



10 December 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, 16 December 2019 at 5.00pm 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 18.11.19
- (8) Matters arising from Minutes
- (9) Reports of Staff
 - (a) Executive Services
 - (b) Corporate Services
 - (c) Infrastructure Services
 - (d) Planning and Environmental Services
- (10) Delegates Reports
- (11) Closed Meeting

Yours faithfully

Rebecca Ryan
General Manager

Meeting Calendar 2019 / 2020

December

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
10.30am	11 December 2019	Central Tablelands Water Meeting	Canowindra
6.00pm	16 December 2019	Council Meeting	Community Centre

January

Nil

February

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
6.00pm	3 February 2020	Cultural Centre Working Group Meeting	Community Centre
10.00am	7 February 2020	Traffic Committee Meeting	Community Centre
6.00pm	17 February 2020	Council Meeting	Community Centre
6.00pm	20 February 2020	Sports Council Meeting	Community Centre
6.00pm	25 February 2020	Tourism, Towns and Villages Committee Meeting	Community Centre
10.00am	27 February 2020	Central NSW JO Board Meeting	Weddin Shire
5.00pm	27 February 2020	Cemetery Forum	Community Centre
5.45pm	27 February 2020	Access Advisory Committee Meeting	Community Centre

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HELD ON MONDAY 16 DECEMBER 2019

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LIVE STREAMING OF COUNCIL MEETINGS

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

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

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

01) THE TIMBER TRUSS BRIDGE BOOK GIFT

Author: Mayor Scott Ferguson

File No: CR.MM.1

Recommendation:

That Council accept the book entitled The Timber Truss Bridge Book and make available at the Blayney Library.

Item:

Roads and Maritime Services announced the publication and release of 'The Timber Truss Bridge Book' and have issued all Councils in NSW a copy.

This publication celebrates all aspects of timber truss bridges, with particular focus on the bridges of NSW. Each of the authors is an expert in their fields, bringing engineering, historical and heritage perspectives to an intriguing subject.

Featured in the book is the Carcoar Bridge, built over the Belubula River from July 1855 – January 1856 designed by William Weaver.

The publication is also available in digital form on Roads and Maritime's website – <https://www.rms.nsw.gov.au/about/environment/protecting-heritage/timber-truss-bridges.html>

The book will be available through the Blayney Library.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

02) GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW**Department:** Executive Services**Author:** Mayor**CSP Link:** 2. Local Governance and Finance**File No:** PE.PA.3**Recommendation:**

That:

1. Council nominate an additional Councillor, along with the Mayor, Deputy Mayor and a Councillor nominated by the General Manager to comprise the Performance Review Panel.
2. Council delegate all tasks necessary for the completion of the Performance Review and Panel members all undertake training in accordance with the Performance Review Guidelines.
3. The Mayor be delegated authority to finalise all arrangements for the Performance Review Panel to convene in February 2020.

Reason for Report:

The purpose of this Mayoral Minute is to establish a Performance Review Panel of Councillors to undertake the annual performance review for our General Manager, Rebecca Ryan.

Report:

Council has executed a new 5 year contract with the General Manager, Rebecca Ryan which commenced in November 2019.

This contract is based upon the Standard Contract for the Employment of General Managers as per the Guidelines issued under s23A of the Local Government Act (1993).

Council has in place a very successful robust and transparent review process, independently facilitated by Graeme Fleming from 361° Consulting. This process meets regulatory requirements, allows input by all Councillors and has a strong audit trail.

In summary Council's requirements are:

- Ensure that performance is reviewed at least annually.
- Establish a Performance Review Panel, comprising of the Mayor, Deputy Mayor, another Councillor nominated by Council and a Councillor nominated by the General Manager.
- Ensure that panel members are trained in performance management of General Managers.
- Delegate the role of conducting the performance review, reporting findings and recommendations to Council and developing the Performance Agreement, to the Panel.

- Ensure that all Councillors are notified of the relevant dates for the review and that those not on the panel can contribute by providing feedback to the Mayor.
- Ensure that statutory requirements under s223 under the Local Government Act (1993) to monitor performance of the General Manager are adhered to. The Mayor also has statutory requirements under s226 under the Local Government Act, to lead the performance review.

It is proposed that the Performance Review be undertaken in February 2020, and will include a Councillor training module as part of the review process.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

03) MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 18 NOVEMBER 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 18 November 2019, being minute numbers 1911/001 to 1911/015 be confirmed.

MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE, ON 18 NOVEMBER 2019, COMMENCING AT 6.00PM

Present: Crs S Ferguson (Mayor), S Denton, A Ewin (Deputy Mayor), D Kingham, 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	13	68	Carcoar Sportsground Amenities Block Tender	Contracting to one of the tenderers for this project.

CONFIRMATION OF MINUTES

MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 21 OCTOBER 2019

1911/001

RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 21 October 2019, being minute numbers 1910/001 to 1910/020 be confirmed.

(Kingham/Somerville)

CARRIED

MATTERS ARISING FROM THE MINUTES

Nil

EXECUTIVE SERVICES REPORTS

APPLICATION FOR LEAVE OF ABSENCE

1911/002

RESOLVED:

That Council approve the Leave of Absence application submitted by Councillor Somervaille for the December 2019 Council meeting.

(Newstead/Ewin)

CARRIED

DROUGHT COMMUNITIES PROGRAM EXTENSION

1911/003

RESOLVED:

That Council seek expressions of interest from local community organisations for potential projects to be submitted under the Australian Governments Drought Communities Program - Extension

(Reynolds/Somervaille)

CARRIED

CORPORATE SERVICES REPORTS

REPORT OF COUNCIL INVESTMENTS AS AT 31 OCTOBER 2019

1911/004

RESOLVED:

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

(Newstead/Ewin)

CARRIED

QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2019

1911/005

RESOLVED:

1. That the Quarterly Budget Review Statement for the quarter ending 30 September 2019 be received.
2. That the supplementary votes of \$452k (nett) proposed in the Quarterly Budget Review Statement be adopted resulting in an increase to operating expenditure of \$669k, an increase in income of \$1.14m that includes capital income variations of \$1.22m and an increase to capital expenditure of \$923k.

(Kingham/Somervaille)

CARRIED

AUDITOR'S PRESENTATION – LEANNE SMITH FROM INTENTUS

2018/19 AUDITED FINANCIAL STATEMENTS

1911/006

RESOLVED:

1. That Council adopt the 2018/19 Financial Statements and accept the Auditor’s Report, as submitted by NSW Audit Office.
2. That the 2018/19 transfers to and from Council’s restricted cash be adopted.

(Denton/Newstead)

CARRIED

LEASE OF INDUSTRIAL LAND FOR AGISTMENT PURPOSES

1911/007

RESOLVED:

That Council lease industrial land known as Tender Lot 2 located at 8 Tollbar Street, Blayney (Lot 1, DP 842577) for a period of 1 year and 2 months to 31 January 2021 with a 1 year option to A. Sutherland for \$450 per annum.

(Reynolds/Newstead)

CARRIED

UNNAMED RESERVE TRUST (R1002972) - LICENCE TO ESSENTIAL ENERGY

1911/008

RESOLVED:

1. That Council, acting in its capacity as Reserve Trust Manager, consent to a licence being issued to Essential Energy for a period of 1 year for part of Crown Reserve R1002972 (part Lot 1 DP 1038633) known as Unnamed Reserve Trust.
2. That Council, acting in its capacity as Reserve Trust Manager, apply a licence fee of \$501 (including GST) per annum.
3. That Council authorise the General Manager to facilitate amendments agreed upon with licensee and as required by NSW Department of Industry, Planning and Environment.
4. That Council authorise the Mayor and General Manager affix the Council Seal, sign and execute the Licence.

(Somerville/Ewin)

CARRIED

INFRASTRUCTURE SERVICES REPORTS

DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT

1911/009

RESOLVED:

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

(Denton/Kingham)

CARRIED

PROPOSED ROAD CLOSURE - ERROWANBANG ROAD - SOUTHERN CADIA ACCESS ROUTE

1911/010

RESOLVED:

That Council approve the part road closure of Errowanbang Road, Errowanbang being Lots 11, 12 and 14 in DP 1216561, and classify Lots 11, 12 and 14 as Operational Land.

(Reynolds/Ewin)

CARRIED

CLOSED MEETING

1911/011

RESOLVED:

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

BAD DEBT WRITE OFF - D85748

This matter is considered to be confidential under Section 10A(2) (b) of the Local Government Act, as it deals with the personal hardship of any resident or ratepayer.

OFFER FOR LAND PASSED IN AT SALE OF LAND FOR UNPAID RATES

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

CARCOAR SPORTSGROUND AMENITIES BLOCK TENDER

This matter is considered to be confidential under Section 10A(2) (dii) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (ii) confer a commercial advantage on a competitor of the Council.

(Reynolds/Somerville)

CARRIED

CONFIDENTIAL MEETING REPORTS

1911/012

BAD DEBT WRITE OFF - D85748

RESOLVED:

That Council approve the write-off of irrecoverable deferred debtor in the amount of \$25,850.40 as follows:

D.85748 Tamara Lilian Ford \$25,850.40

(Reynolds/Newstead)

CARRIED

OFFER FOR LAND PASSED IN AT SALE OF LAND FOR UNPAID RATES

1911/013

RESOLVED:

1. That Council accept the offer from RJ Stack Pty Ltd for sale of

- 24A Trunkey Street, Newbridge (Lot E, DP 383876) for the amount of \$4,470.
2. That Council endorse execution of relevant contracts and associated documentation by the Mayor and General Manager under Council seal.
 3. That Council invite expressions of interest for remaining unsold parcels of land passed in from the 2014 auction.
(Kingham/Reynolds)
- CARRIED**

Cr Ferguson having declared an interest, departed the Chair and left the Chambers.

The Deputy Mayor, Cr Ewin, assumed the Chair.

- 1911/014** **CARCOAR SPORTSGROUND AMENITIES BLOCK TENDER**
RESOLVED:
 That Council accept the tender from River Park Constructions for the Amenities Block Construction, Naylor St Carcoar under Contract No. 32-2019 for the value of \$258,406.72 ex GST (\$284,247.40 inc GST), and subject to variations.
 (Reynolds/Newstead)
- CARRIED**

- 1911/015** **RESOLVED:**
 That as consideration of the matters referred to in the closed meeting has been concluded, the meeting now be opened to the public.
 (Reynolds/Somerville)
- CARRIED**

Cr Ferguson returned to the Chambers.

**AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE DEPUTY
 MAYOR ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBERS
 1911/012 TO 1911/014.**

Cr Ferguson resumed Chair.

There being no further business, the meeting concluded at 7.33pm.

The Minute Numbers 1911/001 to 1911/015 were confirmed on 16 December 2019 and are a full and accurate record of proceedings of the Ordinary Meeting held on 18 November 2019.

Cr S Ferguson
MAYOR

Mrs R Ryan
GENERAL MANAGER

04) BUILDING BETTER REGIONS FUND ROUND 4**Department:** Executive Services**Author:** General Manager**CSP Link:** 2. Local Governance and Finance**File No:** GS.LI.1**Recommendation:**

That Council approve the Australian Government's Building Better Regions Fund Round 4 funding submissions for; CentrePoint Sport and Leisure Centre 'Swimming towards Utility Efficiency' and King George Oval 'Kicking Goals for Girls' projects.

Reason for Report:

Council approval is sought to submit 2 applications for community infrastructure projects; CentrePoint Sport and Leisure Centre Swimming Towards Utility Efficiency and Kicking Goals for Girls at King George Oval.

Report:

The Australian Government's Building Better Regions Fund Round 4 is a drought stimulus round. The objective of program is to create jobs, drive economic growth and build stronger regional communities into the future.

A total of \$200m is available for grants from \$20k up to \$10m. The projects can be either construction of new infrastructure or the upgrade or extension of existing infrastructure and being a drought round, only 128 Council's are eligible to apply. Funding program details are available on the business.gov website <https://www.business.gov.au/Grants-and-Programs/Building-Better-Regions-Fund-Infrastructure-Projects-Stream>

Applications must be submitted by 5pm on Thursday 19 December 2019.

It is proposed to submit the following projects as summarised, which are presented as Capital Expenditure Reviews to Council in separate reports.

1. CentrePoint Sport and Leisure Centre - Swimming Towards Utility Efficiency Project

This stage 2 project at CentrePoint Sport and Leisure Centre focuses on works which will provide utility efficiency through a new roof, natural ventilation, renewable energy and water harvesting capacity. The objective of stage 2 is to reduce the ongoing utility consumption and therefore expenditure on; gas, electricity and water at the sporting facility and the adjoining Carrington Park. In addition, there will be significant positive environmental outcomes and reduction of greenhouse gases.

It is proposed to seek BBRF Round 4 funds of \$900k, being 50% of a total project value of \$1.8m, with a co-contribution of \$900k.

2. King George Oval - Kicking Goals for Girls Project

Construction of both home and away change rooms which includes; male and female team showers, toilets and team strapping/treatment space, repurposing of current change rooms into new accessible public toilets and new change rooms for both male and female referees/game officials at King George Oval, Blayney.

The project will provide opportunities for increasing female participation in sport and providing inclusive and accessible public amenities.

It is proposed to seek BBRF Round 4 funds of \$750k, being 71% of a total project value of \$1.056m, with a co-contribution of \$306k.

Risk/Policy/Legislation Considerations:

Council's Capital Projects guidelines require funding applications be endorsed by the General Manager after consultation with the Chief Financial Officer, and for those projects between \$500k and \$1m approved by Council resolution.

Local Governments are eligible organisations and Blayney Shire Council meets the drought-affected location criteria. Council has authority of the land to undertake the project at the nominated site(s), the projects are for the construction, upgrade or extension of infrastructure that provides economic and social benefits to a regional area and have not started construction.

Projects must be investment ready and able to be commenced within 12 weeks of execution of the funding agreement. Projects must be completed by 31 December 2022.

In addition to the normal risks associated with capital expenditure on infrastructure projects, there are financial and reputational risks which arise with grant funded projects. The purpose of seeking Council approval is to ensure that, subject to the grant being successful; Council accepts the potential financial implications, the project aligns with Council's Community Strategic Plan and Council's reputation as a project partner is maintained.

This does raise community expectation and hope, and the submitting of a grant application is only the first step. BBRF is traditionally an oversubscribed program, and this will be a highly competitive round.

Budget Implications:

The following table summarises the project costs, BBRF funding sought, source of funds for Council's contribution and asset write off implications if the project obtains funding.

For most projects grant funding is up to 50% however 75% of project costs can be sought if exceptional circumstances can be demonstrated. For projects where grant funding of \$1m or more is sought, it is mandatory to supply a full cost benefit analysis.

CentrePoint Stage 2	
Total Project Cost	\$1.8m
BBRF 4 Funds Sought	\$900k (50%)
Council Contribution	\$900k (50%)
Source of Council Funds	To be determined, see report 15
Asset Write Off	\$232k
Additional Whole of Life Cost	\$36k per annum

Kicking Goals for Girls King George Oval	
Total Project Cost	\$1.056m
BBRF 4 Funds Sought	\$750k (71%)
Council Cash Contribution	\$306k (29%)
Source of Council Funds	\$125k 2020/21 Operational Plan \$125k 2021/22 Operational Plan \$56k KGO Reserve
Asset Write Off	Nil
Additional Whole of Life Cost	\$26k per annum

Enclosures (following report)

Nil

Attachments (separate document)

Nil

05) TOURISM EVENT DEVELOPMENT PROGRAM**Department:** Executive Services**Author:** Manager Tourism and Communications**CSP Link:** 3. The Local and Visitor Economy**File No:** RC.PL.1**Recommendation:**

That Council;

1. Approve the Tourism Event Development Program and Guidelines for an initial 6 month trial.
2. Include in the draft Operational Plan 2020/21 for Council deliberation within the Tourism and Promotions Budget, an allocation of \$10,000 for the Tourism Event Development Program.

Reason for Report:

The Tourism and Events Promotions budget has \$10,000 for 2019/20 originally allocated to support the hosting of the start of the Blayney to Bathurst (B2B) bike race. When Council has received formal advice that Blayney is not included in the B2B in 2020, it was requested to review and investigate how financial support could be provided for a new, or existing events.

This report details the guidelines for a new Tourism Event Development Program proposed to be implemented this financial year for a 6 month trial.

Report:

The Tourism Events Development Program as proposed aims to support both not-for-profit entities and local businesses to host; or add to, local and regional events. The funding should not duplicate or undermine the Financial Assistance Program, with specific exclusions for those aspects already covered by this program.

It is proposed that Council trial this program and target events being held before December 2020. Applications will be approved by 30 June 2020 and applications would be required to be submitted a minimum of 60 days prior to the event. Funding applications will be open 1 January 2020, and allocated until all funds are expended.

Applications which meet the criteria, will be assessed and presented to Council for determination. Council is required (initial 6 month trial period) to place its intention to provide financial support to those recipients whose applications are approved, on public exhibition for a period of 28 days, as per the Local Government Act (1993).

Risk/Policy/Legislation Considerations:

In accordance with the Local Government Act, s356 in summary; Council may resolve to grant financial assistance to persons for the purpose of exercising its functions.

A proposed recipient who acts for private gain, i.e is a business is not ineligible, if at least 28 days public notice of Council's resolution has been given. However, public notice is not required when:

- (a) the financial assistance is part of a specific program, and*
- (b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and*
- (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and*
- (d) the program applies uniformly to all persons within the Council's area or to a significant group of persons within the area. (s356 part (3))*

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

Budget Implications:

Nil

\$10,000 was allocated to the B2B event and subject to Council approval will be reallocated to this program.

Enclosures (following report)

- | | | |
|---|--|---------|
| 1 | Tourism Event Development Program Application Form | 4 Pages |
| 2 | Tourism Event Support Program Guidelines | 4 Pages |

Attachments (separate document)

Nil



Tourism Event Development Funding Application Form

ORGANISATION DETAILS

Name of Organisation:	
Legal status (e.g. Sole Operator, Partnership, Company, Incorporated Association).	
Applicant ABN:	
Postal Address:	
Contact Person	Name:
	Position:
	Telephone:
	Mobile:
	Email:

EVENT DETAILS

Name of event:	
Proposed date of event:	
Location of event (if on council land/premise please ensure you have booked the space with Council):	
What are the expected number of attendees at your event?	
What is the maximum number of attendees at your event?	
What type of funding are you applying for?	<input type="checkbox"/> Incubator Event Funding (max \$1,000) <input type="checkbox"/> Event Development Program (max \$500)

EVENT SUBMISSION

<p>Please provide an outline of the event, including a summary of proposed activities and schedule (500 words max):</p>	
<p>Please outline how the event will attract visitation from specific target demographic groups that align with the strategic themes of the Blayney Shire Destination Management Plan (500 words max):</p>	
<p>Is the event also funded through the Council's Financial Assistance Program?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>If yes, demonstrate how the Tourism and Event Development funding will assist with growing the event to increase tourist numbers, length of stay and/or visitor expenditure</p>	

EVENT BUDGET

Please use GST exclusive figures if you are registered for GST. You may submit your budget as a separate attachment if you prefer.

Income	Value (\$)
Sponsorship Request	
Total Income	0.00

Expenditure	Value (\$)
Total Expenditure	

In-Kind Support	Qty	Hours	Rate	Value (\$)
Total In-Kind				

DECLARATION:

1. I certify to the best of my knowledge that the statements made in this application are true.
2. I understand that should this application be approved by Blayney Shire Council, I may be required to submit any requested plans or reports.
3. I declare that the Organisation will provide all required paperwork, including product disclosure insurance documents confirming Public Liability (to a minimum of \$20 million).

Signature

Name

Position

Date



Blayney Shire Council Tourism Event Development Program 2019/20

OBJECTIVES

The Tourism Events Development Program provides support to both not-for-profit entities and local businesses to host events aimed to promote to grow the visitor economy in the Blayney Shire.

Blayney Shire Council is providing this program in accordance with section 356 of the Local Government Act (1993) whereby;

(1) A Council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.

