 DP546309, a Construction Certificate must not be issued until otherwise agreed by the Manager of Planning Blayney Shire Council.

10. Water Tank

A design plan for the water tank must be submitted to Council prior to the issue of a Construction Certificate. The plan must be prepared to the satisfaction of Council's Manager Planning.

The design plan must accurately show the dimensions, material and colour of the proposed tank.

Prior to Works Commencing

11. Commencement of Work & Appointment of PCA

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

12. Soil & Water Management Plan

The developer is to submit a soil and water management plan for the site in accordance with *WBC Guidelines for Engineering Work*.

No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as the plan has been approved by Council and the measures detailed in the plan are in place prior to works commencing.

The measures detailed in the plan are to remain in place until all landscaping is completed.

During Construction

13. Hours for Construction or Demolition

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

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

14. Rubbish and Debris

All rubbish and debris associated with the development, including that which can be windblown, must be contained on site in a suitable container at all times. The container shall be erected on the development site prior to work commencing.

Materials, sheds or machinery to be used in association with the development must be stored and stacked wholly within the worksite unless otherwise approved by Council.

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

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

15. Toilet Facilities

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

Each toilet must:

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

16. Excavations and Backfilling

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

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

17. Cladding

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

Note 1: Sheet metal shall be of factory prefinished (eg, colorbond or galvanised iron) type material.

18. Erosion and Sediment Control

Erosion and sediment control measures are to be established prior to commencement of construction and maintained to prevent silt and sediment escaping the site or producing erosion. This work must be carried out and maintained in accordance with Council's *WBC Guidelines for Engineering Works* (see Council's website), and the Dept Housing – *Soil and Water Management for Urban Development (The Blue Book)*.

Note: All erosion and sediment control measures must be in place prior to earthworks commencing. Copies of the above Policy are available from Council's Environmental Planning and Building Services Department.

19. All-Weather Internal Road

A 4 metre wide all-weather 2WD vehicular access is to be constructed from the proposed shed to the property boundary. This access roadway is to be appropriately formed and contain suitable measures for the prevention of soil erosion, including mitre drains and piped culverts where necessary. All such works are to comply with *WBC Guidelines for Engineering Works*.

20. Road and Interallotment Drainage

All road and inter allotment drainage is to be conveyed to a legal point of discharge,

21. Relocate Utility Services

The developer is to relocate any utility services if required, at the developer's cost.

Prior to Issue of Occupation Certificate**22. Occupation Certificate**

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

Ongoing Matters**23. Approved Use**

The approved buildings must not be used for any other purpose other than the approved use (i.e. a storage shed and greenhouse). The buildings must not be used for any form of commercial premises use. Any proposed change of use shall only be permitted with the consent of Council.

Section 68 Approval**24. Drainage Fall**

The shed is to be designed and constructed so that all floor levels have sufficient height to enable the sanitary drainage line to fall at a permissible grade to the connection to the septic tank, and the earthworks on the site are to be such that there is the required minimum cover over the house drainage line, all in accordance with AS/NZS 3500 and the Plumbing Code of Australia.

25. Licensed Plumber (During construction)

All plumbing and drainage work shall be carried out by a licensed plumber and drainer and to the requirements of AS/NZS 3500 and the Plumbing Code of Australia.

26. Notice of Plumbing Works (Prior to the commencement of works)

Prior to the commencement of plumbing and drainage works the responsible plumbing contractor is to submit to Council a "Notice of Works" under the Plumbing and Drainage Act 2011.

27. Septic Tank General

The on-site waste management system is to be installed, operated and maintained on the land and the premises connected thereto, in accordance with the provisions of the Local Government (General) Regulation made under the Local Government Act 1993.

28. Geotechnical Report

The on-site sewage management system shall be installed and maintained in accordance with the recommendations of the Geotechnical Report by Envirowest Consulting Pty Ltd, Ref: R10299e, dated: 8 January 2019.

29. Disposal Area Exclusions

Vehicular traffic and livestock is excluded from the disposal area.

30. Surface Water

All surface water from higher levels is to be diverted away from the disposal area.

31. Prior to the Issue of an Occupation Certificate

Prior to the issue of an Occupation Certificate, the licenced plumber shall submit to Council a Sewer Service Diagram and a Certificate of Compliance in accordance with the requirements of NSW Fair Trading.