(2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.

ELIGIBILITY

To all local businesses (individuals, partnerships and sole traders) and Incorporated Associations who are residents or who conduct their activities in the Blayney Shire Local Government Area.

FUNDING DEADLINES

Events must be held before December 2020. Applications must be approved by 30 June 2020. Applications must be submitted a minimum of 60 days prior to event.

AVAILABILITY

Funding applications will be open 1 January 2020, and allocated progressively until all funds are spent.

EVENT SUPPORT

Total funding pool available: \$10,000

The Tourism Events Development Program funds innovative events that can:

- Demonstrate sound organisational planning, that has a clear event plan, event structure, operational processes, insurance and risk management;
- Have a unique alignment with the character and culture of Blayney Shire Destination Management Plan and Orange360 regional tourism objectives;
- Demonstrate a broad appeal that is likely to promote tourism and increase overnight visitation.
- Provide an opportunity for measurable economic, social, environmental and/or cultural benefits to the Blayney Shire community;
- Deliver quality event marketing;
- Demonstrate having strong support and partnerships in place; and



- Recognise peak tourism periods for the Orange360 region and how the event fits into the annual event calendar.

Eligible activities for event expenses include;

- Bus transport
- Promotion
- Music and entertainment
- Artist in Residence, Chef, Guest Speaker or Specialist
- Ingredients for meals
- Venue Hire, Audio visual, tables, marquee hire
- Councils costs e.g. Road Closure signage

Ineligible activities included the following areas:

- Operating or administrative overheads, such as rent, wages, office equipment or utility costs
- Alcohol
- Gifts, Prizes, Raffles
- Sporting trips out of region, subsidies or sponsorships;
- Business events or conferences;
- Retrospective projects (ie: those that have already occurred);
- Event insurance
- Feasibility studies or capital expenditure.

Incubator Event Funding (max \$1,000): Provides seed funding to events in their first or second year of activity.

Event Development Program (max \$500): – Provides funding for events that have already been in existence for more than two years

GENERAL

1. All requests must illustrate how outcomes align to the Blayney Shire Destination Management Plan Strategic Themes.
2. Council has discretion to determine if an event is not eligible to receive funding above those activities and event expenses already noted.
3. Funding for events may be applied for by:
 - a. Not-for-profit entities– companies, cooperatives, foundations, incorporated associations, indigenous corporations, partnerships, trusts.
 - b. Local Businesses, for profit structured as companies, sole traders, cooperatives, indigenous corporations, partnerships, trusts.
4. Events must be conducted in the Blayney Shire Council Local Government Area.



5. Events that are also funded through Council's Financial Assistance Program will need to demonstrate how the Tourism and Event Development funding will assist with growing the event to increase tourist numbers, length of stay and/or visitor expenditure.
6. Multiple submissions from different applicants for the same overarching event will be considered but will need to demonstrate how the Tourism and Event Development funding will assist with growing the event to increase tourist numbers, length of visit and/or visitor expenditure. Applications will also need to demonstrate a combined marketing plan.
7. The following activities or entities cannot apply for funding:
 - a. The applicant has outstanding debts to Council;
 - b. The applicant has not acquitted any past grant or sponsorship funding to the satisfaction of Council;
 - c. The applicant has not previously complied with permits or other conditions of Council, or has failed to apply for the required permits;
 - d. The event is a fundraising and or charity event where the majority of funds raised go outside the region;
 - e. The event is in conflict with or accepts sponsorship from organisations not aligned to Councils vision, mission and values;
 - f. The applicant wishes to fund capital works projects, facility maintenance or the purchase of capital equipment;
 - g. The event takes place on a regular basis such as weekly or monthly;
 - h. The event is organised and funded by Blayney Shire Council;
 - i. Events that fail to demonstrate eligibility criteria outlined above;
 - j. The entity is a political organisation or an event of political purpose;
 - k. The event is a religious event;
 - l. The event excludes or may offend parts of the community;
 - m. The applicant is a school;
 - n. The applicant is an unincorporated organisation, or an individual that has no registered business
8. Submissions for funding must be completed online. The application form and guidelines can be accessed from the Blayney Shire Council website. A completed application form is required for each request. Supporting evidence may be required.
9. Financial support will not be retrospectively applied.
10. Events held on Council properties must be conducted in accordance with Council's Events Management Policy.
11. Funding sought from Blayney Shire Council must be supported by matching funds by the applicant.



FUNDING AGREEMENTS

12. Successful applicants must either furnish an ABN or Statement by a Supplier form and a tax invoice to Council to facilitate payment of grant funds.
13. Evidence of expenditure must be provided to Council with an acquittal form providing a summary of the event within 30 days of the event.
14. The event must recognise support from Blayney Shire Council on appropriate promotional material.

DRAFT

06) **MINUTES OF THE BLAYNEY SHIRE TOURISM, TOWNS AND VILLAGES COMMITTEE MEETING HELD 26 NOVEMBER 2019**

Department: Executive Services

Author: General Manager

CSP Link: 2. Local Governance and Finance

File No: GO.ME.1

Recommendation:

That the minutes of the Blayney Shire Tourism, Towns and Villages Committee meeting, held on Tuesday 26 November 2019, be received and noted.

MINUTES OF THE TOURISM, TOWNS AND VILLAGES COMMITTEE MEETING HELD ON TUESDAY 26 NOVEMBER 2019 AT THE BLAYNEY SHIRE COMMUNITY CENTRE

Meeting commenced at 6.00pm.

PRESENT

Cr Bruce Reynolds (Chair), Rebecca Ryan (General Manager), Megan Rodd (Manager Tourism and Communications), Caddie Marshall (Orange360) Adrian Walker, Bill Burdett, Elizabeth Russ, Kerry Strom-Cook, Kim Martin, Richard Bloomfield, Wayne Moore, Kate Burrell, Kate Mannins and Christine Heppleston.

APOLOGIES

That the apologies received from Cr Scott Denton, Jane Whitten, Evan Lee, Sheridan Brown and Jo Richardson be accepted.

(Elizabeth Russ / Wayne Moore)

DISCLOSURES OF INTEREST

Nil

ADOPTION OF MINUTES FROM PREVIOUS MEETING – 27 AUGUST 2019

Recommended that the minutes from the previous Tourism, Town and Villages Committee meeting held on 27 August 2019 be adopted.

(Wayne Moore / Kerry Strom-Cook)

BUSINESS ARISING

Junction Reefs Update

- Picnic area opening
- Toilet installation
- Signage

CARCOAR ROAD BRIDGE REPLACEMENT AND TOURISM PROMOTION OPPORTUNITIES

11.00am Monday 2 December – Media Event

MCPHILLAMY'S GOLD PROJECT UPDATE

- EIS closed, 669 submissions
- Likely 12-18 months before determination by IPC

FLYERS CREEK PROJECT UPDATE

- Approval granted
- Commencement date February/March 2020

TOURISM EVENTS AND PROMOTIONS UPDATE

- Tourism billboards replacement. New artwork from Nyree Reynolds
- Bright Lights of Blayney and Christmas ornament competitions
- Hay Bale Art Challenge – Farm Art Challenge
- B2B funding – program being developed

DROUGHT COMMUNITY FUNDING

- \$1m allocated for Blayney Shire EOI will close 31 January 2020
- Active Movement Strategy review completed, update to be made available on Council's website

DELEGATES REPORTS

Blayney

- CWELC and Dakers Oval cricket nets, Napier Oval upgrade – sports facility refurbishment projects underway

Rotary Farmers' Market

- Carringbah Adopt a Village Farmers Market BBQ was well supported

Mandurama

- Royal Hotel update – Barber, renovations, music weekends, Artist invited to do murals on walls

GM recommended that Mandurama Hotel consult Planning regarding Murals for any Heritage advice

- Primitive Camp Ground, DA being submitted

Lyndhurst

- Successful Market Day, Member for Calare opened new fencing provided through the drought funding
- Currently having projector, screen and sound system installed in the hall thanks to funding from CWA, FRR and Hall Committee
- The switch board at the hall has been upgraded at great cost
- The hall entry foyer has been painted donated by CWA
- The awning on the toilet block at the Recreation Ground has been raised to comply with required standards

- Heritage light fittings have been installed in the Hall donated by CWA, still waiting for the shades to arrive
- Rocks have been placed around play equipment at the Recreation Ground
- Newly completed pathway is being well used
- The Public School has a successful Christmas festive fair last Saturday
- Dancing and craft at the hall is still very strong
- Cricket Club has reformed and has had 3 home games so far
- Campground used regularly by RVs
- Intersection signs have been erected on the highway at Rockdell Road and Meadows Lane
- Royal Hotel now offers lunches everyday dinner Thursday, Friday, Saturday and Sunday from 6pm
- Selby Street has been sealed

Barry

- A new kitchen in Hall – CBP and Council
- SCCF Round 2 toilet, showers, public toilet, storage and BBQ

Newbridge

- Drawings for the Brian Bennett Pavilion have reached a final stage. The building will be very distinctive with wooden lining and wooden posts for the verandahs giving a 'bush' feel. French doors open to the north side with steps down to the children's playground and the Hall. The whole building will be an excellent addition as well as a very original design to the recreational facilities at Newbridge. Funding being sought.
- A Centenary Mass was held at the Roman Catholic Church of the Immaculate Conception at the Old Convent at Newbridge at 11am on 3 November and was a great event for those attending
- Vandalism of some street signs, graffiti at the station bridge and two cars were broken into (on Saturday night 23 November at approximately 2am).
- Work on the War Memorial is progressing with the cement base completed, flag pole erected and brick wall in place.

Kings Plains

- Submissions for the Regis Resources Mine Development have been submitted and the DPIE and Regis are working through these submissions
- The Annual Christmas Get Together for Kings Plains residents and friends hosted by the Bush Fire Brigade will be held Friday 13 December 2019 commencing at 6pm at the Fire Shed.

Neville

- Neville Show successful. Fun day for children. Youth Participation Grant – mural painting at Showground.
- Pub closing doors – for sale.
- Piano Museum moving.

Hobbys Yards

- AGM meeting held 14 October 2019. All positions filled by same members.
- Yoga still going Saturday mornings at 7.30am.

- 36th Annual BBQ Christmas Party happening Saturday 30 November 2019 at 6.30pm.

Millthorpe

- Thank Council staff and administrative staff for assistance with Millthorpe Garden Ramble (numbers down but crowds positive) and Millthorpe Markets
- AGM held
- Millfest – 14 December 2pm to 7pm
- Pym Street lighting being addressed with project proposed.
- Exercise equipment; playground refurbishment
- T20 cricket competition held at Redmond Oval
- Supporting of villages working together and will progress in 2020.
- Garden Ramble providing a donations reserve to support Country Support Program to assist school leavers to attend TAFE or University
- Golden Memories Museum Official Opening held
- Banjo Patterson event being held at Rosebank Cottage

Visitor Information Centre

- Things seem to be going reasonably well with visitor numbers.
- Call out for Volunteers
- Volunteers will be having a Christmas Get Together 2 December 2019.

ACTION: Elizabeth Russ to provide a short summary and invitation for prospective VIC volunteers interested in volunteering to Megan Rodd.

NEXT MEETINGS

- Tuesday 25 February 2020
- Tuesday 26 May 2020
- Tuesday 25 August 2020

MEETING CLOSE

There being no further business the meeting closed at 7.30pm

Enclosures (following report)

Nil

Attachments (separate document)

Nil

07) REPORT OF COUNCIL INVESTMENTS AS AT 30 NOVEMBER 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 November 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 November 2019.

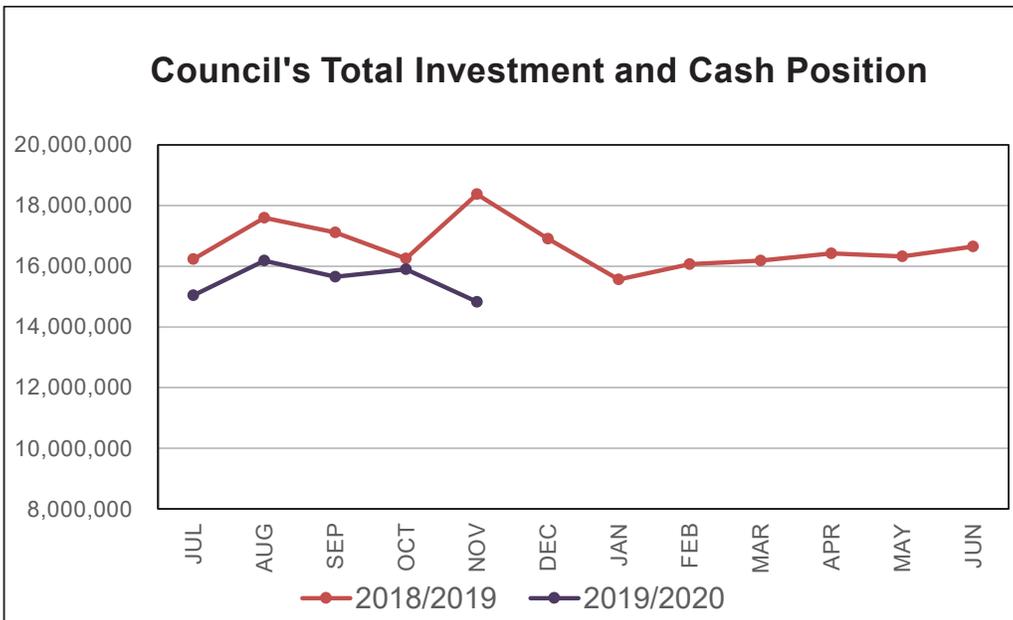
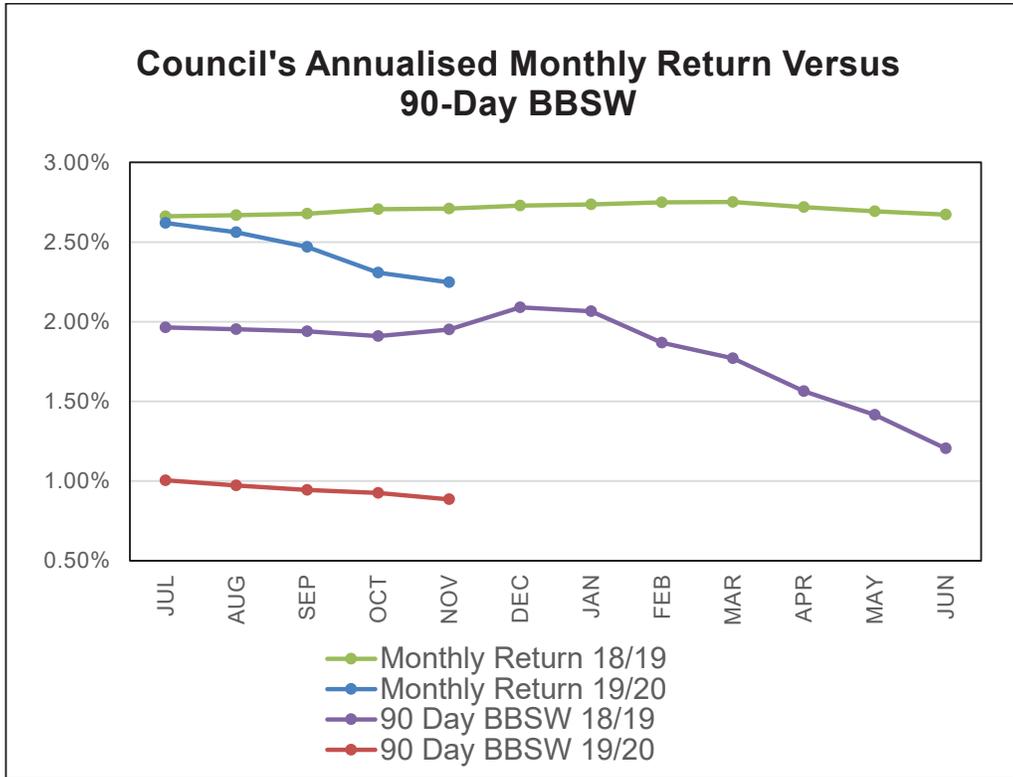
Report:

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

Council's total investment and cash position as at 30 November 2019 is \$14,828,471. Investments earned interest of \$24,929 for the month of November 2019.

Council's monthly net return on Term Deposits annualised for November of 2.25% outperformed the 90 day Bank Bill Swap Rate of 0.89%.

Following adoption of the new Investments policy in October 2019 Council remains outside of its policy limits for the BBB category (10%), the overall BBB+ / BBB category (30%) and for a number of the Individual Institutions. Council will transition to compliance and rectify these anomalies as investments fall due. It is anticipated that these anomalies will be rectified by the end of February 2020.



REGISTER OF INVESTMENTS AND CASH AS AT 30 NOVEMBER 2019				
Institution	Rating	Maturity	Amount \$	Interest Rate
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/BBB+	07/01/2020	500,000	2.800%
AMP Bank	A2/BBB+	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%
AMP Bank	A2/BBB+	25/02/2020	500,000	2.000%
MyState Bank Ltd	A2/BBB	03/03/2020	500,000	2.650%
AMP Bank	A2/BBB+	17/03/2020	500,000	2.400%
Bendigo & Adelaide Bank	A2/BBB+	24/03/2020	500,000	1.600%
NAB	A1+/AA-	31/03/2020	500,000	2.500%
Bendigo & Adelaide Bank	A2/BBB+	07/04/2020	500,000	1.700%
ANZ	A1+/AA-	14/04/2020	500,000	2.350%
NAB	A1+/AA-	28/04/2020	500,000	1.550%
NAB	A1+/AA-	12/05/2020	500,000	1.550%
NAB	A1+/AA-	26/05/2020	500,000	1.500%
NAB	A1+/AA-	16/06/2020	500,000	1.540%
NAB	A1+/AA-	28/07/2020	500,000	1.600%
AMP Bank	A2/BBB+	04/08/2020	500,000	2.000%
ME Bank	A2/BBB	15/09/2020	500,000	1.600%
Total Investments			11,000,000	2.165%
Commonwealth Bank - At Call Account ⁽¹⁾			-	0.750%
Commonwealth Bank Balance - General ⁽¹⁾			1,470,048	0.600%
Tcorp IM Cash Fund ⁽²⁾			2,358,423	1.200%
TOTAL INVESTMENTS & CASH			14,828,471	
Benchmarks:	BBSW 90 Day Index ⁽¹⁾			0.885%
	RBA Cash Rate ⁽¹⁾			0.750%

1. % Interest rates as at 30/11/2019

2. Monthly return annualised. Return over the previous year is 1.93%

Summary of Investment Movements - November 2019		
Financial Institution	Investment/(Recall) Amount \$	Commentary
NAB	(513,313)	Term Deposit Matured 12/11/2019
NAB	500,000	Term Deposit Reinvested 12/11/2019
AMP	(513,214)	Term Deposit Redeemed 19/11/2019
NAB	(513,675)	Term Deposit Matured 26/11/2019
NAB	500,000	Term Deposit Reinvested 26/11/2019

Long Term Credit Rating (or Moody's, Fitch, S&P or Equivalent)	Policy Maximum	Current Holding %	Current Holding \$
TCorp IM Funds	100%	18%	2,358,423
AAA – AA Category	100%	26%	3,500,000
A- Category	40%	0%	-
BBB+ Category ⁽³⁾	30%	26%	4,000,000
BBB Category ⁽³⁾	10%	30%	4,000,000
BBB- Category and below: Local ⁽⁴⁾ ADI's	5%	0%	-
			13,358,423

3. BBB+ / BBB categories are not to exceed 30% collectively

4. ADI's located within the Local Government Area

Individual Institution Limit	Rating	Policy Maximum	Current Holding
AMP Bank	A2/BBB+	1,000,000	2,500,000
ANZ	A1+/AA-	5,000,000	500,000
Auswide Bank Ltd	A2/BBB	500,000	1,000,000
Bendigo & Adelaide Bank	A2/BBB+	1,000,000	1,000,000
ME Bank	A2/BBB	500,000	1,000,000
MyState Bank Ltd	A2/BBB	500,000	2,000,000
NAB	A1+/AA-	5,000,000	3,000,000

<u>RESTRICTED CASH, CASH EQUIVALENTS & INVESTMENTS</u>		
	Actual 30/06/2019 \$ 000's	Forecast 30/06/2020 \$ 000's
External Restrictions	9,713	7,726
Internal Cash Restrictions	6,777	4,934
TOTAL RESTRICTED ASSETS	16,490	12,660 ⁽⁵⁾

5. Forecast figures are unaudited as at report preparation date.

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

I, Tiffaney 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

08) ANNUAL REPORT 2018/19

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: GO.RP.1

Recommendation:

That the Council receive the report on the 2018/19 Annual Report lodgement.