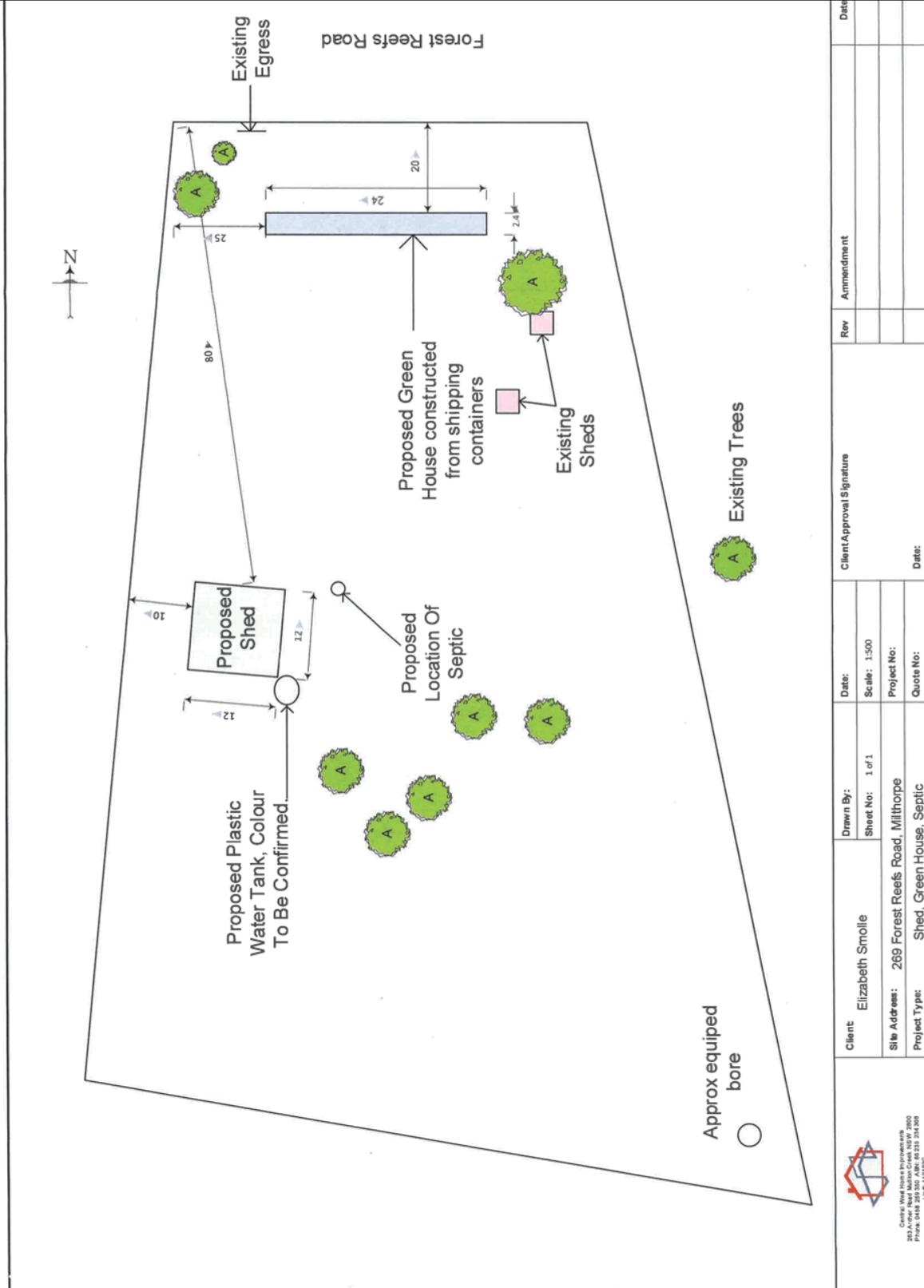
Advisory Notes

Telstra Corporation Limited**Note 1: Dial Before You Dig**

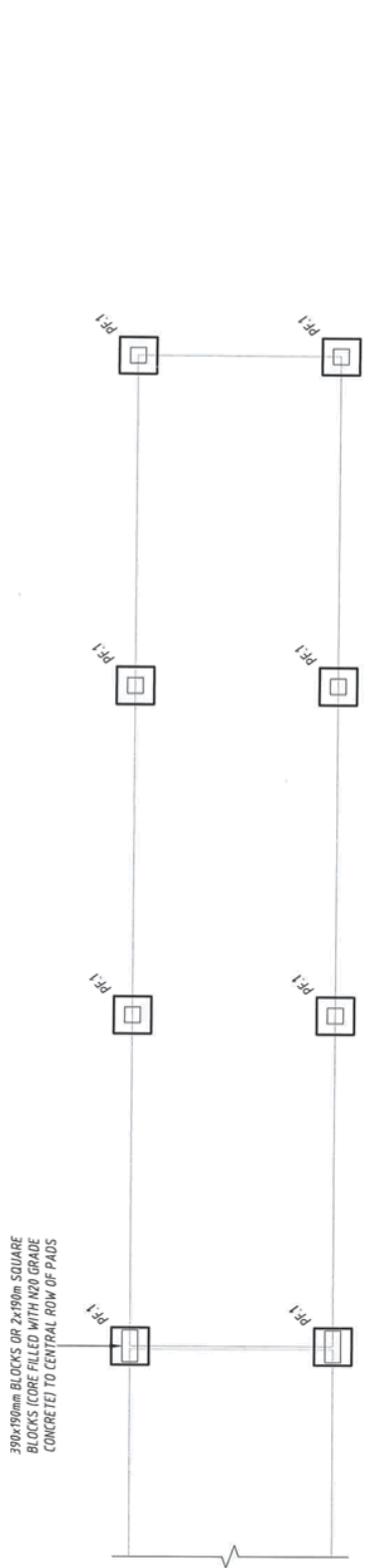
Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to prevent damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or panning activities.

Note 2: Telecommunications Act 1997 (Commonwealth)

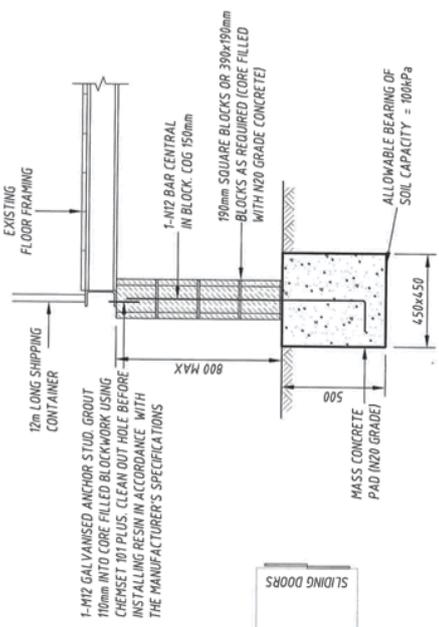
Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810 443.



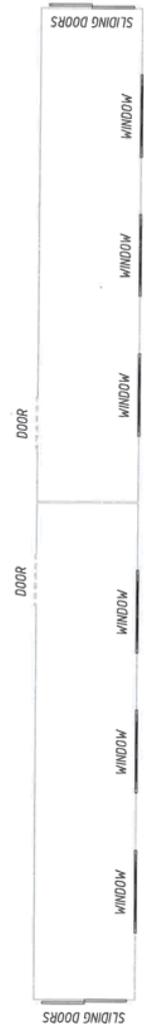
 <p>Central West Home Improvements 269 AVONDALE ROAD MILTHORPE NSW 2800 PHONE: 08 9348 1212 FAX: 08 9348 1214 LIFE 1121800</p>	Client: Elizabeth Smolie	Drawn By: Elizabeth Smolie Sheet No: 1 of 1	Date: _____ Scale: 1:500 Project No: _____ Quote No: _____	Client Approval Signature: _____ Date: _____	Rev: _____ Amendment: _____	Date: _____
	Site Address: 269 Forest Reefs Road, Milthorpe Project Type: Shed, Green House, Septic	This drawing is for conceptual purposes only. This document and design remains the property of Central West Home Improvements.				



CONCRETE FOOTING PLAN (IN PART)
SCALE 1:50



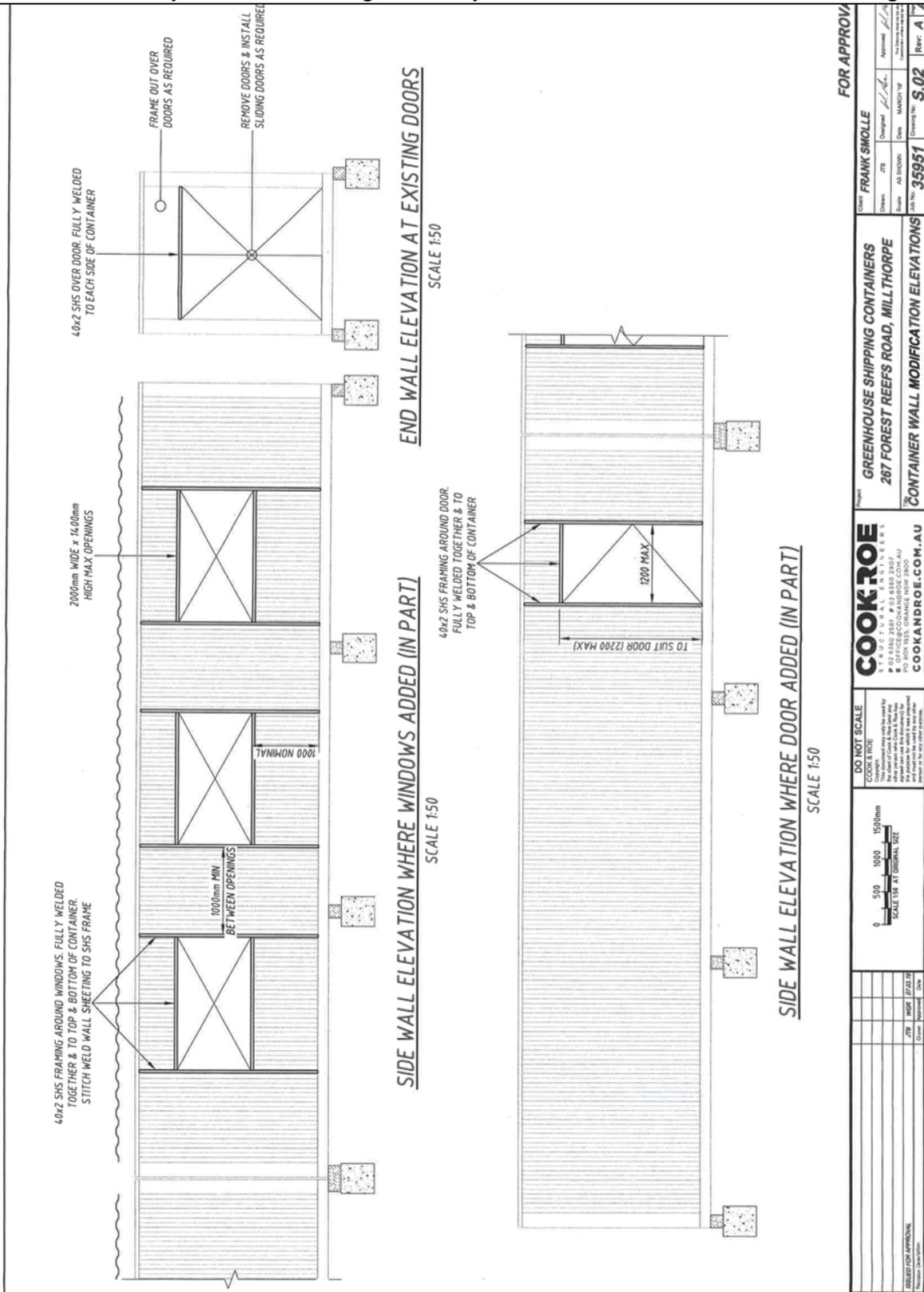
PAD FOOTING (PF.1) DETAIL
SCALE 1:20



ENVISAGED GREENHOUSE LAYOUT
SCALE 1:100



<p>FOR APPROVAL</p> <p>Client: FRANK SHOLLE</p> <p>Drawn: FTB Checked: ASB/MDH Date: MARCH 2019 Approved: [Signature]</p> <p>Sheet No: 35951 Drawing No: S.01 Rev: A</p>	
<p>Project: GREENHOUSE SHIPPING CONTAINERS</p> <p>Site: 267 FOREST REEFS ROAD, MILL THORPE</p> <p>Title: CONCRETE FOOTING PLAN & DETAIL</p>	
<p>COOK ROE</p> <p>STRUCTURAL ENGINEERS</p> <p>12-14/150 WILSON ST. MELB. VIC 3047</p> <p>PO BOX 1035, CHANELL VIC 3820</p> <p>COOKANDROE.COM.AU</p>	
<p>DO NOT SCALE</p> <p>COOK ROE</p> <p>Copyright © 2019 Cook Roe & Partners Pty Ltd. All rights reserved. This drawing is the property of Cook Roe & Partners Pty Ltd. It is to be used for the project and site only. It is not to be used for any other purpose without the written consent of Cook Roe & Partners Pty Ltd.</p>	
<p>0 500 1000 1500mm</p> <p>SCALE 1:50 AT ORIGINAL SIZE</p>	<p>0 1000 2000 3000mm</p> <p>SCALE 1:100 AT ORIGINAL SIZE</p>
<p>0 200 400 600mm</p> <p>SCALE 1:20 AT ORIGINAL SIZE</p>	<p>Revision Description Date</p> <p>1/18 MDH 07/03/19</p>



FOR APPROVAL

Client	FRANK SMOLLE	Project	GREENHOUSE SHIPPING CONTAINERS 267 FOREST REEFS ROAD, MILL THORPE
Drawn	JTB	Checked	AS THORPE
Designated	AS THORPE	Class	MAINTENANCE
Job No	35951	Drawing No	S.02
Revised		Rev	A

COOK & ROE
STRUCTURAL ENGINEERS
PO BOX 1581, #103 BROADWAY, MILL THORPE VIC 3207
PO BOX 1932, ORANGE NSW 2800
COOKANDROE.COM.AU

DO NOT SCALE
COOK & ROE
This drawing may only be used for the project and site shown. It is not to be used for any other project or site. The user of this drawing is responsible for ensuring that the information is current and correct for the project to which it is applied.

0 500 1000 1500mm
SCALE 1:50 AT ORIGINAL SIZE

ISSUED FOR APPROVAL	DATE
JTB	14/07/19
Drawn	Approved

ROOF REMOVAL PLAN (IN PART)
SCALE 1:50

STIFFEN EDGES OF ROOF OPENINGS WITH 40x2 SHS. STITCH WELD TO ROOF 150mm HT. 300mm MISSI & FULLY WELD AT ENDS TO THE SIDE OF THE EXISTING SHS MEMBERS AT THE TOP OF THE WALLS

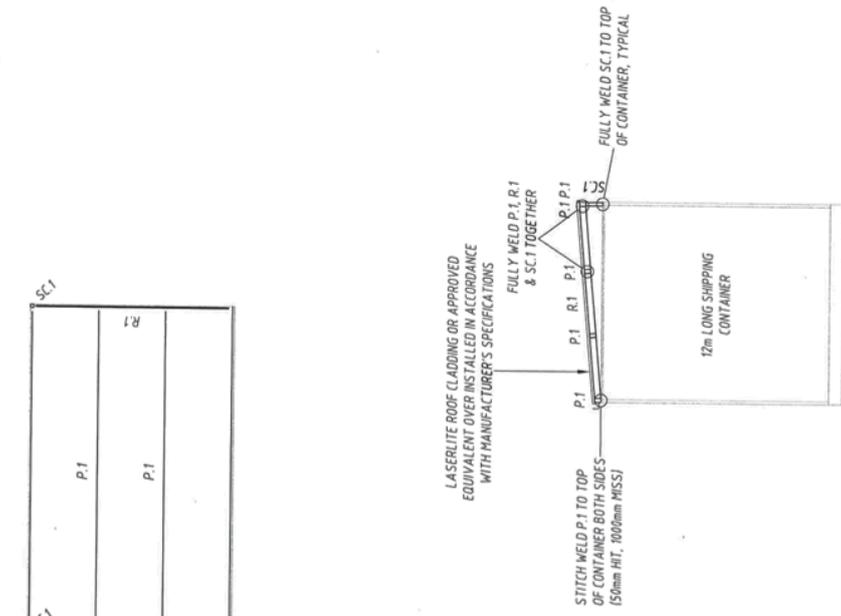
DENOTES AREA OF CONTAINER ROOF TO BE REMOVED

DO NOT CUT INTO THE SHS AT THE TOP OF THE WALLS

DENOTES AREA OF CONTAINER ROOF TO REMAIN

FOR APPROVAL

CLIENT FRANK SMOLLE	DESIGNED JTB	DATE MARCH 14	APPROVED [Signature]
DRAWN JTB	SCALE AS SHOWN	DATE MARCH 14	REVISION [Signature]
PROJECT GREENHOUSE SHIPPING CONTAINERS 267 FOREST REEFS ROAD, MILL THORPE		JOB NO. 35951	
CLIENT COOK & ROE STRUCTURAL ENGINEERS 10/115 WILSON ST, WILSON VIC 3207 PO BOX 933, ORANGE NSW 2800 COOKANDROE.COM.AU		REVISION S.03	
DO NOT SCALE COOK & ROE This document may only be used for the project for which it was prepared. It is not to be used for any other project. All dimensions are in millimetres unless otherwise stated. For further information, please contact the author.			
ISSUED FOR APPROVAL	JTB	DATE 22.03.19	CHK



ROOF MARKING PLAN (IN PART)
SCALE 1:50

ROOF MEMBER SCHEDULE		
MARK	SIZE	REMARKS
P.1	75x50x1.6 RHS OR 75x50x2 RHS	PIRLIN
R.1	75x50x2 RHS	RAFTER
SC.1	40x2 SHS	STUB COLUMN