Reason for Report:

To report to Council the lodgement of the 2018/19 Annual Report within the statutory timeframe.

Report:

Council is required to prepare an Annual Report on its activities annually, lodge it to the Office of Local Government (OLG) and place it on Council's website by the prescribed deadline of 30 November 2019.

The 2018/19 Annual Report was lodged with the OLG and placed on Council's website by the prescribed due date. The document may be found on Council's website using the following link:

<https://www.blayney.nsw.gov.au/ArticleDocuments/297/Annual%20Report%202018-2019.pdf.aspx>

Risk/Policy/Legislation Considerations:

Council is required under the Local Government Act s.428 to complete the Annual Report within 5 months after the end of financial year, post it on Council's website and furnish a copy to the Minister.

Budget Implications:

Preparation and compilation of the Annual Report is coordinated by Council staff within existing budget allocations.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

09) BLAYNEY RESIDENTIAL DEVELOPMENT PROJECT - LAND SALES

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 1. Public Infrastructure and Services

File No: PM.AD.1

Recommendation:

1. That Council endorse the action of the General Manager to accept the offer for sale of Lot 7 at Streatfeild Close (Lot 1 DP 250822) at the listed price of \$134,000.
2. That Council endorse execution of relevant contracts and associated documentation by the Mayor and General Manager under Council seal.

Reason for Report:

For Council to endorse the actions of the General Manager to accept an offer for sale of land at Streatfeild Close (Lot 1 DP250822), Blayney.

Report:

Council at its meeting held 17 December 2018 resolved that the General Manager be authorised to list properties and negotiate sales for land.

Council has received an offer for Lot 7 in the amount of the listed price of \$134,000

Sales advices have been sent by the Real Estate Agent to Council's solicitor for contract preparation and distribution. Council endorsement of this report will facilitate exchange of contract with the Purchaser. Settlement of the land sale will follow finalisation of land development and plan registration.

Council at its Special meeting held 17 June 2019 resolved to endorse the actions of the General Manager to accept offers for 9 lots. Of these, 3 offers were withdrawn at time of exchange (Lots 1, 7 and 14). Should Council endorse this sale and it proceed to contract exchange a total of 7 parcels will have been sold.

Risk/Policy/Legislation Considerations:

Pursuant to Local Government Act s.377(h) sale of land requires a resolution of Council.

Budget Implications:

Council will benefit from lands sale with a nett increase in rate income. Sale proceeds will be brought to account as income in 2019/20 following finalisation of the development. Nett proceeds after land purchase cost, development costs and associated costs of sale from land sales will held as Restricted Cash for servicing of borrowings over the loan duration with the residual funds held for future land development purposes.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

10) **MINUTES OF THE BLAYNEY SHIRE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 21 NOVEMBER 2019**

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: FM.AU.1

Recommendation:

1. That the minutes of the Blayney Shire Audit, Risk and Improvement Committee, held on 21 November 2019, be received and noted.
2. That the Status of Prior Report Recommendations be circulated to MANEX for further review of outstanding actions and achievable action target dates; and
3. That the Status of Prior Report Recommendations be subject to regular review by MANEX between ARIC meetings.

Report:

MINUTES OF THE MEETING OF BLAYNEY SHIRE COUNCIL AUDIT, RISK AND IMPROVEMENT COMMITTEE HELD IN THE COMMUNITY CENTRE THURSDAY 21 NOVEMBER 2019

The meeting commenced at 9:05am

Present

Phillip Burgett	(Independent - Chair)
Donna Rygate	(Independent)
Cr. David Somerville	(Councillor)
Rebecca Ryan	(General Manager)
Leanne Smith	(Intentus - Audit Service Provider for NSW Audit Office)
Anton Franze	(Director Corporate Services – Secretariat)
Vicki Walker	(WHS & Risk Coordinator)

2. Apologies

Cr. John Newstead (Alternate Councillor); Tiffaney Irlam (Chief Financial Officer); Karen Taylor (NSW Audit Office).

3. Declarations of Interest

Nil.

4. Adoption of Previous Minutes

Minutes of the meeting held 01 August 2019 were adopted.

(Cr. David Somerville / Phillip Burgett)

4.a. Matters Arising

Nil.

5. Risk Management - WHS & Risk Coordinator Update

A report was tabled and the WHS & Risk Coordinator spoke to the report.

Matters discussed included:

- Review of safety and risk issues of surrounding opening hours of gym extending to un-staffed hours. New gym operating schedule to be finalised and in operation by the end of 2019.
- Outline of Drug and Alcohol Testing – operational review of process undertaken and recommendations for future practices and procedures.
- BCP exercise undertaken.
- Council workshop on Risk Appetite. Outcomes to be incorporated into 02I Risk Management Policy.
- Risk Maturity Assessment Report discussed. It is hoped that more detailed metrics be provided to assist improvement going forward.
- State Cover Audit Report – Committee requested that items categorised as poor to be reported back to the Committee on the Safety Improvement Register.

Recommendation:

That the report tabled by the WHS & Risk Coordinator report encompassing the following documents be received and noted:

- WHS Safety Improvement Plan
- WHS Risk Appetite Statement
- BSC Risk Register
- Risk Maturity Assessment Report
- StateCover WHS Audit Report 2019 – Blayney Shire Council
- StateCover 2017/18 Report to General Manager on Workers Compensation and WHS.

(Cr. David Somerville / Donna Rygate)

6. Financial Management Update

Report by Chief Financial Officer was tabled.

Recommendation:

That the Chief Financial Officer Report be received and noted.

(Donna Rygate / Cr. David Somerville)

7. 2018/19 Audited Financial Reports

A verbal report was provided by the Audit Service Provider for the NSW Audit Office, Leanne Smith (Intentus) on the 2018/19 Financial Reports audit.

Questions were asked on the following matters:

- Note 8: re-classification of land for resale between residential and industrial. Confirmed as an immaterial disclosure oversight.
- Special Schedule Report on Infrastructure Assets re assessment of asset condition as a percentage of gross replacement cost. Clarification of Road Formations condition assessment to be provided out of session.

Recommendation:

That the report on the 2018/19 Financial Reports and questions raised be received and noted.

(Cr. David Somerville / Donna Rygate)

8. 2018/19 Audit Engagement Closing Report

The 2018/19 Audit Engagement Closing Report was tabled for review.

Recommendation:

That the 2018/19 Audit Engagement Closing Report be received and noted.

(Cr. David Somerville / Donna Rygate)

9. Cyber Security Audit

Update provided to the Committee from the Director Corporate Services. Internal audit is proposed to commence in February 2020. The Centroc document detailing the internal audit specification was tabled as was the successful tenderer's response.

Recommendation:

That the update on the cyber security audit be received and noted.

(Cr. David Somerville / Donna Rygate)

10. Prescribed Functions Activity Report

The Audit, Risk and Improvement Committee Prescribed Functions Activity Report was tabled for review. It was requested that more information be provided on the Internal Financial Controls project at the next meeting.

Recommendation:

That the Prescribed Functions Activity Report be received and noted.

(Donna Rygate / Cr. David Somerville)

11. A New Risk Management and Internal Audit Framework for NSW Councils

The Office of Local Government New Risk Management and Internal Audit Framework for NSW Councils documents were tabled for discussion.

Recommendations:

That the New Risk Management and Internal Audit Framework for NSW Councils documents be received and noted; and

That an outline of views of the Audit, Risk and Improvement Committee on proposed framework to be circularised by 2 December 2019 for inclusion into a submission by Council.

(Donna Rygate / Cr. David Somerville)

12. Status of Prior Report Recommendations

The Status of Prior Report Recommendations Report was tabled for review. It was noted that the timeframes outlined by managers in the report need to be realistic and adhered to.

Recommendation:

That the Status of Prior Report Recommendations update be received and noted;
That the deletion of completed actions be confirmed;
That the Status of Prior Report Recommendations be circulated to MANEX for further review of outstanding actions and achievable action target dates; and
That the Status of Prior Report Recommendations be subject to regular review by MANEX between ARIC meetings.

(Donna Rygate / Cr. David Somerville)

13. Update on major developments / issues since last meeting

A report on major developments / issues since last meeting was tabled for review.

Recommendation:

That the report on major developments / issues since last meeting be received and noted.

(Donna Rygate / Cr. David Somerville)

14. Future meeting dates

Future meeting dates to be circularised.

15. Future Agenda Items:

Report on Strategic Risk Register including summary of amendments for 2019/20.

Meeting closed: 11:09 am

Risk/Policy/Legislation Considerations:

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

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

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

Budget Implications:

Costs associated with holding of Committee meetings, sitting fees for independent members and associated service reviews / audits are provided for in Council's 2019/20 Operational Plan for this purpose.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

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

That the Director Infrastructure Services Monthly Report for December 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 Matters****Transport for NSW Local Government Forum**

In recent weeks, Councillor Reynolds and Council's Director Infrastructure Services attended the annual Local Government Forum in Dubbo, previously delivered by Roads and Maritime Services, which has now become part of Transport for NSW. The meeting was well attended by Western Councils, and provided information on a variety of transport related topics and projects.

The most notable matters were the recently announced Fixing Local Roads Program (\$500m over 5 years), and the Road Classification Review that the previous Minister for Roads announced as an election commitment.

Presentations were also provided on the, On Demand Transport services that are proving a great benefit to places like Tottenham and Moree, Work Health and Safety, and other funding programs such as the soon to be released Walking and Cycling Program.

The forum also offered an opportunity for elected representatives to liaise with NSW Government representatives, and seek ways to work more collaboratively.

Carcoar Road Bridge

The official opening of the bridge occurred on 2 December with members of the communities of Carcoar and Millthorpe in attendance, alongside Councillors and Council staff. Whilst the weather was wet and windy it provided an opportunity to celebrate the reopening of this link between the two villages, with many historic cars being made available to showcase the history of the villages, and a celebratory game of tug-of-war.

Beaufort Street Open Space – Community Engagement

Council has previously engaged Place Design Group to prepare concept plans for various locations in Blayney.

Councillors and Council staff recently held a community engagement session in the form of an afternoon BBQ drop in session at Beaufort Street to present the concepts and further the conversation with local residents. The event attracted approximately 20 people including children, with ideas and thoughts being offered about what should be included in the location, how to manage community expectation and when the project may be delivered.

Major Works

Widening and pavement renewal works on an 850m segment have now been completed on Burnt Yards Road, with sealing completed on 20 November.

Heavy patching works are underway on Mandurama Road, with sealing scheduled for 12 December 2019. These works were extended with the additional funding made available from Roads to Recovery.

Council will be undertaking heavy patching works for Roads and Maritime Services in early January.

Council has also received a successful notification of \$270,000 in grant funding for works on Hobbys Yards Road. These works will commence late March.

Small bridge replacement program

Structural and approach works on the Hines Lane bridge have been completed with Hines Lane being reopened to traffic on 6 December.

Demolition of the Winterbottoms Lane bridge has been undertaken with the base slab for the box culvert solution poured and curing prior to placement of the culvert cells.

Road Maintenance Works

Maintenance grading has been undertaken on Kings Plains Road, Village Road, Caloola Road, Kellys Road, and Lucan Road.

Hobbys Yards Road is requiring ongoing pothole patching, with some minor heavy patching scheduled within its ordinary maintenance budget.

Footpaths

Council's crews have been undertaking maintenance works across the network, repairing trip hazards in Mandurama, Lyndhurst, and Millthorpe.

Land Development

The construction of the road pavement has been completed following the installation of conduits for utility crossings. Council has engaged contractors to undertake the installation of the electrical infrastructure, gas reticulation and

NBN pit and pipe network before Christmas. The standing of street light furniture will occur in the new year upon delivery of the lights.

Kerb and gutter work is scheduled for 12/13 December.

Major Contracts

Carcoar Sportsground Amenities Block

Council engaged a Contractor following the ordinary November meeting, and are now working with them to optimise the design.

Cricket Practice Nets

The Contractor has now completed the main structure of the nets and is commencing the installation of the final components being the synthetic turf and rubber belt due to start in the week commencing 9 December and be completed and signed off by 16 December.

Central West Equestrian & Livestock Centre (CWELC)

Lighting and general power installation works are expected to commence within the shed structure, and completed in the week commencing 9 December.

In the New Year, works are programmed to include the internal perimeter fence, retaining walls and access platform, footpaths, supporting road works and preparation of the arena surface.

Assets

Asset staff have prepared a draft Road Hierarchy, Renewal and Maintenance Policy for discussion with Councillors to consider seeking community feedback, at the February Council meeting. Analysis of budget implications of this draft policy continues.

Implementation of the Australasian Road Asset Data Standard, Data Harmonisation project with Austroads, is now progressing from the pilot stage to full implementation.

Condition inspections of the urban stormwater pit and pipe network has been completed, with crash barrier inspections now underway. These inspections will provide the condition data for the transportation asset revaluations, for 2019/20 financial year.

Parks and Recreation

The ongoing dry conditions, repeated Severe and Extreme Fire Danger rated days coupled with Total Fire Bans has resulted in a reduced level of mowing/slashing being able to be undertaken, resulting in a focus by the Parks and Recreation team on watering trees.

Village detail maintenance has recently been undertaken in preparation for the Millthorpe Markets, and for the upcoming Millfest, Carols in Carrington and Blayney Harness Racing events at the Blayney Showground.

Weed spraying has occurred when conditions have allowed in cemeteries and the Pound Flat area in Carcoar.

Wastewater

In early November, Cadia Valley Operations advised Council that as of the middle of December they will no longer be taking effluent water, due to the decommissioning of the old dewatering plant.

As a result Council staff have been working to restore the STP wetlands to enable them to commence receiving of effluent water continuously into the future. A separate report to this matter follows.

Risk/Policy/Legislation Considerations:

Information report only

Budget Implications:

Information report only

Enclosures (following report)

Nil

Attachments (separate document)

Nil

12) MAINTENANCE OF EFFLUENT INFRASTRUCTURE**Department:** Infrastructure Services**Author:** Water and Wastewater Manager**CSP Link:** 1. Public Infrastructure and Services**File No:** SD.MT.1

Recommendation:

1. That Council approve allocation of funding of \$160,000 from Sewerage Section 64 Externally Restricted Funds for emergency works at the Wetlands and Maturation Ponds
2. That Council approve the commencement of a Section 60 application process and proceed to develop a design and scope of works for an onsite Effluent Recycling Treatment Plant.

Reason for Report:

To advise Council of the status of the effluent discharge at the Sewerage Treatment Plant and information on the opportunities for an effluent re-cycling scheme.

Report:

Council was advised recently by Newcrest Mining Ltd that Cadia Valley Operations (CVO) will no longer be accepting effluent water from the Blayney Sewerage Treatment Plant (STP) as of mid-December, 2019. The notification comes after CVO advised they are to commence decommissioning of the old Blayney Dewatering Facility during a planned shutdown in December. As a result this will require the total amount of effluent produced at the STP to discharge through the wetlands, which then discharges to the Belubula River through the EPA Licence Point 1.

CVO have been taking effluent from the STP for approximately 20 years and during this time the wetlands, which were constructed in 1994, have been inactive and no longer function in the manner in which they were intended.

Council have had to respond quickly to undertake works to regenerate the wetlands and renew their structures. Works include; cleaning out of the top settlement channel, installing new inlet and outlet structures into each wetland cell and cleaning out of the discharge pond. Due to the urgency of this project, Council engaged a local contractor, CPB Excavations, after completing the rehabilitation works of the maturation pond, to commence rehabilitation works on the wetlands.

Whilst the short notice from CVO was not ideal, Council has also considered the opportunities this will provide with the ability to further treat the effluent and enable Council to utilise this water for various activities.

This may include watering of parks and gardens, water for road construction activities as well as providing an opportunity for resale. To use the effluent off site however, requires approval from NSW Department of Planning, Industry and Environment (DPIE) through a Section 60 application process. The Section 60 application reviews the likely uses of the recycled water, establishes the treatment required and creates a recycled water management plan. When approval is granted by DPIE the design and construction phases can then proceed. Subject to the application process, design, construction and commissioning occurring in a timely manner, it is envisaged Council would have access to its own recycled effluent water as a resource by December 2020.

The first maturation pond at the treatment plant was identified to have a failing dam wall structure on the southern wall. This was a result of willow tree roots deteriorating the bank causing rapid erosion of the wall. As this was deemed to have a high risk of environmental damage, Council engaged CPB Excavations who were able to rehabilitate the bank within a short time period.

Risk/Policy/Legislation Considerations:

Council is required to comply with the conditions set out in our EPA Licence. This includes treatment of the sewage to reduce the pollutant loads to a level determined acceptable by EPA prior to discharging of effluent to the environment. With the inactivity of the wetlands it is known the quality of the effluent will deteriorate until such time as the wetlands are fully operational again. This has a risk of exceeding our Licence condition in the short term, particularly for pollutants such as ammonia, nitrogen, pH and coliforms. Monthly testing will be undertaken as per the conditions of the Licence which will monitor these levels and will be reported accordingly.

The 2016 Developer Charges Guidelines for Water Supply, Sewerage & Stormwater defines the function of s64 of the Local Government Act (1993) to allow Developer Charges to be applied to new development. Section 2.5 of these guidelines describes the means by which Council may levy charges on development. Section 2.8 of the guidelines describes how the use of funds raised from Section 64 Developer Charges may be applied and specifically defines the funds raised by the charges may only be used for sewerage purposes. Councils current Developer Servicing Plan defines these funds for the purpose of the various activities of the sewerage infrastructure, including Treatment Works allocation of \$1,459,000

Council engaged CPB Excavations through Contract No. 3/2019 for the Blayney Shire Council & Cabonne Council Plant Hire Tender, which sets the hire rate for the equipment being used for these works.

Budget Implications:

The works required to complete the remediation of the maturation pond and the wetlands infrastructure have not been allowed for in Council's budget. It anticipated a figure of up to \$160,000 will be required for both of these projects. It is requested to allocate funds from the Sewerage, Section 64, to cover these costs.

As of end of June 2019 Council holds \$935,945 in the Sewerage Section 64 externally restricted reserve, sufficient to cover costs of these works.

The effluent re-cycling scheme will require funds to progress through the process of completing the Section 60 approvals. The allocation in the 2019-20 Capital Works budget will continue to fund these works. The funding of the future construction works will be considered when design and budgets are completed.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

13) KING GEORGE OVAL PROJECT CAPITAL EXPENDITURE REVIEW**Department:** Infrastructure Services**Author:** General Manager**CSP Link:** 2. Local Governance and Finance**File No:** PR.DC.2**Recommendation:**

That Council approves the Kicking Goals for Girls project at King George Oval Capital Expenditure Review.

Reason for Report:

To inform and seek Council approval for the proposed Kicking Goals for Girls Project at King George Oval in Blayney for an estimated project cost of \$1.056m.

Report:

Capital Expenditure Guidelines (2010) issued under s23 of the Local Government Act (1993) and Council's Capital Projects Operating Guideline (2019) provide for reporting to Council on a major infrastructure spend, outside normal operations and with a budget exceeding \$1m.

This project has been included in the 2020/21 and 2021/22 Delivery Program, and a funding application is being prepared, as reported to Council. The following is a summary of this project, which details the proposal, the need, benefits, financial and risk considerations and capacity of Council.