STEELWORK NOTES

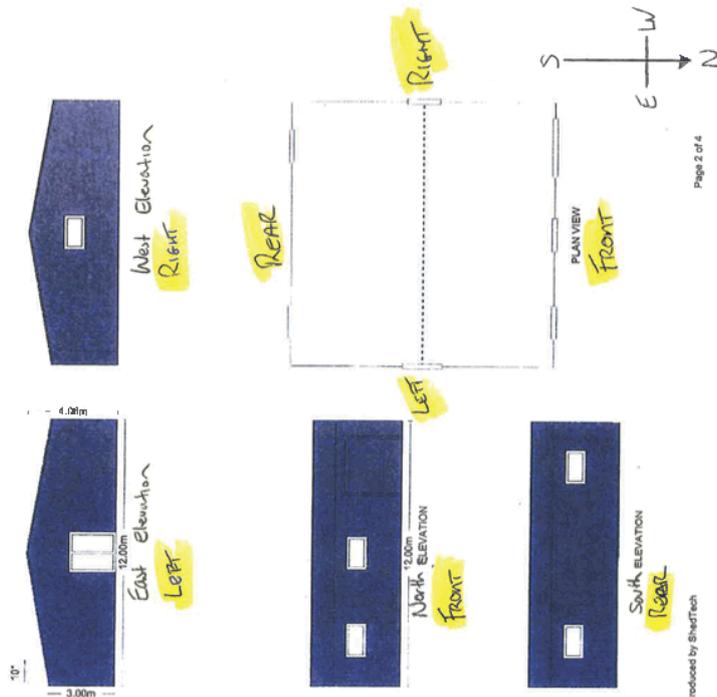
1. ALL STEEL JOINTS TO BE WELDED UNLESS OTHERWISE SPECIFIED.
2. ALL STEELWORK TO BE GALVANNEAL UNLESS OTHERWISE SPECIFIED.
3. ALL STEELWORK TO BE PAINTED UNLESS OTHERWISE SPECIFIED.
4. ALL STEELWORK TO BE WELDED TO THE MANUFACTURER'S SPECIFICATIONS UNLESS OTHERWISE SPECIFIED.
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10. ALL STEELWORK TO BE WELDED TO THE MANUFACTURER'S SPECIFICATIONS UNLESS OTHERWISE SPECIFIED.

TYPICAL SECTION
SCALE 1:50

FOR APPROVAL

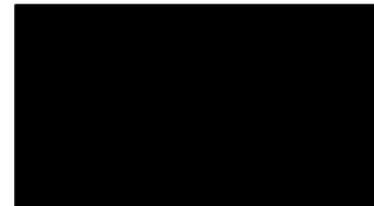
	Drawn: FRANK SMOLLE Checked: <i>[Signature]</i> Date: MARCH 19 Job No: 35951 Drawing No: S.04 Rev: A	GREENHOUSE SHIPPING CONTAINERS 267 FOREST REEFS ROAD, MILL THORPE ROOF MARKING PLAN & SECTION
COOK ROE STRUCTURAL ENGINEERS 100 BURN 1915, ORANGE NSW 2800 COOKANDROE.COM.AU	DO NOT SCALE COOK & ROE This drawing has been prepared by the firm of Cook & Roe Structural Engineers Pty Ltd. It is not to be used for any other purpose without the written consent of Cook & Roe Structural Engineers Pty Ltd.	0 500 1000 1500mm SCALE 1:50 AT ORIGINAL SIZE
DESIGNED FOR APPROVAL Checked: <i>[Signature]</i> Date:	JTB MARCH 19	Date:

Central West Home Improvements ABN: 85 603 248 634 Phone: 0428 421 528 Address: 1 Edward Street Orange NSW 2860 Email: centralwesthomeimprovements@gmail.com	Quotation No: 198668 Date: 02/07/2018 Valid: 14 Days
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Page 2 of 4

Produced by ShedTech

5th March 2019

The General Manager
Blayney Shire Council
91 Adelaide Street
BLAYNEY NSW 2799

Your Reference IAPPD/45798

Re. Development Application 9/2019, Lot 2, DP1239233 – 267 Forest Reefs Road, Millthorpe, Erection of a Rural Shed with Water Closet, Erection of a Greenhouse and Installation of Onsite Waste Water Management System.

As an adjoining neighbour, [REDACTED] Forest Reefs Road, Millthorpe and as the developer of Boothgrove Estate I would like to make the following submission.

We purchased [REDACTED] in December, 2017 with a Council approved 16 lot Rural Residential Subdivision, DA 24/2017. Since then this Development Application has been modified to allow us to stage the development. We are currently preparing Stage 1, of which Lot 100 is adjacent to the Lot in question.

We now find that a concrete slab 12 metres x 12 metres has already been constructed and this is 8.2 metres from our boundary, though the building envelope on the original subdivision approval indicates that no building is to take place within 20 metres of our boundary. The concrete slab appears to have no plumbing for a water closet and no moisture barrier. Was this constructed with no Council DA and building inspection?

Last year the owner told my son that they intend to build a shed house on the block, this is supported by the window and door layout of the shed appear that it will be used as a residence, if so does this need to be approved in a separate DA?

Adjacent to the concrete slab is three 12 metre (40 foot) shipping containers, 2 adjacent to each other and then a gap to the third one. The plan shows that the shipping container development will be 6 metres x 8 metres in total, but the shipping containers are actually 12 metres long and currently cover a total area of approximately 12 meters x 12 meters. These dimensions far exceed what is proposed in the application. What is Council's policy regarding shipping containers used as buildings in the R5 zoning? We believe these containers have been located to be used as storage for an online business in a commercial operation and if so will this operation require a separate DA?

-

It is our intention to develop the “Lynwood” Estate to the same high quality as that of the Boothgrove Estate and as this development will be very visible from future new home sites it will devalue the Lynwood Estate.

As the developer of the Boothgrove Estate we are very proud of the high standard that has been achieved. We have brought many new people from many different locations to become residents and ratepayers of our Shire and with the high standard of the development people have built prestige homes and developed the landscape to outstanding qualities. When the residents purchased their blocks they knew they were covered by Covenants throughout the Estate and councils planning rules to prevent any devaluing of their property. Now many of these residents from their homes situated along Charles Booth Way and Mitchell Close will look into this development which will create an unsightly visual outlook.

Could Council please check the address of this development as Council has referred to it as 267 Forest Reefs Road although the enclosed plan and rural addressing at the road refers to it as 269 Forest Reefs Road.

In your process of dealing with this application, please consider our concerns and that of many residents of Boothgrove Estate regarding the visual outlook that this development application will present.





Hi,

Can we please register this as a submission to 9/2019.

Thanks

Dan
Daniel Drum
Manager Planning
Blayney Shire Council



To: Daniel Drum <DDrum@blayney.nsw.gov.au>
Subject: DA 9/2019 Lot 2 267 Forest Reefs Rd Millthorpe

Dear Mr Drum

Great to speak to you on Friday.
We are the owners of  Forest Reefs Road Millthorpe, the adjoining property to Lot 2, 267 Forest Reefs Rd. We share a 95 m long boundary on the northern side of #267.

We object to the proposed greenhouse being located so close to our shared boundary. Drawings indicate it will be 20 m from the boundary. Locating it this close to the boundary will affect the amenity and privacy of our property as it will be highly visible from our property. Given lot 2 is approx 165 m long on the north to south axis we believe there is ample room to relocate it to a position that will be less obvious and visible from our property and not within 20m of the shared boundary. Ideally, we suggest it should be located down the hill towards the existing small shed furthest from the boundary as it will be substantially less visible from our yard. Looking out onto a shipping container from our backyard will affect our enjoyment of the rural surroundings.

The proposed greenhouse appears to be suited to a commercial plant nursery. Can you please make a note to ensure that all commercial plant nursery activity is assessed as a separate application, and is not undertaken without consent.

The documents do not specify the final colour and final finish of the greenhouse. We suggest this is specified to ensure it is painted a colour or clad in a material that blends in with the surrounding landscape, thus reducing the overall visibility and impact and ensure it does not look like a shipping container.

The documents do not specify which direction the windows and door on the proposed greenhouse will be facing. It also does not indicate how many windows. If the windows were facing our property, this would have significant visual impact and be a privacy concern. We suggest any approval should specify that windows must face away from our property to maintain our privacy.

Additionally, should the proposed greenhouse be equipped with artificial lighting that runs after dark, this will impact both us and the surrounding neighbors with light pollution. Given the rural setting, we believe its not appropriate to infringe on neighbors sense of rural peace with any lighting that is non-residential. Can you please specify that if lighting is to be run in the greenhouse after dark, that the windows should be covered to ensure the light does not escape.

Please confirm the length of the greenhouse as drawing 1 of 1 is not drawn to accurate scale (even though it says 1:500).
The drawings indicate it will be 24 m long but measurement of the actual drawing indicates it will be <15 m from the shared boundary and approx 33m long .

Thanks for your time on this and best regards

A large black rectangular redaction box covering the signature area of the email.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

6 March 2019

Hand Delivery
Blayney Shire Council
91 Adelaide Street
Blayney NSW 2799

Dear Sir/Madam,

**Re: Affected Resident Submission
Development Application 9/2019
Lot 2, DP1239233 - 267 Forest Reefs Road, Millthorpe
Erection of a Rural Shed with Water Closet, Erection of a Greenhouse
& Installation of Onsite Waste Water Management System**

Council lists this Development Application as being for Lot 2, 267 Forest Reefs Road, Millthorpe. The physical address for this lot appears to be Lot 2, 269 Forest Reefs Road, Millthorpe.

Residents overlooking this proposed development have previously contacted Council regarding the unauthorised placement of 3 x 40 foot shipping containers upon this lot. We first raised this issue with Council on the 31st July 2018. Daniel Drum, Manager Planning, Blayney Council has liaised with us since that date, and many emails have been exchanged, and conversations had in relation to this matter.

The proposed Development Application lacks detail and does not satisfactorily address the concerns which many existing residents in the affected vicinity have previously voiced to Council. Namely: Is the landholders intention to develop really of a rural residential nature or is it something otherwise? What orientation will the proposed new shed have? Based on the information sent to some adjoining landholders, this is unclear. Presumably there is going to be a water tank to allow the water closet to function. Is the planned size, location, material composition and colour of the water tank something that should be addressed in the Development Application? Will all of the current unauthorised shipping containers be used to construct the "greenhouse"? If not, what is the timeline for removing any remaining shipping containers or remnants thereof?

To date, this landholder has demonstrated a lack of regard for Council's processes and a general disregard for the surrounding neighbourhood. The 3 shipping containers arrived in July 2018 without Council approval. The slab for the proposed new shed was poured in October 2018, again without Council approval. The lot has been poorly maintained during the spring and summer months and there has been "paddock bashing" of motor vehicles during this period.

I strongly feel that if Council approves a Development Application for this lot, that Development Application must contain specific conditions and safeguards to minimise the impact of this landholders development upon overlooking and neighbouring residents.

Given the landholders association with a second hand goods business in Orange, we are very concerned that this lot will become nothing more than an industrial storage facility/ second hand junkyard. The proposed Development Application does not contain plans for a residential dwelling, there are currently 3 unauthorised 40 foot shipping containers, and the addition of an over 4 metre high, 12 x 12 metre shed does nothing but exacerbate these concerns. We also believe that the proposed new shed site is outside the current building envelope for this lot.

Following is a post from Smolle's Trading Mart Website (the previously referred to second hand goods business in Orange) , posted 2 February 2018 (complete with original spelling mistakes) under the heading of "Most Common Question" in their blog under "News".

section<https://smolle.com.au/category/news/page/3/>

[Start of quote]: *So Frank when are you closing up?*

In short... I am not closing up. Many know I sold the property that we are trading from. But I have a one year lease back with the option for the second year. So we have got a two year plan. Then we have a post two year plan.

My Wife has purchased a property just 2 minute out of Milthorpe. That is where our future is together.

I have about 28 boxes of stock that are on display here on this web page, but not on display in the shop. So that will be the first to go to Milthorpe in a storage container. This will be our first step. Then to build a home. So then we hope to keep trading one way or another.

I just found out that an old school mate has a shop there in Milthorpe aswell there are many people i know there. To boot our new next door neighbour happens to be mates with an old mate of mine. Also Milthorpe is full of antique shops so I will fit in, and hopefully be welcomed by others in town. [End of quote]

Following is another article to further illustrate the intent of this landholder and her husband, again posted on their website blog on the 6th November 2018.

The doors may be closing but the browser is open

Smolie's Trading Mart | 137 Peisley Street, ORANGE | www.smolies.com.au

The longest, oldest and largest second hand shop in Orange is now closing their doors. However, trade will continue online. Frank Smolie is closing the doors on the shopfront at 137 Peisley St but will continue selling the high quality second hand and antique items he is known for through the on website and other platforms.

There are already over 2000 items on the webpage and Frank has always wanted to be an online business community he now has a global customer base, sending items to areas like the UK, Ireland, and the USA. The online shopfront attempts to maintain the feeling of actually dealing with the items owing in the form of the 'Buy Me' button so you can ask for a receipt. During this transition period though the doors are still open and Frank will offer no discount as on the furniture in the transition is completed in the coming months.

As the a three generation business that Frank's Grandfather built, Frank has mixed emotions about moving purely online. Sub to move out of a building that Frank Smolie built, and said for not having that ongoing face to face contact with customers.

However Frank and his wife Liz are looking forward to the increased time to spend with the family that closing the brick and mortar shop will give them. While still dealing with beautiful items that are both rare and antique, Frank will still be available to buy items that you may have that you wish to turn into cash, concentrated by online items, chinaware, and garden ornaments.

Frank's work is necessary to my business as the goods in this shop and the Frank's items people just do not know the value of what they or their elders have, people have so often online for only a fraction of what it's worth. In other cases, Frank's more valuable than it is. However, we will have anything that will last 100 years coming out of our shopfront's culture as we have from previous generations.

If you would like to see some of the high quality, retro or quirky items Frank Smolie has available head to the website www.smolies.com.au



In light of these details, Council should not allow the continued presence of any shipping containers upon this lot. Based upon the actions to date of this landholder and this website evidence, there is the very serious question as to whether the landholders intended use of the property is in keeping with its Rural Residential Zoning. These articles clearly demonstrate an intent to operate an internet based business with a warehousing component. Council cannot allow this business to be set up on our doorsteps, amongst our homes and gardens, in a Rural Residentially zoned area.

The impact of any proposed development by this landholder can be minimised by Council as follows:

1. Including express provisions in any approved Development Application along the lines of that the running and/or warehousing of/for any real or virtual business is expressly prohibited on this lot.