Kicking Goals for Girls Project

It is proposed to construct new male and female change rooms for home and away teams. The existing grandstand change rooms will be re-purposed to provide additional storage, accessible toilets, and a new female match official change room.

The total project cost is estimated at \$1,055,594 (\$1.056m).

The preliminary concept of what this project looks like, follows this report.

The Need

The current grandstand and change rooms (home and away) were constructed in the 1970's and are open plan with little privacy or regard for female participants who have to use them.

Currently the privacy of female players are compromised with only 1 home and away set of change rooms (shower and toilet) traditionally provided for male teams. Today with an increasing number of females playing traditionally male dominated sports there is a need to provide additional facilities.

Whilst serving its purpose when it was built, open showers and a single toilet is contained in one windowless room, with clear sight through the doorway to the open concourse area. To accommodate the current limitations teams are left to manage and plan for inconvenience and compromise;

- A female Manager has to stand guard to ensure privacy and care is taken of female players.
- As competition is played at the same time, or just prior to or after the male junior or senior games, women playing League Tag or Rugby League or Rugby Union are left to change in the public toilets which are located away from the grandstand; or more likely change in the privacy of their cars or buses or in a tent behind the grandstand.
- Home or visiting female teams are not able to have a shower.
- A visiting sports physio or football strapper who is male, cannot attend a female player in the change rooms which are the traditionally built open plan without toilet or shower privacy screens.
- Female referees also have to either share a change room with their male counterparts or use the public toilet or car to change.

Spectators who access the grandstand and playing field/games viewing area by wheelchair, currently have to traverse over grass / gravel to the public disabled toilets a distance of at least 80m away from the main concrete concourse area. The modification of one change room into a new accessible toilet facility will mean that access to toilet facilities will be improved significantly.

The improvements will enable more frequent usage and raise the standard of the facilities to those needed to attract regional and state competitions with an additional 8 events, increasing participation by 118%, adding over 3,700 participants per annum.

In particular, to achieve their peak bodies' strategies, users identified the need for female change rooms for players and referees as the key issue for raising women's participation in sport. Urgency is high as current facilities do not meet the needs of our female sporting codes, which are experiencing rapid growth and community support.

New change rooms will provide comfortable, private and safe change rooms and showers for females who are participating in sport, and conversion of the existing change rooms will enable the facility to offer a dedicated female change room with toilet and shower for female referees who are attending the oval as match officials, and dedicated disabled toilet.

The benefits to the community and user groups, aligns with Country Rugby League and National Rugby League strategic targets and objectives of catering for female participation. Of the increased participation, additional events and activities conducted at King George Oval, 20% would be female.

Capacity of Council

Project Management skills and experience are available within our current workforce resource to deliver and to complete this project. Council has an adopted Procurement Policy that provides the framework for all purchasing, tendering and procurement necessary to deliver the project.

The provisions in the Local Government Act on tendering will be followed for works over \$250k. Council's Procurement Policy and tendering guidelines provide a transparent and probity based procurement approach.

Quantity Surveyor estimates received in 2017 have been reviewed by Council staff and updated. It is proposed that we will engage with local builders via an Early Contractor Involvement (ECI) process to finalise the design and specifications.

An ECI process will allow Council to work with builders to determine the best materials, final design, construction and fitout costs. ECI minimises Council's exposure to financial risks without having to engage consultants preparing engineering and tender document specifications.

Following the ECI, and determination by Council, a Contractor will be engaged to undertake;

- the external and site works (Demolition, excavation, concrete, steelwork and masonry/ metalwork, roofing and plumbing, framework and external cladding),
- internal fitout (Carpentry, joinery, toilet partitions, windows, door frames, wall lining and ceilings), painting (wall and floor finishes); and
- connection to utilities (electrical supply, lighting, water and sewerage).

Council has a strong history of delivering infrastructure projects of a similar nature, including:-

- SCCF Rounds 1 and 2 Projects - \$1.45m, 2018-2019
- Drought Communities Program - \$1m, 2018
- Timber Bridges Replacement Program - \$2.3m, 2017
- Blayney Shire Transport Corridor Improvements - \$12.73m, 2018
- Redmond Oval, Millthorpe – \$900k, 2017

Priorities

This project specifically targets the objective of hosting of regional and state sporting events and supporting the benefits of a healthy lifestyle by increased participation and social inclusion. Sporting groups have estimated the improved facilities will attract at least 8 new events at regional/state level including major female events and this project delivers a unique opportunity to raise female participation rates.

Blayney will be in a position to host Group 10 and Western Division women's games. The location of the disabled toilet being more inclusive as is on the concourse in the grandstand area.

Alternatives

The Blayney Junior and Senior League, Blayney High School and Senior Rugby Clubs will be able to host additional games for their fast growing female competition, and host regional and state female rounds and finals as either stand-alone or with their regular seasonal fixtures. Both Netball and Little Athletics will be able to accommodate more participants. It is a unique oval in that both are irrigated playing surfaces, both have lights for training purposes and are side by side - which means King George Oval can host 2 games concurrently.

No other facility has this sort of high standard grass fields that are at the same grounds, and within a short distance to the much larger Orange and Bathurst regional cities.

The female change rooms will provide the opportunity for Blayney Senior League and Rugby Union to host regional female competition games, which the field already has capacity to host.

No other sporting facilities in Blayney or within the Shire accommodate or meet the current needs realised from this development.

Public Consultation Process

The Blayney Shire Sports Council and King George Oval Users Group have been advocating for this project for a number of years as the most important sporting infrastructure upgrade for King George Oval. Letters of support have been received from local and regional sporting associations, RDA Central West and both State and Federal MPs.

Council supports active sporting participation and improved health outcomes through sport and recreation, by way of the following Future Directions in the Blayney Shire Community Strategic Plan (2018-2028):

- Future Direction 1: Implement the Active Movement Strategy and maintain and improve sporting and recreational facilities.
- Future Direction 3: Promote the local and visitor economy
- Future Direction 4: Increasing sport participation.

This project is aligned with the Sport and Recreation Master Plan (2017), which captured the priorities of the community and Council, and outlines the future for Sport and Recreation development within the Shire, including Council's premier sporting facility, King George Oval.

The project is built on solid engagement with the community and aligns to the NSW 2021 strategic intent of ensuring planning is informed by and has effectively engaged the community served.

The Australian Government's Regional Development Framework objectives are delivered as the project generates a facility that will attract regional and state competitions, it is a location based solution (maximising the benefit of Blayney's central location) and offers improved social and sporting outcomes.

Risk/Policy/Legislation Considerations:

Capital Expenditure Guidelines (2010) issued under s23 of the Local Government Act (1993) provide the framework for a transparent, consistent methodology for Council to evaluate a major project. These guidelines, outline the necessity for Council to make an informed decision before committing resources to those infrastructure facilities, including renovations and extensions that are expected to cost in excess of 10% of Council's annual ordinary rate revenue or \$1m, whichever is the greater.

Council capital and operational works in general are covered under Council's Public Liability and Property Insurance Policy with Statewide Mutual. Additional risks associated with a project of this scale, may require additional notation on Council's Contracts Works Insurance which ensures cover is provided for both works in progress, property damage, public liability and Contractor default. Contract Works Insurance for a project this size would be around the \$2k to \$3k.

All building works will comply with the Building Code of Australia standards and Council will undertake a Review of Environmental Factors as essential planning elements. This project does not require a development application as it falls under the Infrastructure SEPP.

Council has an enterprise wide risk framework in place and will use this to identify, assess and manage risks in the project. Project management principles will be used to manage the program and budget, including planning for contingencies. Capital Expenditure Reports will be provided to Council on a monthly basis as per Council's Capital Projects Operating Guideline.

Budget Implications:

The revised cost estimate for this project is \$1.056m being for the following components.

Item	Estimate
Design, Tendering and Project Management	\$ 70,000
New Construction Works - Home and Away Change Rooms	\$ 663,793
Existing Change Rooms Refurbishment	\$ 73,112
External and Site Works Pathway	\$ 26,800
Site Infrastructure - Electricity Upgrade, Lighting	\$ 30,300
Sewerage Reticulation	\$ 25,245
Gas Connection	\$ 8,500
Roadworks	\$ 18,825
Disability Parking, Line Marking	\$ 6,500
Site Remediation	\$ 7,500
Design and Construction Contingencies	\$ 102,056
CPI Increase Allowance	\$ 22,963
Total	\$ 1,055,594

Council has provided for the King George Oval Redevelopment a total budget of \$1.92m, which includes this project, expended over 2 years (2020/21 and 2021/22).

Project delivery is reliant on Council receiving \$1.67k grant funds and a contribution from Council General Revenue of \$250k (or \$125k per year).

Council has an internal cash restriction of \$195k for the King George Oval of which \$56k will be allocated for this project. Funding sought and sources is as follows;

Kicking Goals for Girls King George Oval	
Total Project Cost	\$1.056m
BBRF 4 Funds Sought	\$750k (71%)
Council Cash Contribution	\$306k (29%)
Source of Council Funds	\$125k 2020/21 Operational Plan \$125k 2021/22 Operational Plan \$56k KGO Reserve
Asset Write Off	Nil
Additional Whole of Life Cost	\$26k per annum

This Capital Expenditure Review is focussed on the most important component of this redevelopment being the change rooms and accessible amenities. Council would be in a position to then stage the other improvements including; lighting upgrades, pedestrian safety enhancements, entrance/parking and refurbishment of the playing surface.

There is a nil asset write off implication to this project, being construction of new infrastructure and renewal of existing. The additional whole of life cost, including depreciation is estimated at \$26k per annum, which has been accounted for in Council's Long Term Financial Plan (LTFP).

A funding submission is being prepared for this project under the Australian Government's Building Better Regions Fund Round 4 which is a drought stimulus round.

Enclosures (following report)

1 Concept Design

1 Page

Attachments (separate document)

Nil

**14) MINUTES OF THE BLAYNEY SHIRE SPORTS COUNCIL MEETING
HELD ON THURSDAY 21 NOVEMBER 2019**

Department: Infrastructure Services

Author: Director Infrastructure Services

CSP Link: 4. Community, Sport, Heritage and Culture

File No: PR.ME.1

Recommendation:

1. That the minutes of the Blayney Shire Sports Council Meeting, held on Thursday 21 November 2019, be received and noted.
2. That Sports Council support the inclusion of a submission for the Dakers Oval Fence project to the Drought Communities Program.
3. That Sports Council support the inclusion of a submission for the replacement of the Blayney Tennis Club toilet block to the Drought Communities Program.

**MINUTES OF THE BLAYNEY SHIRE SPORTS COUNCIL MEETING
HELD ON THURSDAY 21 NOVEMBER 2019 AT THE
BLAYNEY SHIRE COMMUNITY CENTRE – 6:00PM**

PRESENT:

Grant Baker (Blayney Shire Council); Christine Smith (Heritage Country Schools PSSA), Cheryl Rutherford (Blayney Tennis), Ian Tooke (Development Coordinator); Cr David Kingham (Blayney Shire Council); Lorraine Dunkley (Lyndhurst Village Committee), Cr John Newstead (Blayney Shire Council); Bill Burdett (Blayney Town Association), Rosemary Reid (Blayney A&P); Julie Prosper (Blayney Cricket Club & Blayney Netball Association); Andrew Oldham (Blayney Junior Soccer).

APOLOGIES:

Rebecca Scott (Blayney Senior Football Club).

RECOMMENDED: That the apologies be accepted.

CONFIRMATION OF PREVIOUS MINUTES – 16 MAY 2019

RECOMMENDED: That the minutes of the previous meeting held 15 August 2019, be accepted.

(John Newstead/Lorraine Dunkley)

MATTERS ARISING FROM THE MINUTES

King George Oval

Long Jump pit completed.

Blayney Showground

Showground gates monitored.

Other matters not addressed as yet.

DISCLOSURES OF INTEREST

Nil.

EVENTS CALENDAR UPDATE

As tabled.

GRANT FUNDING UPDATE

Ian Tooke following up on sport projects that were unsuccessful.

Soccer keen to progress storage for Napier Oval.

ACTION: Showground road design and cost estimate to be provided to Rosemary Reid for funding application. Also provide draft alignment to Blayney Harness Club to look at road and fencing for Harness Racing NSW requirements.

RECOMMENDED: That Sports Council support the inclusion of a submission for the Dakers Oval Fence project to the Drought Communities Program.
(Chris Smith/Julie Prosper)

RECOMMENDED: That Sports Council support the inclusion of a submission for the replacement of the Blayney Tennis Club toilet block to the Drought Communities Program.
(Julie Prosper/Cheryl Rutherford)

ACTION: Provide Napier Oval toilet plans to Rosemary Reid and Cheryl Rutherford.

PROJECT UPDATES

Report Noted.

CORRESPONDENCE

As tabled.

FUTURE DATES

Noted.

GENERAL BUSINESS

Tennis Club

Tennis Club obtained Council Youth Program funding for a "Come and Try Day", which was successful in generating interest in tennis.

Lyndhurst Cricket Club

Keen to join Committee.

ACTION: Council to send a nomination form to Lyndhurst Cricket Club for Sports Council.

ACTION: Lorraine Dunkley to seek advice on need for gas supply at Lyndhurst Recreation Ground.

NEXT MEETING

Thursday 20 February 2020 at 6:00pm.

Meeting Closed 6:50pm.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

15) MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 6 DECEMBER 2019

Department: Infrastructure Services

Author: Director Infrastructure Services

CSP Link: 4. Community, Sport, Heritage and Culture

File No: TT.ME.1

Recommendation:

1. That the minutes of the Blayney Traffic Committee Meeting, held on Friday 6 December 2019, be received and noted.
2. That Council endorse the Traffic Management Plan for the Newcrest Orange Challenge event to be staged on 22 March 2020. The event is to be classified as a Class 2 event, and approved subject to the conditions detailed in the Director Infrastructure Services' Report.
3. That Council endorse the Traffic Management Plan for the Carcoar Australia Day Fair, to be staged on 26th January 2020 on Naylor, Icely and Belubula Streets Carcoar as a Class 2 event, subject to the conditions detailed in the Director Infrastructure Services' Report and subject to the following amendment:
 - The addition of 40kmh "Special Events" signage to be installed at Icely Street and Brady Streets, Carcoar.
4. That Council refuse the request to install a "Give Way" sign at the intersection of Unwin and Crowson Streets, Millthorpe.
5. 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 and per direction from Transport for NSW.

MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE MEETING HELD ON FRIDAY 6 DECEMBER 2019 AT BLAYNEY SHIRE COUNCIL

Meeting commenced at 10:06am.

PRESENT -

Members: Cr Bruce Reynolds (Blayney Shire Council - Chair), Reg Rendall (Paul Toole Representative), Jackie Barry (Transport for NSW), Michael Chooi (NSW Police).

Present: Grant Baker (Director Infrastructure Services), Andrew Cutts (Tablelands Area Road Safety Officer), Nikki Smith (Administration Officer).

APOLOGIES

Nil.

DECLARATION OF INTEREST

Nil.

CONFIRMATION OF MINUTES

RESOLVED: That the minutes of the previous Traffic Committee Meeting held on Friday, 11 October 2019 be confirmed to be a true and accurate record of that meeting.

(Reg Rendall/Michael Chooi)

CORRESPONDENCE

Nil.

REPORTS**20191206:01 - Newcrest Orange Challenge - 2020**

RECOMMENDATION: That Council endorse the Traffic Management Plan for the Newcrest Orange Challenge event to be staged on 22 March 2020. The event is to be classified as a Class 2 event, and approved subject to the conditions detailed in the Director Infrastructure Services' Report.

(Reg Rendall/Cr Bruce Reynolds)

20191206:02 – Carcoar Australia Day Fair – 2020

RECOMMENDATION: That Council endorse the Traffic Management Plan for the Carcoar Australia Day Fair, to be staged on 26th January 2020 on Naylor, Icely and Belubula Streets Carcoar as a Class 2 event, subject to the conditions detailed in the Director Infrastructure Services' Report and subject to the following amendment:

- The addition of 40kmh "Special Events" signage to be installed at Icely Street and Brady Streets, Carcoar.

(Jackie Barry/Reg Rendall)

20191206:03 - Assessment of Intersection Signage Unwin Street & Crowson Street/Richards Lane, Millthorpe.

RECOMMENDATION: That Council refuse the request to install a "Give Way" sign at the intersection of Unwin and Crowson Streets, Millthorpe.

(Michael Chooi/Reg Rendall)

ACTION: Director Infrastructure Services to write to resident.

20191206:04 - Assessment Checklist 170 for Intersection of Gold and Olive Streets

RECOMMENDATION: 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 and per direction from Transport for NSW.

(Michael Chooi/Reg Rendall)

TRAFFIC COMMITTEE REGISTER

That the information be noted.

GENERAL BUSINESS**20191206:05 – Speed Zone Extension – Mid-Western Highway, Lyndhurst**

The Committee determined not to forward the request to Transport for NSW as conditions and development had not changed since the previous Speed Zone Review.

20191206:06 - Intersection – Orange and Greghamstown Roads, Blayney

The Committee considers the location requires no further action as drivers should operate in accordance with the NSW Road Rules 2014.

ACTION: Council to write to John Holland Rail to seeking information on the safety assessment of the Greghamstown Road level crossing.

20191206:07 - Intersection – Icely Street and Mid-Western Highway, Carcoar

Await community letter of request to be received before considering further.

20191206:08 - High Pedestrian Activity Zone, Blayney

Transport for NSW to undertake High Pedestrian Activity Zone Review in second half 2019/20.

ACTION: Council to review LTFP/DPOP.

20191206:09 - Descent Signage for Mandurama Road

ACTION: That Council obtain concurrence from Transport NSW to install modified steep descent signage (WS-12 & W8-17-1 (1km)) on Mandurama Rd, 70m East of the crest of the hill, being 1km West of the intersection with Fell Timber Rd.

INFORMAL MATTERS**20191206:10 – Monthly Road Safety Reports – August & September 2019.**

That the information be noted.

20191206:11 – Chifley Local Area Command – Serious/Fatal Motor Vehicle Accidents Reports – August 2019.

That the information be noted.

FUTURE MEETING DATES - 2020

- Friday, 7 February 2020
- Friday, 3 April 2020
- Friday, 12 June 2020
- Friday, 31 July 2020
- Friday, 9 October 2020
- Friday, 11 December 2020

MEETING CLOSED

The meeting closed at 11.30am.

COUNCIL ISSUES

Development of Policy and Guidelines for Advisory Signs.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

16) **CENTREPOINT SPORT AND LEISURE CENTRE MAJOR UPGRADE
STAGE 2 PROJECT CAPITAL EXPENDITURE REVIEW**

Department: Planning and Environmental Services

Author: Director Planning and Environmental Services

CSP Link: 4. Community, Sport, Heritage and Culture

File No: CA.PJ.2

Recommendation:

That Council approves the Capital Expenditure Review for the Blayney CentrePoint Sport and Leisure Centre stage 2 'Swimming towards utility efficiency' project.

Reason for Report:

To inform and seek Council endorsement of the Blayney CentrePoint Sport and Leisure Centre; major upgrade stage 2 'Swimming towards utility efficiency' project.

Report:

Capital Expenditure Guidelines (2010) issued under s23 of the Local Government Act (1993) and Council's Capital Projects Operating Guidelines (2019) provide for reporting to Council on a major infrastructure spend, which is outside the norm and when a budget exceeds \$1m.

This project is included in the 2022/23 Delivery Program, and a funding application is being prepared, as reported to Council in an earlier report. The following is a summary of this project, which details the proposal, the need, benefits, financial and risk considerations and capacity of Council.

Background

In July 2018, Council was successful in obtaining \$1.9m under the Building Better Regions Fund (BBRF) Round Two Infrastructure Projects program to undertake a Major Aquatic and Building Upgrade of CentrePoint Sport and Leisure Centre.

The project focused on; accessibility upgrades, aquatic upgrades, plant room upgrades, amenity upgrades and utility efficiency upgrades (new roof and PV panels).

Post the funding announcement, as the Major Upgrade project proceeded from concept to detailed design and tender, it became evident that the scope of the project and subsequently cost was continuing to vary from what was originally forecast.