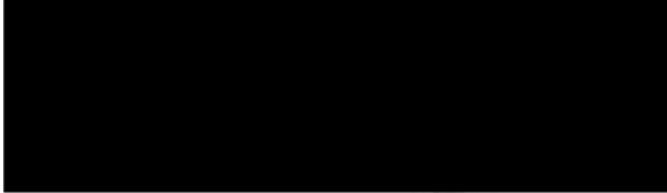
Assuming the landholder wishes to proceed with a Development Application for bona fide Rural Residential activities:

2. Ensuring any new shed has a colour scheme that blends into the surrounding landscape.
3. Issuing an order preventing the location of further shipping containers upon this lot.
4. Setting a 6 month deadline to construct the shipping container "greenhouse", which adheres to the 6 x 6 metre footprint as shown in the proposed Development Application. A height restriction for this structure should also be considered and set by Council. The structure needs to be made visually appealing and must be suitably finished in a colour that blends into the surrounding landscape.
5. Issuing a removal order for any remaining shipping containers or parts thereof that have not been used to construct the "greenhouse". (The proposed new 12 x 12 metre shed is surely sufficient storage for a rural residential lot that is yet to be permanently occupied, and is expressly prohibited from functioning as a warehousing facility.) The removal order should have a 6 month deadline that runs concurrently with the "greenhouse" construction deadline.
6. Requiring the landholder to plant and maintain fast growing evergreen screening trees to conceal the planned structures, particularly on their eastern and southern frontages.

We understand that a landholder has a right to develop their lot, however to date the actions of this landholder have not respected the surrounding community, nor have they respected Council's rules and regulations, specifically Council's Development Control Plan. During the Development Application approval process for this lot, specific conditions and safeguards must be enacted by Council to ensure that adjoining and overlooking residents can continue to enjoy their rural residential lifestyles and vistas without being adversely impacted by this landholder.

My wife and I have purchased our own lot and developed it in accordance with all of Councils rules and regulations. Surely these same rules and regulations must now offer us some form of protection from ill conceived and inappropriate developments?

Yours faithfully

A large black rectangular redaction box covering the signature and name of the sender.A smaller black rectangular redaction box covering the address of the sender.

6 March 2019

Hand Delivery
Blayney Shire Council
91 Adelaide Street
Blayney NSW 2799

Dear Sir/Madam,

**Re: Affected Resident Submission
Development Application 9/2019
Lot 2, DP1239233 - 267 Forest Reefs Road, Millthorpe
Erection of a Rural Shed with Water Closet, Erection of a Greenhouse
& Installation of Onsite Waste Water Management System**

Council lists this Development Application as being for Lot 2, 267 Forest Reefs Road, Millthorpe. The physical address for this lot appears to be Lot 2, 269 Forest Reefs Road, Millthorpe.

We are residents overlooking this proposed development and have previously contacted Council regarding the unauthorised placement of 3 x 40 foot shipping containers upon this lot. We first raised this issue with Council on the 31st July 2018. Daniel Drum, Manager Planning, Blayney Council has liaised with us since that date, and many emails have been exchanged, and conversations had in relation to this matter.

The proposed Development Application lacks detail and does not satisfactorily address the concerns which many existing residents in the affected vicinity have previously voiced to Council. Namely: Is the landholders intention to develop really of a rural residential nature or is it something otherwise? What orientation will the proposed new shed have? Based on the information sent to some adjoining landholders, this is unclear. Presumably there is going to be a water tank to allow the water closet to function. Is the planned size, location, material composition and colour of the water tank something that should be addressed in the Development Application? Will all of the current unauthorised shipping containers be used to construct the "greenhouse"? If not, what is the timeline for removing any remaining shipping containers or remnants thereof?

To date, this landholder has demonstrated a lack of regard for Council's processes and a general disregard for the surrounding neighbourhood. The 3 shipping containers arrived in July 2018 without Council approval. The slab for the proposed new shed was poured in October 2018, again without Council approval. The lot has been poorly maintained during the spring and summer months and there has been "paddock bashing" of motor vehicles during this period.

We strongly feel that if Council approves a Development Application for this lot, that Development Application must contain specific conditions and safeguards to minimise the impact of this landholders development upon overlooking and neighbouring residents.

Given the landholders association with a second hand goods business in Orange, we are very concerned that this lot will become nothing more than an industrial storage facility/ second hand junkyard. The proposed Development Application does not contain plans for a residential dwelling, there are currently 3 unauthorised 40 foot shipping containers, and the addition of an over 4 metre high, 12 x 12 metre shed does nothing but exacerbate these concerns. We also believe that the proposed new shed site is outside the current building envelope for this lot.

Following is a post from Smolle's Trading Mart Website (the previously referred to second hand goods business in Orange) , posted 2 February 2018 (complete with original spelling mistakes) under the heading of "Most Common Question" in their blog under "News".

section<https://smolle.com.au/category/news/page/3/>

[Start of quote]: *So Frank when are you closing up?*

In short... I am not closing up. Many know I sold the property that we are trading from. But I have a one year lease back with the option for the second year. So we have got a two year plan. Then we have a post two year plan.

My Wife has purchased a property just 2 minute out of Milthorpe. That is where our future is together.

I have about 28 boxes of stock that are on display here on this web page, but not on display in the shop. So that will be the first to go to Milthorpe in a storage container. This will be our first step. Then to build a home. So then we hope to keep trading one way or another.

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Following is another article to further illustrate the intent of this landholder and her husband, again posted on their website blog on the 6th November 2018.

The doors may be closing but the browser is open

Smolle's Trading Mart | 137 Peisley Street, ORANGE | www.smolles.com.au

The longest lasting and largest second-hand shop in Orange is now closing their doors. However trade will continue online. Frank Smolle is closing the doors on the shopfront at 137 Peisley St but will continue selling the high quality second-hand and antique items he is known for through his own website and other platforms.

There are already over 2000 items on the webpage, and while Frank has always wanted to focus on serving the local community he now has a global customer base, sending items to places like the UK, Ireland, and the USA. The online shopfront attempts to maintain the feeling of actually dealing with the shop owner in the form of the of the "Make Offer" button so you can ask for a discount. During this transition period though the doors are still open and Frank will be offering clearance deals on the furniture till the transition is completed in the coming months.

As this is a three generation business that Frank's Grandfather built, Frank has mixed emotions about moving purely online. Sad to move out of a building that Frank Smolle Snr. built, and sad for not having that ongoing face to face contact with customers.

However Frank and his wife Liz are looking forward to the increased time to spend with the family that closing the brick and mortar shop will give them - while still dealing with beautiful items that are stylish, retro and antique. Frank will still be available to buy items that you may have that you wish to turn into cash, concentrating on small items, chinaware, and genuine antique furniture.

With our modern tendency to buy cheap, disposable goods in this day and age Frank says 'some people just do not know the value of what they or their elders have; people have sold stuff online for only a fraction of what it's worth, but in other cases think it's more valuable than it is. However, I doubt we will have anything that will last 100 years coming out of our throwaway culture as we have from previous generations.'

if you would like to see some of the high quality, retro or quirky stock Frank Smolle has available head to the website www.smolles.com.au

In light of these details, Council should not allow the continued presence of any shipping containers upon this lot. Based upon the actions to date of this landholder and this website evidence, there is the very serious question as to whether the landholders intended use of the property is in keeping with its Rural Residential Zoning. These articles clearly demonstrate an intent to operate an internet based business with a warehousing component. Council cannot allow this business to be set up on our doorsteps, amongst our homes and gardens, in a Rural Residentially zoned area.

The impact of any proposed development by this landholder can be minimised by Council as follows:

1. Including express provisions in any approved Development Application along the lines of that the running and/or warehousing of/for any real or virtual business is expressly prohibited on this lot.