It was agreed the only way the project could proceed to tender was to reduce the scope of the project. From this point, the project is considered to form 2 stages;

- Stage 1 – Aquatic, plant room and amenities upgrades.
- Stage 2 – New roof and energy efficiency upgrades.

Council endorsed this direction at its meeting on 17 June 2019 **Resolution Number (1906/E005)**. This resolution also sought to *“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 opportunities.”*

Outline of proposed project

The Blayney CentrePoint Sport and Leisure Centre stage 2 ‘Swimming towards utility efficiency’ project includes the following works;

Roofing works

- Remove existing roof sheeting and residential insulation and replace with 3,000m² of new commercial grade thermally insulated roofing panel,
- Installation of new fascia, gutters, flashings and downpipes,
- Installation of new translucent roof sheeting to allow natural light into the pool hall,
- Installation of roof safety lines, mini ladders and harness points.

Natural ventilation works

- Removal and replacement of 3 fixed / glass sliding door glazed openings with double glazed louvres to allow compliant natural ventilation circulation in the pool hall,
- Installation of opening ventilators in the pool hall roof to allow natural ventilation of the pool hall (mechanical air handling unit can be turned off when ambient temperature reaches 21 degrees, or alternate temperature decided upon),
- Mechanical services integration of new louvres and roof openings in the pool hall.

Renewable energy works

- Installation of 70kW PV Solar system to offset electricity consumption.

Water harvesting works

- Installation of a tank larger than 100,000 litres,
- Connection of pool hall downpipes to new tank. Connection of overflow into existing stormwater piping,
- Connection of new tank to the CentrePoint plant room, CentrePoint lawn sprinklers and Carrington Park lawn sprinklers.

Project Justification

The Blayney Shire Community Strategic Plan 2018-2028 was adopted by Council in May 2018 following a collaborative and extensive process undertaken with the community. Sourced from local level Town and Village

Community Plans the collective aspirations and objectives are grouped into a number of overarching strategies categorised under 5 key themes:

1. Maintain and Improve Public Infrastructure and Services
2. Build the Capacity and Capability of Local Governance and Finance
3. Promote Blayney Shire to grow the Local and Visitor Economy
4. Enhance facilities and networks that supports Community, Sport, Heritage and Culture
5. Protect our Natural Environment

Stage 2 ‘Swimming towards utility efficiency’ directly relates to key themes 1, 2 and 4 within the Blayney Shire Community Strategic Plan 2018-2028.

Additionally the project directly relates to the following within the 2019/20 to 2021/23 Delivery Program;

- 1.1.6 – Investigate opportunities for storm water harvesting and reuse,
- 2.5.2 – Council responsible management and delivery of sustainable services and assets delivered across the Blayney Shire,
- 3.5.1 – Promote sustainable energy development and use within the Shire,
- 4.1.2 and 4.4.1 – Implement Blayney Shire Sports & Recreation Plan to enhance and improve sporting facilities,
- 4.5.1 – Encourage and facilitate an active and healthy community by developing accessible programs through CentrePoint and local sporting groups.
- 5.4.1 – Promote sustainable development and protection of our natural resources.

The Blayney Shire Council Sport & Recreation Plan was adopted by Council in December 2017. CentrePoint and specifically this project are highlighted on page 21 of the Plan.

The Blayney Shire Council Renewable Energy Action Plan (REAP) 2017, outlined Council’s leadership stance in the delivery of energy efficiency and renewable generation projects for the benefit of Council and the community. The REAP specifically identified CentrePoint as being a clear case for a 100kW solar PV system. The project will see this recommendation achieved, with Council having already installed a 30kW solar PV system in 2018.

An independent business case and economic assessment for stage 1 and parts of stage 2 has previously been prepared by Business Sense and Economic Intelligence for the BBRF Round 2 grant application. It is noted though the scope of the entire project and cost has altered since the business case was prepared.

Utility consumption, in particular electricity consumption is forecast to increase by \$150k per annum as a result of the stage 1 upgrades. Preliminary estimates conservatively estimate stage 2 will reduce utility consumption (gas, electricity and water) a minimum \$75k per annum. Note; Council staff together

with consultants are still in the process of completing final calculations for forecast savings at the time of writing this report.

Capacity of the Council

Council is experienced in managing and acquitting NSW and Australian Government Grants with Council successfully acquitting over \$15.48m between 2010 and 2018.

Council is currently directly project managing;

- \$4.8m - CentrePoint Sport and Leisure Centre Major Upgrade, Stage 1
- \$2.2m - Central West Equestrian and Livestock Arena

Priorities and Alternatives

This project specifically aims to provide a compliant thermally performing building which will additionally reduce utility consumption and expenditure.

The need and alternatives for the project (Stage 1 and partial Stage 2) is outlined in pages 21-25 of the business case prepared by Business Sense.

The building (enclosing of the 1966 pools) was undertaken in 2000, however the construction was undertaken to a residential standard of construction not commercial standard which is inadequate. As a result of this a number of non-compliances were found in preparing the tender documentation and are subsequently being rectified as part of Stage 1 works.

A significant component of the Stage 2 works is the roof replacement. Currently 3,000m² of the 3,500m² roof consists of standard residential anticon blanket and trimdeck roof sheeting, which at best provides an R value of 1.

Anticon blanket is a typical residential standard insulation applied under roof sheeting which is not appropriate for the intensity of an enclosed pool hall environment. The current anticon blanket is disintegrating in the pool hall and will start to land onto patrons and into the new swimming pools.

The existing roof has several significant leaks, in particular above the manager's office and new accessible bathroom which is compounded by inadequate guttering and stormwater disposal. Ongoing stormwater damage to the new changing places and managers' office can also be expected.

The alternative is to leave the structure as is and acknowledge and accept that patrons and the building will be impacted on an ongoing basis.

The impact of a disintegrating roof is likely to result in decreased patronage to the new pool hall. Swimmers and patrons will not want to swim in or have disintegrating insulation falling on them.

Public Consultation Process and Community Engagement

In January 2017, Council through an online community survey engaged with the community on the proposed major upgrade, with 191 responses were

received. 84% of respondents answering they would use the Centre more if the major upgrade was undertaken.

As part of the grant application for BBRF, 18 letters of support were provided from a wide range of sporting and accessibility groups, strongly supporting the project.

In December 2017, with Sports Council endorsement and following an extensive community engagement and public exhibition process, Council approved the Blayney Shire Sport and Recreation Plan in December 2017. This project is specifically identified on page 21 of the Plan.

The project has been listed in Council's last 2 Delivery Plan's and Operational Plan's which both have been publically exhibited in accordance with the Local Government Act 1993.

Risk/Policy/Legislation Considerations:

Capital Expenditure Guidelines (2010) issued under s23 of the Local Government Act provide the framework for a transparent, consistent methodology for Council to evaluate a major project of this scale.

These guidelines, published on Office of Local Government (OLG) website <https://www.olg.nsw.gov.au/sites/default/files/Capital-Expenditure-Guidelines.pdf> outline the necessity for Council to make an informed decision before committing resources to those infrastructure facilities, including renovations and extensions that are expected to cost in excess of 10% of Council's annual ordinary rate revenue or \$1m, whichever is the greater.

Council's capital and operational works in general are covered under Council's Public Liability and Property Insurance Policy with Statewide Mutual. Additional risks associated with a project of this scale, may require additional notation on Council's Contracts Works Insurance which ensures cover is provided for both works in progress, property damage, public liability and Contractor default.

Budget Implications:

Council has provided a budget for CentrePoint Building & Aquatic Upgrade Stage 2 in 2022/23 of Council's Delivery Program with a total budget of \$1.5m which is listed as 100% grant funded.

A funding submission is being prepared for this project under the Australian Government's Building Better Regions Fund Round 4 which is a drought stimulus round.

During preparation of the BBRF round 4 application Council sought an updates cost estimate from Quantity Surveyors (QS) Osborne+Song. Their estimate has come back, forecasting stage 2 will cost approximately \$1.8m.

CentrePoint Stage 2	
Total Project Cost	\$1.8m
BBRF 4 Funds Sought	\$900k (50%)
Council Contribution	\$900k (50%)
Source of Council Funds	see below
Asset Write Off	\$232k
Additional Whole of Life Cost	\$38k per annum

The BBRF round 4 grant application is being prepared based on the QS forecast of the project costing \$1.8m. Based on the BBRF round 4 guidelines, if successful Council would need to match the grant with a \$900k contribution and consider how it funds the matching \$ for \$ contribution.

The following options are available to Council:

- Loan (full amount or partial amount);
- Other grant funding opportunities;
- CentrePoint Reserve;
- Savings from stage 1 construction;
- Developer Contributions;
- Voluntary Planning Agreement – Mining.

Following completion of Stage 1, Developer Contributions will have funded \$525k of works at CentrePoint over the past 3 years including 50% of the recent mechanical air heating replacement. The projected balance at the end of 2019/20 is \$615k, however further utilisation of this reserve for CentrePoint needs to be carefully considered because other infrastructure projects are identified in the Developer Contributions Plan that are required to be funded from this plan and reserve.

The majority of funds restricted in CentrePoint reserve is already committed to Stage 1 of the project. The balance at the end of 2019/20 is projected to be \$232k, provided the Stage 1 project is completed within budget.

In order to access low cost borrowings from TCorp, the minimum amount is \$1m. If the project was funded with a mix of borrowings and Council's restricted funds, a loan with another financial institution will incur interest at a higher rate.

The below table shows forecast scenarios for a 20 year loan.

Borrowings	Total Interest	Annual Repayments	Interest Rate
\$1,000,000	\$335,457	\$66,673	3%
\$500,000	\$228,754	\$36,438	4%

If the full amount is borrowed Council's operating result will decrease by the interest repayments of \$37k in the first year. In addition, Council's Debt Service Cover ratio is anticipated to drop from 6.53x to 6.19x. The benchmark being >2x.

The full impact of these scenarios have not been modelled through the Long Term Financial Plan and will potentially have additional cash flow implications dependent on the funding model chosen on future projects.

With utility consumption, in particular electricity consumption, it is forecast to increase by \$150k per annum as a result of the stage 1 upgrades. Conservatively, it is estimated stage 2 will reduce utility consumption (gas, electricity and water) by a minimum \$75k per annum. Note; Council staff together with consultants are still finalising forecast savings at the time of writing this report.

There would be a \$232k asset write off implication to this project. Council can accelerate depreciation on this asset each year prior to commencement should Council proceed. The additional whole of life cost, including depreciation, is estimated at \$38k per annum.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

17) **DA84/2019 - ALTERATIONS TO AN EXISTING DWELLING HOUSE (FIRST FLOOR), INCLUSION OF A SMALL BAR (GROUND FLOOR) AND ADVERTISING SIGNAGE - 9 PYM STREET, MILLTHORPE**

Department: Planning and Environmental Services

Author: Town Planner

CSP Link: 5. The Natural Environment

File No: DB.AB.1424

Recommendation:

That Council consents to Development Application 84/2019 for alterations to an existing dwelling house (first floor), inclusion of a small bar (ground floor) and advertising signage at Lot 9, Section B, DP1713 - 9 Pym Street, Millthorpe, subject to the recommended conditions of consent.

Reason for Report:

The proposed development has been referred for Council's determination on the basis that submissions were received and not all matters could be resolved by Conditions of Consent.

Report:

Executive Summary

Council consent is sought for alterations to an existing dwelling house (first floor), inclusion of a small bar (ground floor) and advertising signage at Lot 9, Section B, DP1713 - 9 Pym Street, Millthorpe (the 'subject property').

The subject property is a regular shaped allotment located within the main street of Millthorpe, comprising of a total area of 1451.45m². The subject property comprises of a two-storey building with two separate retail tenancies on the ground floor and a dwelling house on the first floor.

The surrounding land use is a combination of residential, retail, food and drink premises. The adjoining land to the North is a two-storey building, with residential use on the first floor and retail tenancies on the ground floor. The adjoining land to the South is a single storey building, with residential use occupying the rear of the building and retail tenancies occupying the front of the building along Pym Street. The adjoining land to the West is residential use and the adjacent land to the East is a combination of residential and commercial premises.

The application was notified and advertised development in accordance with the *Blayney Shire Development Control Plan 2018* and 4 submissions were received. A summary of the submissions is discussed in 4.15(1) (d) of this report.

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*, subject to recommended conditions of consent.

Proposed Development

Councils consent is sought for alterations to an existing dwelling house (first floor), inclusion of a small bar (ground floor) and advertising signage at Lot 9, Section B, DP1713 - 9 Pym Street, Millthorpe.

Alterations to Existing Dwelling House (First Floor)

- Remove the internal stud frame walls that formed that previous bathroom and then reconfigure the space to create an ensuite to Bedroom 1 and a separate bathroom for the dwelling;
- Reconfigure the existing kitchen and sitting area to create an open plan living zone, this involves the removal of a short section of stud frame wall of the existing kitchen, infilling of an existing door opening; conversion of an existing external door to a window and installation of a new kitchen;
- Removal of the enclosed first floor verandah that extended along the rear of the existing dwelling; and
- General internal refurbishment including painting, decorating, new floor coverings and tiling.

Small Bar (Ground Floor)

- The small bar would be operated by *Tamburlaine Organic Wines* and involve the tasting, consumption and sales of wines, other beverages and pre prepared food;
- The proposed hours of operation are 9:00am to 9:00pm, 7 days a week;
- General internal refurbishment including, painting and decorating; and
- Installation of food handing area and furniture.

Advertising Signage

- A flush sign painted or affixed to the fascia of the veranda deck, facing Pym Street. The signage would depict the wordmark/logo *Tamburlaine Organic Wines*.
- Frosted signage to the shopfront glazing on each of the entrance. The signage would depict the wordmark/logo *Tamburlaine Organic Wines*.

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 the following matters as are of relevance to the subject application:

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

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

Clause 1.7 Maps

Land Zoning:	RU5 Village
Lot size:	1451.45m ² .
Heritage:	Millthorpe HCA
Terrestrial Biodiversity:	N/A
Groundwater Vulnerability:	N/A
Drinking Water Catchment:	N/A
Watercourses:	N/A
Flood:	N/A

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 RU5 Village Zone. Alterations to an existing dwelling house (first floor), inclusion of a small bar (ground floor) and advertising signage is permissible in the RU5 Village zone. The objectives of the RU5 Village Zone seek to:

- *To provide for a range of land uses, services and facilities that are associated with a rural village.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage and provide opportunities for population and local employment growth commensurate with available services.*
- *To minimise the impact of non-residential uses and ensure those uses are in character and compatible with the surrounding residential development.*

The development is consistent with the forgoing objectives and is compatible with the character of the area.

Clause 5.10 Heritage Conservation

The subject property is located within the Millthorpe Heritage Conservation Area. The subject building is not a Heritage Item, however is adjoining and in vicinity of various Heritage Items within the *Blayney Local Environmental Plan 2012*.

It is considered that the proposal will have a minimal impact on the heritage significance of Millthorpe and surrounding Heritage Items due to the proposed works predominantly being within the interior or at the rear of the building. The proposed advertising signage is sympathetic to the design of the building and compatible with other forms within the area.

Clause 6.2 Stormwater

The proposal does not amend the existing stormwater arrangements that serve the subject property and does not involve new work or new impervious areas that would generate increased stormwater run – off.

Clause 6.8 Essential Services

The proposal meets the requirements of this Clause, as the subject property is connected to essential services and an existing suitable vehicle access is provided.

State Environmental Planning Policies

State Environmental Planning Policy 64 – Advertising and Signage

Schedule 1 of the Policy requires the following criteria to be considered in regard to the proposed advertising signage:

1. Character of the Area

The proposed signage is consistent with the existing signage and heritage character of the area.

2. Special Areas

The subject property is located within the Millthorpe Heritage Conservation Area. The subject building is not a Heritage Item, however is adjoining and in vicinity of various Heritage Items. The proposed signage is sympathetic to the heritage character of the area and is considered appropriate.

3. Views and Vistas

The proposed signage is confined within the facade and would not project beyond the profile of the building.

4. Streetscape, Setting or Landscape

The proposed signage is consistent with the character of the area and existing signage located within Pym Street.

5. Site and Building

The proposed signage is considered compatible with the scale, proportion and other characteristics of the subject building and property.

6. Associated devices and logos with advertisements and advertising structures

The proposed signage does not include any safety devices, platforms, lighting devices or logos that form an integral part of the signage or structure on which it is to be displayed.

7. Illumination

The proposed signage will not be internally illuminated.

8. Safety

The proposed signage is affixed to the façade of the building and will not obscure sightlines from public areas and will not reduce the safety for any public road, pedestrians or cyclists.

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 Shire Development Control Plan 2018 – Part D Commercial, Community and Industrial Development****Part D4 Access & Parking****D4.8 Exemptions to Off Street Car Parking Requirements**

The proposal seeks an off - street car parking exemption as it relates to an *Existing Building: The proposed development involves alterations and additions to an existing building, and the alterations and additions have a gross floor area of less than 25m² and do not encroach on existing off - street parking areas.* This is considered appropriate and an exemption is acceptable.

Blayney Shire Development Control Plan 2018 – Part E Other Land Uses**E2 Advertising & Signage****E2.5 General Controls for Advertising & Signage**

The proposed signage satisfies the requirements for one awning fascia sign and window signage. It is recommended that a condition of consent be applied requiring that the maximum coverage not exceed 20% of the surface of the window or 6m², whichever is lesser.

Blayney Shire Development Control Plan 2018 – Part H – Heritage Conservation**H4 Development in the Vicinity of Heritage Items****H4.1 Siting, Scale and Proportion**

The subject property is located within the Millthorpe Heritage Conservation Area. The subject building is not a Heritage Item, however is adjoining and in vicinity of various Heritage Items.

It is considered that the proposal will have a minimal impact on the heritage significance of Millthorpe and surrounding Heritage Items due to the proposed works predominantly being within the interior or at the rear of the building.

H5 Development within Heritage Conservation Areas**H5.1 Scale and Form**

The proposal is appropriate in terms of scale and form, largely because it does not involve any alterations to the building exterior that is visible from Pym Street.

H5.3 Materials and Colours

The proposal is appropriate in terms of materials and colours, as it does not involve any change to the exterior of the building.

H5.4 Doors and Windows

The proposal is appropriate in terms of materials and colours, as it does not involve any change to the exterior of the building that is visible from Pym Street.

H5.7 Advertising & Signage

The proposed signage is consistent with the surrounding existing signage and the heritage character of the area.

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**Fire Safety and other considerations (clause 93) & Buildings to be Upgraded (Clause 94)**

Councils Senior Building Surveyor has assessed the application to ensure compliance with the prescribed Regulations. It is recommended that conditions of consent be applied ensuring that the building is upgraded to comply with the Building Code of Australia.

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 the development
Context and Setting**

The subject property is a regular shaped allotment located within the main street of Millthorpe. The subject property comprises of a two-storey building with two separate retail tenancies on the ground floor and a dwelling house on the first floor.

The surrounding land use is a combination of residential, retail, food and drink premises. As such, it is considered that the proposal is consistent with the surrounding land use and will contribute to the character of the Millthorpe village.

Access, Transport & Traffic**Alterations to Existing Dwelling House (First Floor)**

Off street parking is available at the rear of the building via an existing access location off Pym Street. The proposal is not expected to cause any adverse traffic impacts to the area.

Small Bar (Ground Floor)

The existing premises represents a well-established component of the local traffic regime and would have a certain level of traffic already attributed to the surrounding area due to the previous commercial uses, including deliveries and patrons. As such, the proposal is not expected to cause any adverse traffic impacts to the area.

In addition, the proposal seeks an off - street car parking exemption in accordance with D4.8 Exemptions to Off Street Car Parking Requirements of the Blayney Development Control Plan 2018. The proposal relates to an *Existing Building: The proposed development involves alterations and additions to an existing building, and the alterations and additions have a gross floor area of less than 25m² and do not encroach on existing off - street parking areas.* This is considered appropriate and an exemption to off - street car parking is acceptable.