Assuming the landholder wishes to proceed with a Development Application for bona fide Rural Residential activities:

2. Ensuring any new shed has a colour scheme that blends into the surrounding landscape.

3. Issuing an order preventing the location of further shipping containers upon this lot.

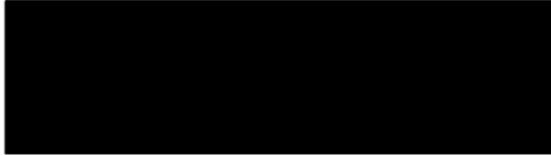
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6. Requiring the landholder to plant and maintain fast growing evergreen screening trees to conceal the planned structures, particularly on their eastern and southern frontages.

We understand that a landholder has a right to develop their lot, however to date the actions of this landholder have not respected the surrounding community, nor have they respected Council's rules and regulations, specifically Council's Development Control Plan. During the Development Application approval process for this lot, specific conditions and safeguards must be enacted by Council to ensure that adjoining and overlooking residents can continue to enjoy their rural residential lifestyles and vistas without being adversely impacted by this landholder.

We have purchased our own lot and developed it in accordance with all of Councils rules and regulations. Surely these same rules and regulations must now offer us some form of protection from ill conceived and inappropriate developments?



6 March 2019

Hand Delivery
Blayney Shire Council
91 Adelaide Street
Blayney NSW 2799

Dear Sir/Madam,

**Re: Affected Resident Submission
Development Application 9/2019
Lot 2, DP1239233 - 267 Forest Reefs Road, Millthorpe
Erection of a Rural Shed with Water Closet, Erection of a Greenhouse
& Installation of Onsite Waste Water Management System**

Council lists this Development Application as being for Lot 2, 267 Forest Reefs Road, Millthorpe. The physical address for this lot appears to be Lot 2, 269 Forest Reefs Road, Millthorpe.

We are residents overlooking this proposed development and have previously contacted Council regarding the unauthorised placement of 3 x 40 foot shipping containers upon this lot. We first raised this issue with Council on the 31st July 2018. Daniel Drum, Manager Planning, Blayney Council has liaised with us since that date, and many emails have been exchanged, and conversations had in relation to this matter.

The proposed Development Application lacks detail and does not satisfactorily address the concerns which many existing residents in the affected vicinity have previously voiced to Council. Namely: Is the landholders intention to develop really of a rural residential nature or is it something otherwise? What orientation will the proposed new shed have? Based on the information sent to some adjoining landholders, this is unclear. Presumably there is going to be a water tank to allow the water closet to function. Is the planned size, location, material composition and colour of the water tank something that should be addressed in the Development Application? Will all of the current unauthorised shipping containers be used to construct the "greenhouse"? If not, what is the timeline for removing any remaining shipping containers or remnants thereof?

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We strongly feel that if Council approves a Development Application for this lot, that Development Application must contain specific conditions and safeguards to minimise the impact of this landholders development upon overlooking and neighbouring residents.

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The biggest odd and largest second hand shop in Orange is now closing that doors. However, the online store continues. Frank Smolle is closing the doors on the shopfront at 127 Peistley Street, but is continuing the high quality second hand and antique items he's known for through his own website and other platforms.

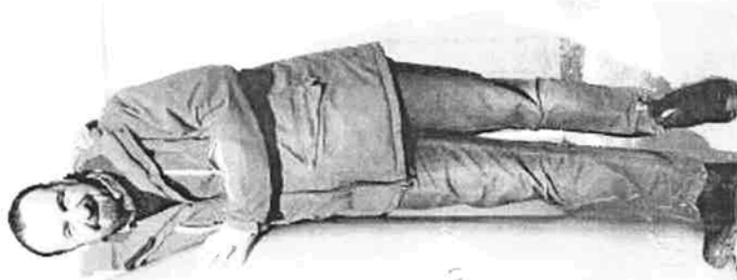
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As this is a two generation business, that Frank's Grandfather said, Frank has to see the doors about moving purely online. Said to move out of a building that Frank Smolle built, and said for next morning that ongoing face to face contact with customers.

However Frank and his wife Liz are looking forward to the increased time to spend with the family that closing the brick and mortar shop will give them while still dealing with beautiful items that many are after and antique. Frank will still be available to buy items that you may have that you wish to turn into cash, concentrate on small items, children and genuine antique families.

While it will be a time to say goodbye to many items, Frank in this day and age, Frank says some people just do not know the value of what they or their elders have people have so often only a fraction of what it's worth. In other cases, think it's more valuable than it is. However, do be sure with anything that it will last 100 years coming out of our throwaway culture as it's here from previous generations.

Frank would like to see some of the high quality, rare or quirky items Frank's move to his available head to the website www.smolles.com.au



In light of these details, Council should not allow the continued presence of any shipping containers upon this lot. Based upon the actions to date of this landholder and this website evidence, there is the very serious question as to whether the landholders intended use of the property is in keeping with its Rural Residential Zoning. These articles clearly demonstrate an intent to operate an internet based business with a warehousing component. Council cannot allow this business to be set up on our doorsteps, amongst our homes and gardens, in a Rural Residentially zoned area.

The impact of any proposed development by this landholder can be minimised by Council as follows:

1. Including express provisions in any approved Development Application along the lines of that the running and/or warehousing of/for any real or virtual business is expressly prohibited on this lot.

Assuming the landholder wishes to proceed with a Development Application for bona fide Rural Residential activities:

2. Ensuring any new shed has a colour scheme that blends into the surrounding landscape.
3. Issuing an order preventing the location of further shipping containers upon this lot.
4. Setting a 6 month deadline to construct the shipping container "greenhouse", which adheres to the 6 x 6 metre footprint as shown in the proposed Development Application. A height restriction for this structure should also be considered and set by Council. The structure needs to be made visually appealing and must be suitably finished in a colour that blends into the surrounding landscape.
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6. Requiring the landholder to plant and maintain fast growing evergreen screening trees to conceal the planned structures, particularly on their eastern and southern frontages.

We understand that a landholder has a right to develop their lot, however to date the actions of this landholder have not respected the surrounding community, nor have they respected Council's rules and regulations, specifically Council's Development Control Plan. During the Development Application approval process for this lot, specific conditions and safeguards must be enacted by Council to ensure that adjoining and overlooking residents can continue to enjoy their rural residential lifestyles and vistas without being adversely impacted by this landholder.

We have purchased our own lot and developed it in accordance with all of Councils rules and regulations. Surely these same rules and regulations must now offer us some form of protection from ill conceived and inappropriate developments?

Yours faithfully





4th March 2019

Blayney Shire Council
91 Adelaide Street
BLAYNEY NSW 2799

Dear Sir/Madam

RE: OBJECTION TO DEVELOPEMENT APPLICATION NO: 9/2019
LOT 2, DP1239233 – 267 FOREST REEFS ROAD, MILLTHOPRE
ERECTION OF A RURAL SHED WITH WATER CLOSET, ERECTION OF A GREENHOUSE
& INSTALLATION OF ONSITE WASTE WATER MANAGEMENT SYSTEM

We refer to the above and wish to object to the Development Application lodged with Council on the following grounds:-

1. **Proposed Shed**

The proposed shed in the Development Application is shown to be outside the building envelope. Is this correct? As this shed is going to be quite large, it should be built at a reasonable height and of a suitable colour to blend in with the environment.

Also, from the attached drawings it is difficult to determine the orientation of the shed. It has two fronts and two rears and no side view and no indication as to which way it is facing on the block.

Some consideration should also be made to screening with trees, shrubs etc.

-2-

Blayney Shire Council

4th March 2019**2. Proposed Greenhouse**

The Development Application also proposes a Greenhouse with a footprint of 8x6 metres constructed with Shipping Containers. Currently there are 3x 40 foot shipping containers located in this position which far exceeds the footprint of 8x6 metres.