Site Design, Internal Design and Construction

The subject property is located within the Millthorpe Heritage Conservation Area. The subject building is not a Heritage Item, however is adjoining and in vicinity of various Heritage Items.

The proposal does not alter the bulk, scale, external finish or profile of the building or diminish the contributions of the Millthorpe Heritage Conservation Area, particularly the important views along Pym Street. The proposed external works are minor, confined to the rear of the building, and are not visible from Pym Street. The proposed advertising signage is sympathetic to the design of the building and compatible with other forms within the area.

The proposed small bar does not provide sanitary facilities for patrons, therefore, a condition of consent is recommended to ensure that the number of patrons be limited to a maximum of 20 persons in accordance with Table F2.3 of the Building Code of Australia.

Noise and Vibration

The proposed hours of operation are 9:00am to 9:00pm, 7 days a week. Due to residential land use, adjoining the subject property it is considered that the following hours of operations apply:

Small Bar

Monday to Saturday: 9:00am to 9:00pm

Sunday: 9:00am to 4:00pm

Social and Economic Impact

The subject property is located within the main street of Millthorpe and has the potential to generate positive social and economic effects, via employment opportunities, increased tourism and contributing to the overall character of the village of Millthorpe.

4.15(1) (a) (iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer

There are no such agreements relevant to this proposal.

4.15(1) (c) The suitability of the site of 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 application was notified and advertised for a period of 14 days in accordance with the *Blayney Development Control Plan 2018*. During this period, four (4) submissions were received. A summary of the submissions are outlined below:

1. Parking: There is limited parking within Millthorpe, particularly Pym Street, therefore, the proposed development will increase the issues of parking within the village.

Response:Alterations to Existing Dwelling House (First Floor)

Off street parking is available at the rear of the building via an existing access location off Pym Street. The proposal is not expected to cause any adverse traffic impacts to the area.

Small Bar (Ground Floor)

The existing premises represents a well-established component of the local traffic regime and would have a certain level of traffic already attributed to the surrounding area due to the previous commercial uses, including deliveries and patrons. As such, the proposal is not expected to cause any adverse traffic impacts to the area.

In addition, the proposal seeks an off - street car parking exemption in accordance with D4.8 Exemptions to Off Street Car Parking Requirements of the *Blayney Development Control Plan 2018*. The proposal relates to an Existing Building: The proposed development involves alterations and additions to an existing building, and the alterations and additions have a gross floor area of less than 25m² and do not encroach on existing off - street parking areas. This is considered appropriate and an exemption to off - street car parking is acceptable.

2. Existing licenced venues: There are multiple existing venues that serve and sell alcohol within the village of Millthorpe. Is another venue required for the size of the village and the impact of the proposed development on existing venues?

Response:

The proposed use is a permissible land use in the village zone.

3. Hours of operation - The hours of operation on Sunday should not operate after 5pm, due to adjoining residential development.

Response:

The proposed hours of operation are 9:00am to 9:00pm, 7 days a week. Due to residential land use, adjoining the subject property and having considered the submissions it is considered appropriate that the hours of operations are reduced through proposed condition 25 to:

Small Bar

Monday to Saturday: 9:00am to 9:00pm
 Sunday: 9:00am to 4:00pm

4. Noise and Privacy - The impact of noise and privacy issues on adjoining residential development.

Response:

The small bar will be located within the interior of the existing building. The proposal does not include any outside sitting areas for patrons.

The proposed hours of operation are 9:00am to 9:00pm, 7 days a week. Due to residential land use, adjoining the subject property and having considered the submissions it is considered appropriate that the hours of operations are reduced through proposed condition 25 to:

Small Bar

Monday to Saturday: 9:00am to 9:00pm
 Sunday: 9:00am to 4:00pm

Additionally proposed condition 25 includes the requirement that *“amplified music must not be audible outside the small bar premises at any time”* to minimise any potential impact of the proposed development on adjoining residential land uses within the surrounding locality.

4.15(1) (e) The public interest

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 is a draft Notice of Decision outlining conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

- | | | |
|----------|-----------------------|---------|
| 1 | Plans | 6 Pages |
| 2 | Submissions | 7 Pages |
| 3 | Conditions of Consent | 6 Pages |

Attachments (separate document)

4 Statement of Environmental Effects

40 Pages

YEATES/MORRIS/LUDOWICI - 9 PYM ST, MILLTHORPE

NOTES

ALL WORKSHOWN ELEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE RELEVANT BUILDING REGULATIONS AND ALL WORKSHOWN ELEMENTS SHALL BE CHECKED AND VERIFIED ON SITE PRIOR TO CONSTRUCTION.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES IN THE EVENT OF ANY DISCREPANCIES OR AMBIGUITIES IN THE DRAWING.

ALL WORKSHOWN ELEMENTS SHALL COMPLY WITH THE RELEVANT BUILDING REGULATIONS AND ALL OTHER APPLICABLE STANDARDS AND REQUIREMENTS.

THIS DRAWING TO BE USED IN CONJUNCTION WITH ALL OTHER DRAWINGS AND DOCUMENTS SUBMITTED WITH THE APPLICATION FOR APPROVAL.

NO.	DATE	COMMENT
A	20/10/19	ISSUED FOR APPROVAL

1 SOUTH ELEVATION

2 WEST ELEVATION

1:50 (A1)

1:100 (A1/A3)

Y04-DA02 09

10

ELEVATIONS - SHEET 2

FOR APPROVAL

SOUTHWELL Design - Drafting

2001 2018 2019
100 Commercial St. Melbourne, VIC 3008
03 9594 1000


Millthorpe NSW 2798

October 2nd 2019

Re: Application by L. A. Morris and Ludowici Group Pty Ltd.

Dear Sirs,

We refer to the letter from Blayney Council dated September 27th 2019 and wish to make our comments about the proposed "small bar" at No. 9 Mym Street, Millthorpe.

As Council are aware, there are two operating hotels, The Old Mill Café and Tonic and the Bowling Club are licenced to serve wine and two outlets for the sale of wines in Millthorpe, with a population of over 1000 residents and being a historic village, and we welcome the influx of visitors all year around who support the present businesses.

Especially at weekends, parking in Pym Street is almost impossible and we feel another venue would make the parking issue even more difficult.

We would expect the seven businesses already selling alcohol, except for the hotels to be far from pleased to have more competition as weekends are the prime time for food and alcohol sales.

Does the description of "small bar" require all the associated Council charges, including the provision for residential space upstairs? For example, Non-domestic waste management service, Extra service of waste charge, Extra recycling charge, waste management levy, Millthorpe non-resident sewer charge, Millthorpe sewer non resident usage charge, Millthorpe annual liquid trade waste charge, Millthorpe liquid trade waste user charge, annual food service inspection charge and twice a year grease trap clean charged to all food service businesses in Millthorpe?

In conclusion, we do not agree to another business selling alcohol in Millthorpe.

Yours faithfully,



[REDACTED]
Millthorpe

NJW 279.

3rd October 2019

Attn Claire Johnson
Town Planner.

Dear Claire,

Re D.A. 84 / 2018
lot 9, Section B, DP 1713 - 9 Pym
Street, Millthorpe.

Thank you for the opportunity
to comment on this proposal.

This development will be an
important improvement to our village - it
will bring life and employment to Pym
Street.

I wish my neighbours well with
this fine looking proposal.

Yours sincerely
[REDACTED]

2nd October 2019

Re: IAPP/50435

DA No: 84/2018

Property: Lot 9, Section B, DP1713 – 9 Pym Street, Millthorpe

In regards to the above Development Application we would like to raise concerns and matters for consideration on the following grounds:

Noise:

The rear neighbouring property, [REDACTED] Street being directly behind the development is a family home and a peaceful garden retreat which has been cultivated and entered twice in the Millthorpe Garden Ramble. We use this back garden for much needed respite from noise at the front of our property coming from the Railway Pub and the Bowling club. In our experience, the properties at the front do not always comply with noise restrictions as per the Liquor Act and have bands (such as Millthumpers) playing at inhuman decibels. We also notice that the beer garden is used as a free-for-all in which children run around screaming and yelling unparented. We are concerned that we would be exposed to unacceptable noise levels from the rear grassed area at night, mid-morning when we sleep in and when we want to quietly relax in the afternoons in our own beautiful garden.

1. We would therefore ask that seats and tables, swings and dedicated play areas **not** be created on the grassed areas beyond the proposed verandah.
2. That this venue **not** be used for music and guest bands, as these already available and producing noise at 2 locations in Elliott Street. There is also wine and co on Victoria Street plus cellar doors at the Railway and Angullong. Please note that people drinking get louder as they drink and this volume is not monitored and controlled by business owners.

Privacy:

We have enclosed a photo [REDACTED] and the Applicants' property at number 9 Pym Street. Anyone in that area can observe back to our property and into our bedroom, as we have observed by looking from that property. We specifically built [REDACTED] to get away from street and pub noise at Elliott St.

We would like to request that the Applicant immediately plant an Evergreen buffer of trees (not gums, which fall) such as Leighton Green conifers, which grow tall fast and act as a noise and privacy screen. This would definitely need to go along the south boundary where the church property is losing privacy also and along the back [REDACTED] the existing shed, as number [REDACTED] Street also has [REDACTED] who would get noise disturbance [REDACTED]

Should the shed be removed the motel residents would also be able to see [REDACTED] and yard from their elevation and trees would need to go on that boundary too.

Finally, we would like it to be noted that any future 'change of hands' for this business, follow the noise/music and garden use, regulations.

Yours Sincerely [REDACTED]

From: [Claire E. Johnstone](#)
To: [Planning and Environmental Services Records](#)
Subject: IS/51130 - FW: DA84/2019 for 9 Pym Street, Millthorpe
Date: Tuesday, 15 October 2019 10:40:44 AM

Claire E. Johnstone
Casual Senior Town Planner
Blayney Shire Council

From: [REDACTED]
Sent: Monday, 14 October 2019 4:36 PM
To: Claire E. Johnstone <CJohnstone@blayney.nsw.gov.au>
Subject: DA84/2019 for 9 Pym Street, Millthorpe

Hi Claire,

Thank you for the opportunity to comment on DA84/2019 for 9 Pym Street, Millthorpe.

My wife and I own the mixed use property at [REDACTED], which includes two shops and a dwelling.

While we are supportive of the general concept of the development, we object to the proposed Sunday operating hours.

Specifically, it is our view that the bar should not be operated after 5pm on a Sunday night.

We believe that this requirement is justified given the the potential noise impact on the amenity of our dwelling. In particular it is likely that patrons and vehicles departing the bar after 5pm on a Sunday night will impact on children's sleep and other typical weekend residential activities which rely on the quietness and 'slower pace' of a Sunday afternoon.

It is acknowledged that Pym Street is a predominantly commercial street and that normal trading hours should be permitted on a Friday and Saturday night.

Regards,

[REDACTED]

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For more information please visit <http://www.symanteccloud.com>



Our Ref: L2PJB19051.docx

12 November 2019

The General Manager
Blayney Shire Council
PO Box 62
BLAYNEY NSW 2799

Attention: Claire Johnstone

Dear Claire

**DA 84/2019 – PROPOSED SMALL BAR (GROUND FLOOR) AND RENOVATION OF EXISTING RESIDENCE (FIRST FLOOR) BUSINESS IDENTIFICATION SIGNAGE
9 PYM STREET, MILLTHORPE**

In regard to the above development application and in response to the matters raised in your email of 1 November 2019, we advise as follows:

Parking

The development is not likely to increase demand for on-street parking. Further to the points raised in the SoEE, the proposal is not likely to generate an unacceptable increase in parking demand due to the following:

- It is not an unreasonable suggestion that the law and community attitudes towards drinking and driving do perhaps place less demand for parking for bar and hotel patrons.
- Some customers are expected to arrive by small buses that already visit Millthorpe as part of organised winery tours. This will assist to alleviate parking pressures caused by individual cars in the street.

Licensed Venues

As stated in the SoEE, the social effects of the proposed small bar will be subject to assessment under the liquor licensing requirements of NSW Department of Industry – Liquor and Gaming. It is understood that a Community Impact Statement is not required as the venue does not propose to trade after midnight.

343 Summer St, PO Box 1827, Orange NSW 2800

telephone 02 6361 2955 • facsimile 02 6360 4700 • mobile 0409 821 016 • email peter@bashanlannina.com.au • abn: 91 558 813 035

The proposal has the benefit of the experience and resources of the operator (who currently hold a Producer/Wholesaler Licence) to ensure it meets the requirements/expectations of the relevant authorities and community. In this regard:

- The premises will operate in accordance with the development consent.
- The conditions attached to the licence along with the conditions of the development consent will be adhered to.
- All persons involved in the operation of the premises will familiarise themselves with the conditions of the development consent and the licence to ensure those terms are understood and complied with at all times.
- The Licensee will ensure that at all times alcohol is served responsibly. The Licensee will ensure that all staff involved in the sale, service and supply of liquor hold a valid Responsible Service of Alcohol (RSA) Competency Card or Certificate.
- Due to the style of operation of the premises it will not be necessary to employ licensed security personnel. However, management will be available to meet with residents to discuss any issues of concern in the operation of the Premises.
- Management and staff shall take all reasonable measures to ensure that the behaviour of customers, upon entering and leaving the Premises do not adversely affect the amenity of the neighbourhood.
- The venue is not a late trading venue.
- The venue will not have any gaming machines.

Hours of Operation

Due to the licensing requirements of NSW Department of Industry – Liquor and Gaming, there are no aspects of the development that warrant an earlier closing time on Sundays.

Noise and Privacy

The subject premises are a well-established component of the land use pattern. As a commercial premises, they have been subject to a pattern of public and customer attendance and visitation, typical of the shops and other businesses along Pym Street. The change of use to a small bar will continue the commercial character and activity already associated with the premises and will not generate any further privacy impacts.

Peter Basha
Planning & Development

DA 84/2019 - 9 Pym Street, Millthorpe

Page 3

The proposed small bar will be managed so that it does not generate unacceptable noise impacts. Proper management will be reinforced by the liquor licensing requirements.

Generally, there are no issues raised by public submissions that would warrant refusal of the application

We trust that this information is satisfactory and look forward to a favourable determination of the application. Please do not hesitate to contact our office if further information is required.

Yours faithfully

Peter Basha Planning & Development



Per:

PETER BASHA

Peter Basha
Planning & Development

Reasons for Decision

Statutory and legislative statutory requirements and public interest.

Approved Plans

1. Development is to take place in accordance with:

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
Ref: DA1PJB19051	Statement of Environmental Effects	Peter Basha Planning & Development	-	September 2019
02	Site Plan	Southwell Design – Drafting	-	September 2019
03	Demolition Plan (First Floor)	Southwell Design – Drafting	-	September 2019
04	Demolition Plan (Ground Floor)	Southwell Design – Drafting	-	September 2019
05	Floor Plan (First Floor)	Southwell Design – Drafting	-	September 2019
06	Floor Plan (Ground Floor)	Southwell Design – Drafting	-	September 2019
07	Roof Plan	Southwell Design – Drafting	-	September 2019
08	Elevations – Sheet 1	Southwell Design – Drafting	-	September 2019
09	Elevations – Sheet 2	Southwell Design – Drafting	-	September 2019
10	Sections	Southwell Design – Drafting	-	September 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. 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. 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. 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.
6. Where any excavation work on the site extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a) Protect and support the adjoining premises from possible damage from the excavation, and
 - b) Where necessary, underpin the adjoining premises to prevent any such damage

Prior to Issue of a Construction Certificate

NIL

Prior to Works Commencing

7. Prior to commencement of any works, a Construction Certificate for the proposed alterations to the existing residence is to be obtained, and where Council is not the PCA, a copy is to be submitted to Council.
8. The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, a notice of commencement of building or subdivision works and Appointment of Principal Certifying Authority (PCA).

During Construction

9. Construction or demolition only be carried out between 7.00 am and 6.00 pm on Monday to Friday, and 8am to 5pm on Saturdays. No construction or demolition is to be carried out at any time on a Sunday or a public holiday.
Note: The principal contractor shall be responsible to instruct and control their sub-contractors regarding the hours of work.
10. 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)*.
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. 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*.
13. 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.
14. The ground surrounding the building shall be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both shall be provided to all excavated areas, hard standing areas and depressions. The invert of such drains shall be a minimum of 200 mm below the finished floor level and shall have a minimum grade of 1:100 to the approved storm water disposal location. This work shall be carried out following the installation of the roof gutter & down pipes, and prior to the final inspection.
15. That the window signage has a maximum coverage that does not exceed 20% of the surface of the window or 6m², whichever is lesser.

Section 68 Requirements

16. 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.
17. 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.
18. Forty – eight (48) hours notice shall be given to Council for inspection of the following:
- a) Internal and external drainage lines, prior to backfilling. The licensed plumber/drainer shall be on site at the time of the inspection, and the drainage lines shall be charged; and
 - b) The completed building before use.
19. Prior to the issue of an Occupation Certificate, the licensed plumber shall submit to Council a Sewer Service Diagram and a Certificate of Compliance in accordance with the requirements of NSW Fair Trading.

Prior to Issue of Occupation Certificate

20. Prior to the issue of an Occupation Certificate for the change of use to a small bar, a structural engineer's certificate of adequacy for the ground floor of the building, shall be submitted to Council.
21. Prior to the issue of an Occupation Certificate for the small bar, the following fire safety upgrading work shall be carried out to the building:-
 - a) a sprinkler system complying with Australian Standard AS2118.4 shall be installed in the ground floor, with drenchers also provided to the northern windows of the building that are less than 3 metres from the side boundary;
 - b) a smoke detection & alarm system shall be provided in the building in accordance with Specification E2.2a of the Building Code of Australia (Volume 1);
 - c) portable fire extinguishers shall be provided to the ground floor of the building in accordance with Australian Standard AS2444; and
 - d) a fire safety certificate for the above fire safety measures shall be submitted to Council.
22. 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. Note that the Occupation Certificate for the small bar can only be issued by Council as it is a change of use.

Ongoing Matters

23. The maximum number of patrons permitted in the small bar shall be limited to 20 persons.
24. The approved building must not be used for any other purpose other than the approved use i.e. a dwelling, a small bar and a shop. Any proposed change of use or enclosure of the carport shall only be permitted with the consent of Council.
25. That the small bar may only be operated during the following hours:
Monday to Saturday: 900am to 900pm
Sunday: 900am to 400pm

Amplified music must not be audible outside the small bar premises at any time.

Advisory Notes**Compliance with the Building Code of Australia (Volume 1)**

AN1. The following is required to ensure that the dwelling complies with the Building Code of Australia (Volume 1):-

- a. The back verandah of the building must comply with Clause D2.13 - Stairs (including slip-resistance), Clause D2.16 - Balustrades and Clause D2.17 -Handrails;
- b. The first floor bedroom windows must have their openings restricted in accordance with Clause D2.24;
- c. Laundry facilities are required for the residence in accordance with Clause F2.1; and
- d. The provision of natural light and ventilation to the dining room must comply with Part F4.

Inspection Schedule

AN2. 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. Floor framing prior to laying the floor
- c. Frame inspection
- d. Hot and cold water prior to internal lining.
- e. Waterproofing prior to tilling.
- f. Final/stormwater inspection at time of completion of all works.

Notice of Commencement

AN3. 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.

18) **DA97/2019 - ERECTION OF A SHED - 93 FOREST REEFS ROAD, MILLTHORPE**

Department: Planning and Environmental Services

Author: Manager Planning

CSP Link: 2. Local Governance and Finance

File No: DB.AB.1437

Recommendation:

That Council consents to Development Application DA97/2019 for the construction of a shed at Lot 6, DP6146 - 93 Forest Reefs Road, Millthorpe.

Reason for Report:

The proposed development has been referred for Council's determination on the basis that the total floor of area of the proposed shed exceeds the applicable acceptable solution of the Blayney Development Control Plan 2018 (Blayney DCP 2018).