It is hard to believe that the shipping containers are truly going to be used for the purpose of a greenhouse as they are currently stored with second hand antiques and furniture from the landholder's business in Orange.

It appears from the landholder's business website that they intend to carry on operating the business from this address using the shipping containers as storage for the goods.

Having three shipping containers on the property contravenes Council's Development Control Plan.

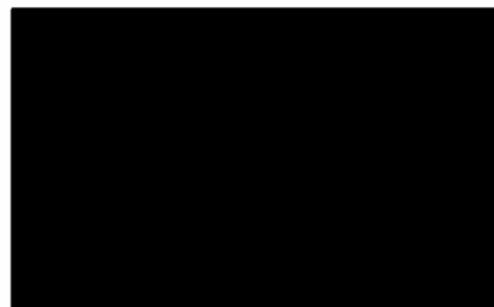
3. Operation of Business from Property

It appears that the landholder intends on running his antiques business online. That does not concern us. What concerns us is the storage of the goods. According to Council's Development Plan the landholder is not permitted to operate a business out of an outbuilding without permission. Does he have permission to operate his business?

In our opinion, we think that the landholder should not be able to operate a business as it is zoned Rural Residential and NOT Commercial/Residential. If it was a small scale business we would not have an issue with it but to our knowledge it is a fairly large business that the landholder wishes to operate.

In closing, if this Development Application is to be approved, as we have stated above all containers in excess of requirements for greenhouse development should be removed and the outbuildings be painted a suitable colour to blend in with the environment, softened with suitable planting so the property does not look like "Port Botany Container Terminal".

Yours sincerely



6 March 2019

Blayney Shire Council
91 Adelaide Street
Blayney NSW 2799

Dear Sir/Madam,

**Re: Affected Resident Submission
Development Application 9/2019
Lot 2, DP1239233 - 267 Forest Reefs Road, Millthorpe
Erection of a Rural Shed with Water Closet, Erection of a Greenhouse
& Installation of Onsite Waste Water Management System**

We are residents looking directly at this proposed development.

We have been kept informed by other residents of correspondence between Council's Officer Daniel Drum, Manager Planning, since last July, 2018 through emails that have been exchanged, and conversations had in relation to this matter.

The proposed Development Application lacks detail and does not satisfactorily address the concerns which many existing residents in the affected vicinity have previously voiced to Council. Based on the information sent to some adjoining landholders, this is unclear.

Is the water closet located within the shed? If so could this be a forerunner to occupation of the "shed" as a dwelling?

If so, then the "shed" would need to be at least 20 metres from the boundary per the restriction registered in the Deposited Plan.

Will all of the current unauthorised shipping containers be used to construct the "greenhouse"? If not, what is the timeline for removing any remaining shipping containers or remnants thereof? To date, this landholder has demonstrated a lack of regard for Council's processes and a general disregard for the surrounding neighbourhood. The 3 shipping containers arrived in July 2018 without Council approval. The slab for the proposed new shed was poured in October 2018, again without Council approval.

This DA appears to gain authorisation for the current unauthorised activities that have occurred since the applicants purchased the property. We have been informed that Council has a policy on the placement of shipping containers on residential / rural zoned properties. It is our understanding that only ONE container is permissible and that that container is enclosed within a shed like structure.

If this is so, than surely it is as part of this assessment that Council's policy be enforced by a condition of approval of this DA that the remaining ONE container be enclosed and the other 2 removed.

We strongly feel that if Council approves a Development Application for this lot, that Development Application must contain specific conditions and safeguards to minimise the impact of this landholders development upon overlooking and neighbouring residents.

It appears from articles and movements at the current containers that a proposed business is taking place or to take place . Council cannot allow this business to be set up on our doorsteps, amongst our homes and gardens, in a Rural Residentially zoned area.

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respected Council's rules and regulations, specifically Council's Development Control Plan. During the Development Application approval process for this lot, specific conditions and safeguards must be enacted by Council to ensure that adjoining and overlooking residents can continue to enjoy their rural residential lifestyles and vistas without being adversely impacted by this landholder.

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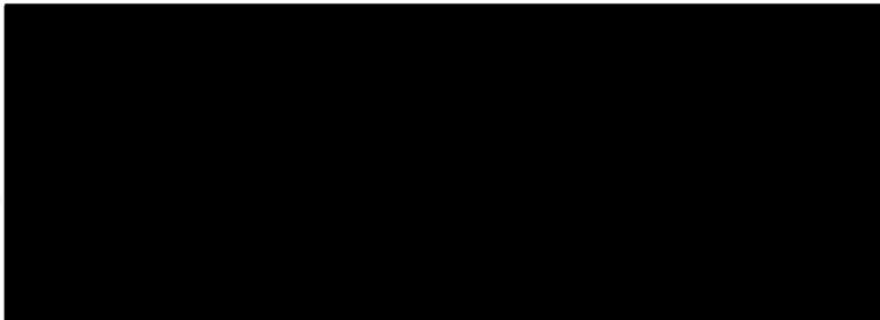
We are also disappointed that we were not informed of the DA – which apparently has been approved for the property immediately to the west of our property. We share a common boundary of over 200 metres yet Council considers the DA for development of 3/1239233 irrelevant to us.

Why is this so?

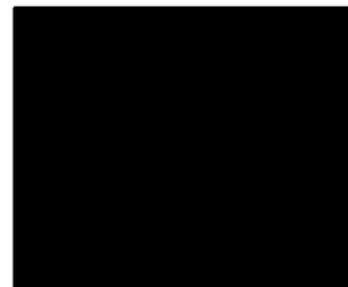
You notified residents not even adjoining our boundary of the DA (s) that we have lodged with Council since we purchased the property in 2015. When has the rules changed? If so was all landholders advised of these changes to the planning provisions that previously existed?

We feel that Council is allowing unrestricted activities on adjoining properties and we have no say. Please demonstrate that this is not so by considering our submission on this DA.

Yours faithfully



The General Manager
 Blayney Shire Council
 91 Adelaide Street
 BLAYNEY NSW 2799



Your Reference IAPPD/45798

Re. Amended Plans, Lot 2, DP1239233 – 267 Forest Reefs Road, Millthorpe, Erection of a Rural Shed with Water Closet, Erection of a Greenhouse and Installation of Onsite Waste Water Management System.

As an adjoining neighbour, [redacted] Forest Reefs Road, Millthorpe and as the developer of Boothgrove Estate I would like to make the following submission.

We purchased [redacted] in December, 2017 with a Council approved 16 lot Rural Residential Subdivision, DA 24/2017. Since then this Development Application has been modified to allow us to stage the development. We are currently preparing Stage 1, of which Lot 100 is adjacent to the Lot in question.

We now find that a concrete slab 12 metres x 12 metres has already been constructed and this is 8.2 metres from our boundary. The new plan indicates that the shed is to be 10 metres from our boundary. I totally object as the slab has been poured at 8.2 metres from our boundary and apparently with no Council DA approval.

The use of shipping containers for the proposed green house construction will be very visible for many residents of Boothgrove and the proposed new Lynwood Estate, therefore we are concerned that these shipping containers will not be visually pleasing unless some method of disguising by cladding in a suitable material is implemented.

In your process of dealing with this application, please consider our concerns and that of many residents of Boothgrove Estate regarding the visual outlook that this development application will present.

Yours sincerely



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.

15) INVEST IN ORANGE REGION REPORT

This matter is considered to be confidential under Section 10A(2) (diii) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (iii) reveal a trade secret.