Report:

Executive Summary

Council's consent is sought for the construction of a shed at 93 Forest Reefs Road, Millthorpe, being Lot 6 DP6146 (the 'subject property').

The proposed development has been referred for Council's determination on the basis that the total floor of area of the proposed shed exceeds the applicable acceptable solution of the Blayney Development Control Plan 2018 (Blayney DCP 2018).

The key issues for consideration are summarised below, and addressed in detail in the body of this report.

The subject property is located within the 'village' portion of Forest Reefs Road, which extends to the west of Millthorpe Village beyond the Main Western Railway Line.

The property comprises a total area in the order of 3,961m² and contains an existing dwelling, shed and peripheral landscaping / trees. The existing dwelling and shed have a minimum setback in the order of 20m from Forest Reefs Road, with the existing shed being located at the rear of the dwelling.

The proposed shed would be located centrally within the subject property, approximately 80m south of the existing dwelling. The proposed shed would be setback 1.5m from the adjoining property to the east at 91 Forest Reefs Road, and 11m from the adjoining property to the west at 95 Forest Reefs Road.

The proposed shed is in the order of 20m long and 7.5m wide, having a total floor area of 150m². The existing shed located on the subject property also has a floor area in the order of 35m², with the total floor area of the two sheds being 185m².

The key issue for consideration is that the total floor area of the proposed shed and existing shed exceed the applicable acceptable solution of 128m² by 57m².

Notwithstanding this exceedance, it is recommended that the proposed shed be approved on the basis that the proposed shed is consistent with the applicable visual impact and amenity objectives / performance criteria of the Blayney DCP 2018. In particular, it is considered that the proposed shed:

- Will not dominate views from Forest Reefs Road or other key public places;
- Is in keeping with the scale and setting of the relevant land use zone, streets and locality character;
- Will suitably integrate with the surrounding dwellings, buildings and landscape, with the adjoining and proximate properties generally all comprising sheds of various sizes;
- Will not significantly impact on the amenity of neighbouring properties.

In accordance with Part B of the Blayney DCP 2018, the proposed development was notified to the adjoining property owners. No submissions were received.

As such, 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

The proposed shed is 20m long, 7.5m wide and 4.329m high. The location of the proposed shed is shown in Figure 1, below.



Figure 1: Proposed site layout

While no specific materials and colours have been provided with the development application, the applicant was informed via pre lodgement advice in May 2019 that a condition of consent would be applied requiring that all roof and wall finishes shall be comprised of Colorbond Windspray, including Windspray custom orb roofing, Windspray vertical custom orb profile walls, Windspray unperforated quad gutters, Windspray circular downpipes and Windspray roller shutter doors.

This advice was provided on the basis that the subject property is located within the Millthorpe Heritage Conservation Area (refer OEM/27499).

ASSESSMENT - ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

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

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

Section 4.15 - Evaluation

**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:	RU5
Lot size:	Minimum lot size = 450m ²
Heritage:	Millthorpe Heritage Conservation Area
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 RU5 Village.

The objectives of the RU5 Village Zone seek to:

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To encourage and provide opportunities for population and local employment growth commensurate with available services.
- To minimise the impact of non-residential uses and ensure those uses are in character and compatible with the surrounding residential development.

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

Part 5 – Miscellaneous provisions

Clause 5.10 Heritage Conservation

Clause 5.10 seeks to conserve the heritage significance of heritage items and conservation areas, including the associated fabric, settings and views; conserve archaeological sites and sites; and to conserve Aboriginal objects and Aboriginal places of heritage significance.

Specifically, Clause 5.10(4) requires that the consent authority must, before granting consent under this clause in respect of a heritage conservation area and heritage item, consider the effect of the proposed development on the heritage significance of the item or area concerned.

Given that the subject property is located within the Millthorpe Heritage Conservation Area, the applicant was informed via pre lodgement advice in May 2019 that a condition of consent would be applied requiring that all roof and wall finishes shall be comprised of Colorbond Windspray, including Windspray custom orb roofing, Windspray vertical custom orb profile walls, Windspray unperforated quad gutters, Windspray circular downpipes and Windspray roller shutter doors (refer OEM/27499).

Subject to meeting these requirements, the proposed shed will achieve a suitable outcome with regard to the Millthorpe Heritage Conservation Area.

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.

Council's Senior Building Surveyor has recommended a condition of consent requiring that roof water from the building shall be disposed of to the existing stormwater drainage system in accordance with the Plumbing Code of Australia, with all work carried out by a licensed plumber or drainer.

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.

Essential services are available to the subject property.

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 historically been used for the purpose of a dwelling, it is accepted that it is unlikely to be contaminated. No further assessment is required.

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 dwelling, habitable room, or home business / industry.

A condition of consent will be applied requiring that 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.

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 spaces; will be in keeping with the scale and setting of the relevant land use zone, streets and locality character; will integrate with dwelling design and surrounding landscaping and buildings; and will not significantly impact on the amenity of neighbouring properties.

The proposed development is considered to be consistent with the relevant acceptable solutions. In particular, it is considered that the size and location of the proposed shed will be in keeping the scale and setting of the existing dwelling and shed.

Further, given the central location of the proposed shed it is considered unlikely to have a detrimental impact on any adjacent property.

C3.3 Garages, Carports, Outbuildings & Sheds in Urban Areas

C3.3 seeks to achieve the same objectives as C3.2, however the acceptable solutions are prescriptive in terms of building siting, maximum building height and cumulative building floor area. Specifically, a detached shed in the RU5 Village Zone should:

- Generally be located behind any existing or proposed dwelling or towards the rear of any property;
- Not exceed a ridge height of 4.8m from existing ground level;
- Not exceed a cumulative floor area (detached from the dwelling):
 - If the lot is < 900m² in size – maximum of 96m;
 - If the lot is ≥ 900m² in size – maximum of 128m.

The proposed shed is generally consistent with these acceptable solutions with the exception of the cumulative floor area of sheds.

The existing shed has a floor area of 35m² while the proposed shed has a floor area of 150m², resulting in a cumulative floor area of 185m².

While proposed shed would result in a cumulative floor area 57m² more than the acceptable solution, in this circumstance it is considered that the proposal is still consistent with the relevant visual impact and amenity objectives. In particular, it is noted that the proposed shed:

- Will not dominate views from the street or key public spaces;
- Will be in keeping with the scale and setting of the existing setting;
- Will not detract from the existing dwelling; and
- And will not detrimentally impact on the amenity of neighbouring properties.

Where a proposed development does not meet the applicable acceptable solution Council staff would request the applicant to provide a written statement which seeks to justify the departure by demonstrating:

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

The applicant has provided a written request addressing these matters. In this regard, it is open to Council to support the proposed development.

Part G – Environmental Management and Hazards (Optional Part if Required)

C9 Land & Soils

G9.3 Naturally Occurring Asbestos

G9.3 applies to areas where the potential presence of naturally-occurring asbestos has been mapped by the NSW Government across NSW and broken down into broad areas of low, medium or high potential regions.

The development site is located in area as having medium potential.

As such it is recommended that a condition of consent be applied which identifies the requirements of the *Work Health and Safety Regulations 2017* (as amended). Specifically, Chapter 8 of the Regulation identifies that If NOA is identified, and it is likely to be affected by the proposed works, then Clause 432 of that Regulation requires that a site-specific Asbestos Management Plan is prepared in accordance with the regulations and the *Model Asbestos Policy for NSW Councils (2015)* (as amended).

Part H – Heritage

H5 Development within Heritage Conservation Areas

The following objectives apply to development within Heritage Conservation Areas

H5.1 Scale and Form

- The scale of new development within a conservation area should relate to the scale of the adjacent or nearest heritage building and streetscape.
- Development of a larger scale is allowable only if it can be demonstrated that the new development will not adversely impact on the character and views of the conservation area.
- New development that obscures important views within a heritage conservation area should not be permitted.
- The roof forms of new development in a conservation area are to complement the original roof forms of existing nearby buildings that contribute to the conservation area and streetscape.
- Additions and alterations to existing buildings that contribute to the character of a conservation area should not detract from the original form of the existing building as viewed within the streetscape.
- The treatment of the street façade of new development in a conservation area should relate to existing nearby buildings that contribute to the conservation area.

H5.2 Siting

- The front setbacks of new development (including alterations and additions) in conservation areas should be an average of adjacent or nearby development or consistent within the streetscape.
- No new structures should be built forward of the established main street building line.

H5.3 Materials and Colours

- Original materials of existing heritage buildings in conservation areas should not be replaced with different materials or with materials of different colours unless justified, and approved by Council.
- Non – original materials of existing heritage buildings in conservation area that are being replaced should be replaced with materials that complement the original material as closely as possible.
- Materials for new development in HCAs should not contrast with the original materials of the dominant contributory buildings in the conservation area.
- Colour schemes for existing and new development in conservation areas should have a relationship with traditional colour schemes for the dominant style of development found in the conservation area in consultation with Council.
- The use of fluorescent paint and primary colours on buildings in conservation areas is not permitted.

H5.5 Outbuildings

- Outbuildings and carports should be located behind the front building alignment.
- Outbuildings should be single storey and designed and located so that they have negligible if any impact on the streetscape

Subject to meeting the recommended condition of consent requiring that all roof and wall finishes shall be comprised of Colorbond Windspray, including Windspray custom orb roofing, Windspray vertical custom orb profile walls, Windspray unperforated quad gutters, Windspray circular downpipes and Windspray roller shutter doors, the proposed development is consistent with the foregoing requirements.

Section 4.15(1)(a)(iia) 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 property owners.

No submissions were received.

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 is a draft Notice of Decision outlining conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

- | | | |
|---|-----------------------|---------|
| 1 | Plans | 3 Pages |
| 2 | Conditions of Consent | 6 Pages |

Attachments (separate document)

Nil



The Imagery and Basemap are sourced from Spatial Services, Department Finance, Services & Innovation 2018

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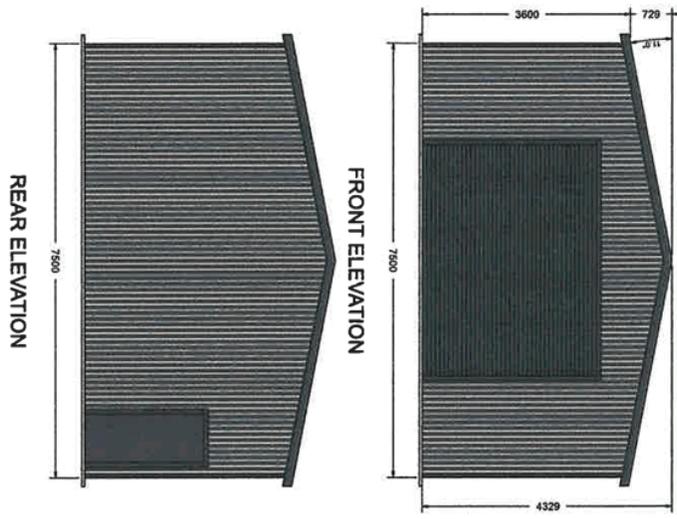
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COMMERCIAL - INDUSTRIAL - RESIDENTIAL - FARMHOUS - STEEL DETAILING
CAMILLO PINEDA MORENO
Principal Engineer
Professional Engineer (Civil)
Singer

Date: 16/07/19

Customer Name: Lindsey Stonestreet
Site Address: 93 Forest Reefs Rd
Mullthorpe,
NSW, 2798

Drawing Title: End Elevations
Scale: 1:100,000
Date: 13-07-2019
Job Number: 172317
Page: 1 of 9



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DESIGN & CONSTRUCTION

CIVIL & STRUCTURAL ENGINEERS
COMMERCIAL - INDUSTRIAL - RESIDENTIAL - FORENSIC - STEEL DETAILING
CAMILLO PINEDA MORENO
Lead Engineer and Project Manager
PROF. (NSW) CIVIL ENGINEER (1991)

Signature:  DATE: 18/07/19

Customer Name: Lindsey Stonestreet
Site Address: 93 Forest Reeds Rd
Mullthorpe,
NSW, 2798

Drawing Title: Side Elevations
Scale: 1:100.000
Date: 13-07-2019
Job Number: 172317
Page: 2 of 9



Reasons for Decision

Statutory and legislative requirement and public interest.

Approved Plans

Development in Accordance with Approved Plans & Documentation

1. Development is to take place in accordance with:

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
-	Statement of Environmental Effects	Applicant	-	-
-	- (Site plan)	Applicant	-	-
1 of 9	End Elevations	Best Sheds / Emerald Design and Construction	-	13/07/2019
2 of 9	Side Elevations	Best Sheds / Emerald Design and Construction	-	13/07/2019

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

Building Code of Australia

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.

Identification of Site

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

- Unauthorised entry to the worksite is prohibited;
- Street number or lot number;
- Principal contractor's name and licence number; or owner builders permit number;
- Principal contractor's contact telephone number/after-hours number;
- 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.

Contract of Insurance

4. 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.

Home Building Act

5. 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.

Excavation Work

6. Where any excavation work on the site extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - a) Protect and support the adjoining premises from possible damage from the excavation, and
 - b) Where necessary, underpin the adjoining premises to prevent any such damage.

Prior to Issue of a Construction Certificate

Amended Structural Details

7. Prior to the issue of the Construction Certificate, amended structural details for the shed designed for a ground snow load of 1.4kPa, are to be submitted to Council.

Prior to Works Commencing

Commencement of Work & Appointment of PCA

8. 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).

Traffic and Pedestrian Management Plan

9. 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.

Soil & Water Management Plan

10. The developer is to submit a soil and water management plan for the site in accordance with *WBC Guidelines for Engineering Work*. No building, engineering, or excavation work, or topsoil stripping or vegetation removal, is to be carried out in relation to this development until such time as the plan has been approved by Council and the measures detailed in the plan are in place prior to works commencing. The measures detailed in the plan are to remain in place until all landscaping is completed.

Public Liability Insurance

11. 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

Materials and Finishes

12. All roof and wall finishes shall be comprised of Colorbond Windspray, including Windspray custom orb roofing, Windspray vertical custom orb profile walls, Windspray unperforated quad gutters, Windspray circular downpipes and Windspray roller shutter doors.

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

Note 1: Sheet metal shall be of factory prefinished type material.

Optional note 2: Zinalume will be not accepted.

Naturally Occurring Asbestos

13. If Naturally Occurring Asbestos is identified, and it is likely to be affected by the proposed works, then Clause 432 of the *Work Health and Safety Regulations 2017* (as amended) requires that a site-specific Asbestos Management Plan is prepared in accordance with the regulations and the *Model Asbestos Policy for NSW Councils (2015)* (as amended).

Erosion and Sediment Control

14. 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.

Hours for Construction or Demolition

- 15. 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.

Rubbish and Debris

- 16. 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.

Excavation Work

- 17. 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.

Roofwater Disposal

- 18. Roofwater from the building shall be disposed of to the existing stormwater drainage system in accordance with the Plumbing Code of Australia, with all work carried out by a licensed plumber or drainer.

Engineering Inspections

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

E	Concrete Crossings	Footway	* After placing of formwork and reinforcement, and prior to concrete placement;
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Footway Crossing – Square

20. 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.

Road and Interallotment Drainage

21. All road and inter allotment drainage is to be conveyed to a legal point of discharge, in accordance with *WBC Guidelines for Engineering Works*.

Relocate Utility Services

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

Prior to Issue of Occupation Certificate**Occupation Certificate**

23. 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**Approved Use**

24. 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**Inspection Schedule**

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

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

(Choose applicable inspections)

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

Notice of Commencement

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

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.

19) **DA77/2019 - INSTALLATION OF A NEW SIGN - 1 WATER STREET, BLAYNEY**

Department: Planning and Environmental Services

Author: Manager Planning

CSP Link: 5. The Natural Environment

File No: DB.AB.1417

Recommendation:

That Council consents to Development Application DA77/2019 for a Business identification sign at Lot 1 DP123950 - 1 Water Street, Blayney.

Reason for Report:

The proposed development has been referred for Council's determination on the basis that 1 local resident made an objecting submission which could not be resolved by staff via a condition of consent.

Report:

Executive Summary

Council's consent is sought for the construction of a digital *Business identification sign* at 1 Water Street, Blayney, being Lot 1 DP123950 (the 'subject property'). The subject property is otherwise identified as the Blayney High School.

The proposed development has been referred for Council's determination on the basis that 1 local resident made an objecting submission which could not be resolved by staff via a condition of consent.

The key issues for consideration are summarised below, and addressed in detail in the body of this report.

The subject property is regularly shaped, comprising a total area of 6.48ha. The property contains numerous school buildings, associated infrastructure and landscaping.

The proposed sign would be located in the south east corner of the subject property, adjacent to the intersection of Osman Street and Water Street. The sign would be in the order of 4.2m high and would include a digital display of 1m x 1.7m w.

In accordance with Part B of the Blayney DCP 2018, the proposed development was notified to the adjoining property owners in the vicinity of the Water Street and Osman Street intersection.

During the notification process 1 objecting submission was received. The submission indicated the following:

- The submitter is a shift worker and their bedroom is located at the front of the dwelling (while not specifically stated, it is implied that the proposed sign will impact on sleep);
- The submitter only recently bought this house and they may not have bought it had they known about the proposed sign;
- The proposed sign would be more effective if it was located on the Orange Road and directed towards the existing Blayney Public School; and
- The proposed sign should not be located in a residential area such as Water Street.

The submission is discussed in detail in the body of this report.

Notwithstanding, 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*, subject to the recommended conditions of consent.

Proposed Development

Council's consent is sought for the construction of a digital business identification sign at 1 Water Street, Blayney

The sign would be order of 4.2m high and would include a digital display in the order of 1m x 1.7m.

The proposed sign would be located in the south east corner of the subject property, adjacent to the intersection of Osman Street and Water Street.

ASSESSMENT - ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

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

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

Section 4.15 - Evaluation**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:	R1 General Residential
Lot size:	450m ²
Heritage:	Yes – Old growth Elm and Hoop Pine trees
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.

The objectives of the R1 General Residential Zone seek to:

- To provide for the housing needs of the community.
- To 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 considered to be consistent with the foregoing objectives.

Part 5 – Miscellaneous provisions

5.10 Heritage Conservation

Clause 5.10 seeks to conserve the heritage significance of heritage items and conservation areas, including the associated fabric, settings and views; conserve archaeological sites and sites; and to conserve Aboriginal objects and Aboriginal places of heritage significance.

Specifically, Clause 5.10(4) requires that the consent authority must, before granting consent under this clause in respect of a heritage conservation area and heritage item, consider the effect of the proposed development on the heritage significance of the item or area concerned.

The subject property is identified as heritage Item I105. Notably, the LEP identifies that I105 comprises an old growth Elm tree and Hoop Pine trees.

The proposed sign has been sighted to ensure that it will have no impact on any trees. As such, it is considered that the proposed tree will not have a detrimental impact on the heritage significance of the property.

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 electricity is available to the subject property.

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.

The subject property is used for the purpose of a school and is unlikely to be contaminated. No further assessment is required.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 requires that development carried out within 5m of an exposed overhead electricity power line must be referred to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks. Council must take into consideration any response provided within 21 days after the notice is given.

Essential Energy have provided the following response to the proposed development:

- If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.
- Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.
- Essential Energy has existing overhead powerlines in proximity to the proposed digital sign location. To ensure minimum safety requirements and distances are met in relation to the proposed sign's location:
 - Water Street – the closest part of the proposed digital sign must be a minimum of 7.5 metres from the centreline of the powerline; and
 - Osman Street – the closest part of the proposed digital sign must be a minimum of 5.0 metres from the centreline of the powerline.
- In addition, Essential Energy's records indicate there is electricity infrastructure located within close proximity of the proposed development. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities encroach on the electricity infrastructure.
- Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).
- Given there is electricity infrastructure in the area, it is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets

These comments have been incorporated as recommended conditions of consent as appropriate.

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**

E.2 Advertising and Signage

E.2 applies to all advertisements and signage, except that which is exempt development under an environmental planning instrument that applies to it. Specifically, E.2 seeks to:

- Provide guidelines for the design, erection and display of signage and advertising structures.
- Ensure that signage is well designed, appropriately sized and positioned in a consistent manner.
- Encourage relevant and appropriate signage which complements the character of the area and the site or building on which it is located.
- Ensure that signs are structurally safe and well maintained.
- Minimise visual clutter caused by the proliferation of signage and encourage the rationalisation of existing and proposed signage.
- Ensure that signage does not compromise pedestrian, cyclist or vehicle safety.

These objectives are achieved through specific design controls for each type of signage.

E.2.6.5 Pylon and Pole Signs

The following controls apply to pylon and pole signs:

- Not exceed one (1) sign per property street frontage;

The proposed sign would be the only sign located in the immediate vicinity.

- Not be located within the main streets of Towns and Villages within the Blayney Local Government Area, except for Service Stations which may seek special permission from Council and Roads and Maritime Services (RMS);

Neither Water Street nor Osman Street is a main street.

- Have a height that is consistent with the scale of surrounding buildings and is a maximum height of 7 metres;

The proposed sign has a maximum height in the order of 4m, well below the allowed maximum of 7m.

- Be designed to reflect the scale of the building to which it relates and the streetscape characteristics of the area;

It is considered that the proposed sign is consistent with the scale and nature of the existing Blayney High School.

- Be contained wholly within the site and must not overhang any public space or land;

The proposed sign will be wholly located within the subject property.

- Not be illuminated.

While the proposed sign will not be illuminated (i.e. flood lit), it is a digital sign and will therefore emit light. Notwithstanding, it is noted that a condition of consent will be applied requiring that the sign be switched off between 9pm and 6am, therefore ensuring it does not emit any light which may impact on proximate dwellings throughout the night.

State Environmental Planning Policy No 64—Advertising and Signage

State Environmental Planning Policy No 64—Advertising and Signage (SEPP64) applies to the proposed development.

An assessment against the relevant criteria is set out below.

Character of the area

- Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?
- Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?

It is considered that the proposed sign is compatible with the existing character of the immediate area given that it generally meets the requirements of the Blayney DCP and that it forms part of the existing Blayney High School site. Further, it is noted that there is no particular theme for outdoor advertising in the immediate area.

Special areas

- Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?

While the subject property is identified as a Heritage Item, it is noted that the Heritage Item is limited to old growth Elm and Hoop Pine trees located on the subject property. The proposed sign will not impact on the subject trees.

Views and vistas

- Does the proposal obscure or compromise important views?
- Does the proposal dominate the skyline and reduce the quality of vistas?
- Does the proposal respect the viewing rights of other advertisers?

The proposed sign will not obscure any important views, dominate the skyline or reduce the quality of any vista.

Streetscape, setting or landscape

- Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?
- Does the proposal contribute to the visual interest of the streetscape, setting or landscape?
- Does the proposal reduce clutter by rationalising and simplifying existing advertising?
- Does the proposal screen unsightliness?
- Does the proposal protrude above buildings, structures or tree canopies in the area or locality?
- Does the proposal require ongoing vegetation management?

As previously discussed, it is considered that the proposed sign presents a suitable response to the existing streetscape, particularly insofar as it is dominated by the school and its associated infrastructure.

Site and building

- Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?
- Does the proposal respect important features of the site or building, or both?
- Does the proposal show innovation and imagination in its relationship to the site or building, or both?

The proposed sign is considered to be consistent with the scale and proportion of the school site.

It is not considered that the proposed sign shows any particular innovation or imagination.

Associated devices and logos with advertisements and advertising structures

- Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?

The proposed sign is a digital sign and will be updated to provide information relevant to the operation of the school.

Illumination

- Would illumination result in unacceptable glare?
- Would illumination affect safety for pedestrians, vehicles or aircraft?
- Would illumination detract from the amenity of any residence or other form of accommodation?
- Can the intensity of the illumination be adjusted, if necessary?
- Is the illumination subject to a curfew?

While the proposed sign is digital and will emit light, it is unlikely to result in unacceptable glare or affect the safety of pedestrian vehicles or aircraft, as is evidenced by the operation of the existing digital business identification sign located at the Blayney Primary School on Orange Road.

Further, it is considered that the proposed sign is unlikely to impact on the amenity of any local residence. In particular, it is noted that additional information provided by the applicant confirms that lumen output of the sign will reduce from 5,500 cd/sqm during daylight hours to a maximum output of 2,500 cd/sqm at dusk / night.

Given that street lighting is present in the immediate area, the digital business identification sign is likely to have a negligible impact. Further, it is recommended that a condition of consent be applied requiring that the sign be turned off between 9pm and 6am each night.

Safety

- Would the proposal reduce the safety for any public road?
- Would the proposal reduce the safety for pedestrians or bicyclists?
- Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?

Council's Infrastructure Services Department have considered the proposed development and confirmed that it is unlikely to reduce the safety of any public road or that of any pedestrian or cyclist.

Section 4.15(1)(a)(iia) 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 adjoining landowners. One submission was received.

The submission indicated the following:

- The submitter is a shift worker and his bedroom is located at the front of the dwelling (while not specifically stated, it is implied that the proposed sign will impact on sleep);
- The submitter only recently bought his house and he may not have bought it had he known about the proposed sign;
- The proposed sign would be more effective if it was located on the Orange Road and directed towards the existing Blayney Public School; and
- The proposed sign should not be located in a residential area such as Water Street.

Based on the submitter's comments, the key issue for consideration is the potential impact of light emitted from the digital sign outside of daylight hours.

While it is acknowledged that the proposed sign will emit light, it is considered that the proposed sign is unlikely to impact on the amenity of any local residence. In particular, it is noted that additional information provided by the applicant confirms that lumen output of the sign will reduce from 5,500 cd/sqm during daylight hours to a maximum output of 2,500 cd/sqm at dusk / night.

Further, it is noted that any potential impact of the proposed sign will be reduced by the effect of existing street lighting in the immediate area. It is also recommended that a condition of consent be applied requiring that the sign be switched off between 9pm and 6am.

With regard to the submitters comment that proposed sign should not be located in a residential area such as Water Street and would be more effective on Orange Road, it is noted that Orange Road is also a predominately a

residential street, albeit being a main road. In this regard, it is considered that the proposed location is suitable and that the proposed sign can be operated in a manner which will not have a significant or detrimental impact on proximate residential properties.

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 is a draft Notice of Decision outlining conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

1	Plans	2 Pages
2	Submission	1 Page
3	Conditions of Consent	4 Pages

Attachments (separate document)

Nil





CLIENT
BLAYNEY HIGH SCHOOL

PROJECT
INSTALLATION OF DIGITAL SCHOOL SIGN

LOCATION
LOT 1 DP 123950
1 WATER STREET
BLAYNEY NSW 2799

GENERAL NOTE:
Figured dimensions take preference, do not scale to plans. IF IN DOUBT, ASK.
Contractors are responsible to check and verify all information prior to tendering and shall report any discrepancies or omissions.
Incorrect inclusions or omissions or typographical errors can not be used in the interpretation of any information in these drawings. They can only be used to clarify or explain the drawings. They are not to be used to alter the drawings. The project or omitted details shall be subject to subsequent completion by CEO and the documentation re-issued.
These drawings are to be read in conjunction with the relevant client-builder contract. The contract is to take precedence over these drawings in all matters.
All work to be carried out in a tradesman like manner and in accordance with local codes, the BCA, AS/NZS standards and any relevant authority requirements.
All concrete and structure details to engineers.
Specifications and specifications take precedence over these plans.
Finished ground levels are approximate only and shall be confirmed on site.



OVERALL SITE PLAN
NOT TO SCALE



SITE PLAN
NOT TO SCALE

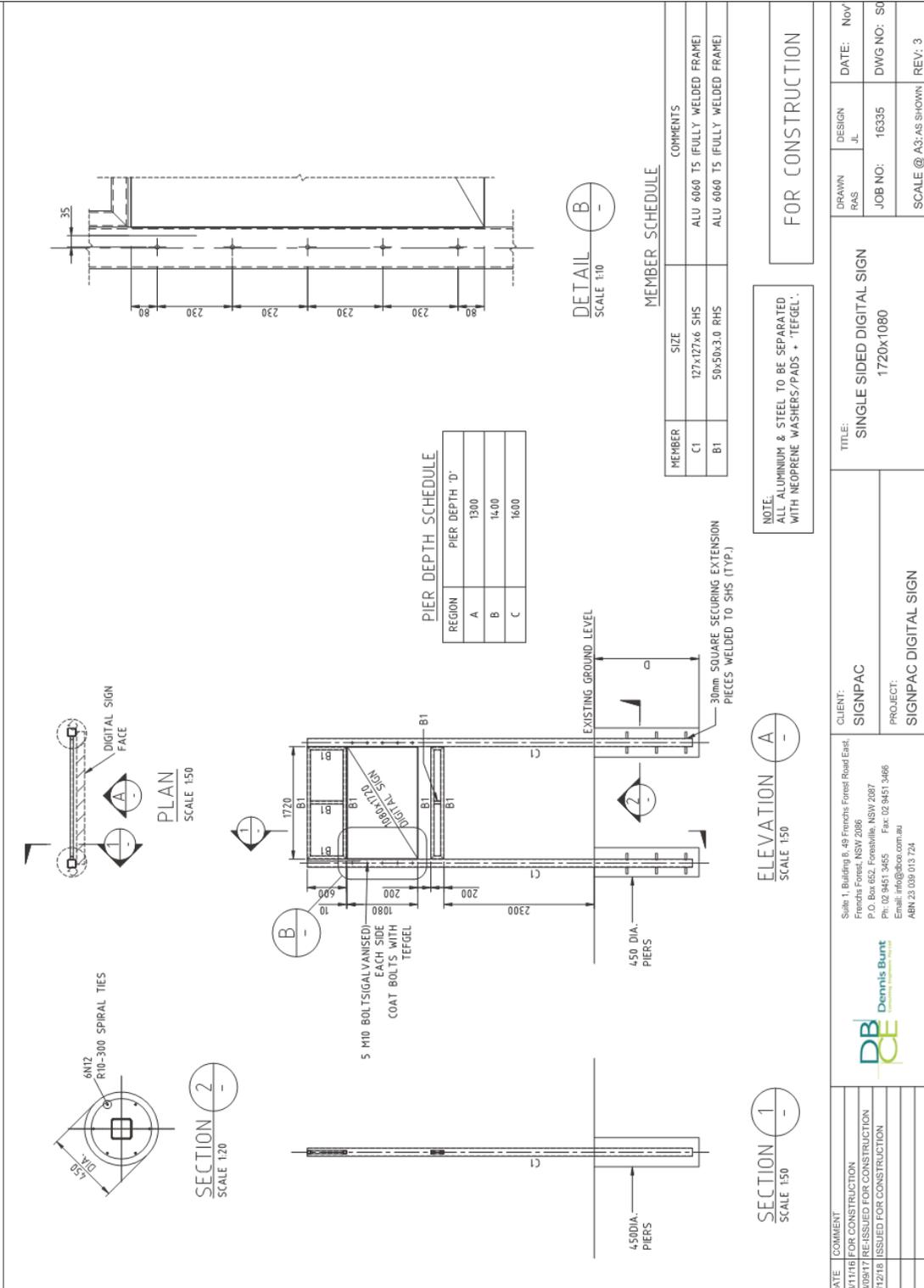






SITE INVESTIGATION
A COMPLETE INVESTIGATION OF SERVICES HAS NOT BEEN UNDERTAKEN FOR THIS SITE PLAN.
- CONFIRMATION OF CRITICAL POSITION SERVICES SHOULD BE OBTAINED WITH ON SITE DETECTION SERVICES.
- THIS PLAN SHOULD NOT BE USED FOR CRITICAL DESIGN DIMENSIONS IN RELATION TO EXISTING STRUCTURES AND SERVICES.
- PRIOR TO ANY DEMOLITION, EXCAVATION OR CONSTRUCTION ON THE SITE, AUTHORITIES SHOULD BE CONTACTED FOR LOCATION OF ALL SERVICES.
- NEGLECTING TO DIAL 1100 BEFORE DIGGING OR EXCAVATING CAN LEAD TO COSTLY DISRUPTION TO ESSENTIAL SERVICES, AND INJURY OR DEATH TO WORKERS AND THE GENERAL PUBLIC. IT CAN ALSO LEAD TO HEAVY FINANCIAL PENALTIES.

Issue	Date	Amendments
SHEET No.	JOB No.	Amendments
1	SPC2916	



Subject: - High School Sign Appeal
Date: Wednesday, 11 September 2019 11:49:04 AM

Hey Dan,

Just emailing you in regards to my appeal against the high schools digital sign.

I'm a shift worker with my bedroom being at the front of the house. I've only just recently bought the property and if I knew the sign was going forward it may of changed my decision.

I also think the sign would be more effective on the Orange Road pointing towards the Public Schools digital sign and not in a residential area like Water St.

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

Reasons for Conditions

Statutory and legislative requirement and public interest.

Approved Plans

Development in Accordance with Approved Plans & Documentation

1. Development is to take place in accordance with:

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
	Statement of Environmental Effects	Applicant	-	08/07/2019
	Single Sided Digital Sign	Dennis Bunt Consulting Engineers Pty Ltd	Rev 3	Nov 16
SPC2916	Overall Site Plan	Signpac / CEO architectural cad design + presentation	A	08.07.10

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

Building Code of Australia

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.

Identification of Site

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

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

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

Prior to Issue of a Construction Certificate

Nil.

Prior to Works Commencing**Commencement of Work & Appointment of PCA**

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

Essential Energy - Safety

5. It is the responsibility of the person/s completing any works around powerlines to understand their safety responsibilities. SafeWork NSW (www.safework.nsw.gov.au) has publications that provide guidance when working close to electricity infrastructure. These include the Code of Practice – Work near Overhead Power Lines and Code of Practice – Work near Underground Assets.

During Construction**Essential Energy - Setbacks**

6. Essential Energy has existing overhead powerlines in proximity to the proposed digital sign location. To ensure minimum safety requirements and distances are met in relation to the proposed sign's location:
 - Water Street – the closest part of the proposed digital sign must be a minimum of 7.5 metres from the centreline of the powerline; and
 - Osman Street – the closest part of the proposed digital sign must be a minimum of 5.0 metres from the centreline of the powerline.

The foregoing setbacks must be met unless otherwise agreed by Essential Energy.

Essential Energy - Encumbrances

7. Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with.

Essential Energy – Industry Guidelines

8. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure. Approval may be required from Essential Energy should activities encroach on the electricity infrastructure.

Essential Energy – Dial Before You Dig

9. Prior to carrying out any works, a “Dial Before You Dig” enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).

Hours for Construction or Demolition

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.

Rubbish and Debris

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.

Excavations and Backfilling

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.

Toilet Facilities

13. 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*.

Prior to Issue of Occupation Certificate

Occupation Certificate

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

Ongoing Matters**Operating Hours**

15. The sign must not be operated between 9pm and 6am, daily (i.e. the sign must be switched off).

Advisory Notes**Inspection Schedule**

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

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

- a. Footings prior to pouring concrete
- b. Frame inspection
- c. Final inspection at time of completion of all works.

Notice of Commencement

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

20) DA71/2019 - FORTY (40) LOT SUBDIVISION - 19A PLUMB STREET, BLAYNEY

Department: Planning and Environmental Services

Author: Manager Planning

CSP Link: 5. The Natural Environment

File No: DB.AB.1411

Recommendation:

That Council consents to Development Application DA71/2019 for a forty (40) lot torrens title subdivision at Lot 29, DP1050133 - 19A Plumb Street, Blayney, subject to the recommended conditions of consent.

Reason for Report:

The proposed development has been referred for Council's determination on the basis that submissions were received which raise issues which cannot be resolved by Conditions of Consent.

Report:

Executive Summary

Council's consent is sought for a forty (40) lot torrens title subdivision of Lot 29, DP1050133 - 19A Plumb Street, Blayney (the 'subject property').

The subject property is a regularly shaped lot comprising a total area in the order of 2.6ha. The property is vacant and devoid of any significant features or physical attributes, save for a stand of exotic trees; a small dam / depression located towards the north west corner of the property; and a dilapidated corrugated iron shed and yard located on the western boundary of the subject property.

The subject property is generally bound by existing residential properties to the north, south, east and west which address Frape Street, Plumb Street, Oliver Street and Palmer Street respectively. These properties typically range in size from 675m² – 900m² and have been developed with single dwellings.

The proposed subdivision seeks to create forty (40) lots, thirty nine (39) lots are intended for residential use and one (1) lot to be used for a stormwater detention basin. The proposed stormwater detention basin would be located in the north east corner of the subject property adjoining the existing residential properties at 18 and 20 Frape Street and 15 -17 Oliver Street.

The proposed residential lots would generally comprise a total area of 450-500m² (approx.), with two irregularly shaped lots in the order of 920-930m². The lot proposed to be used for stormwater detention would be in the order of 970m².

The proposed subdivision would have a single access point via an existing unconstructed intersection with Plumb Street and would utilise a loop road through the subdivision rather than a cul-de-sac.

Given that the proposed subdivision would create more than 20 lots, the development application was advertised in accordance with the requirements of the *Blayney Development Control Plan 2018*. Five submissions were subsequently received. The submissions raised a range of issues, including the following matters:

- Proposed lot sizes are out of character with the balance of the Blayney township;
- Proposed lot sizes and subdivision pattern do not provide appropriate quality of life for future residents and the existing neighbourhood;
- Traffic flow and speeds will increase in Plumb Street;
- The value of surrounding properties will be lowered;
- Emergency service vehicles will not be able to access properties within the subdivision;
- Garbage trucks will not be able to access properties within the subdivision;
- Two storey houses will be built and may impact on adjoining properties;
- Car parking demand will result in cars parking on the verge.

The issues raised in the submissions are addressed in the body of this report.

In addition, it is noted that the proposed subdivision presents a minor variation from the acceptable solutions of the Blayney Development Control Plan 2018, Part F3.1 Lot Size & Arrangements – General.

Specifically, proposed Lots 16 and 24 do not meet the minimum street frontage of 8m for a 'fan' or 'radial' shaped lot, having a street frontage of 5.6m and 5m respectively. While these lots do not meet the acceptable solution, it is recommended that the variation be supported in this instance. This matter is addressed in detail in the body of the report.

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* (BLEP 2012) and the *Blayney Development Control Plan 2018* (Blayney DCP 2018).

The following assessment identifies that the proposed development should be supported.

PROPOSED DEVELOPMENT

Council's consent is sought for a forty (40) lot torrens title subdivision at Lot 29, DP1050133 - 19A Plumb Street, Blayney (the 'subject property').

The proposed subdivision would involve the creation of the following lots in a mix of regular and irregular shapes:

Lot No.	Proposed Lot Area (m ²)	Lot No.	Proposed Lot Area (m ²)
Lot 1	450m ²	Lot 21	453m ²
Lot 2	453m ²	Lot 22	452m ²
Lot 3	450m ²	Lot 23	45m ²
Lot 4	450m ²	Lot 24	921m ²
Lot 5	451m ²	Lot 25	473m ²
Lot 6	450m ²	Lot 26	450m ²
Lot 7	450m ²	Lot 27	450m ²
Lot 8	450m ²	Lot 28	450m ²
Lot 9	457m ²	Lot 29	520m ²
Lot 10 (OSD Basin)	972m ²	Lot 30	450m ²
Lot 11	451m ²	Lot 31	450m ²
Lot 12	451m ²	Lot 32	450m ²
Lot 13	451m ²	Lot 33	450m ²
Lot 14	451m ²	Lot 34	520m ²
Lot 15	463m ²	Lot 35	520m ²
Lot 16	936m ²	Lot 36	450m ²
Lot 17	457m ²	Lot 37	450m ²
Lot 18	452m ²	Lot 38	450m ²
Lot 19	453m ²	Lot 39	450m ²
Lot 20	452m ²	Lot 40	520m ²

*OSD = On-site stormwater detention.

Table 1. Lot sizes

The proposed plan of subdivision is illustrated below:

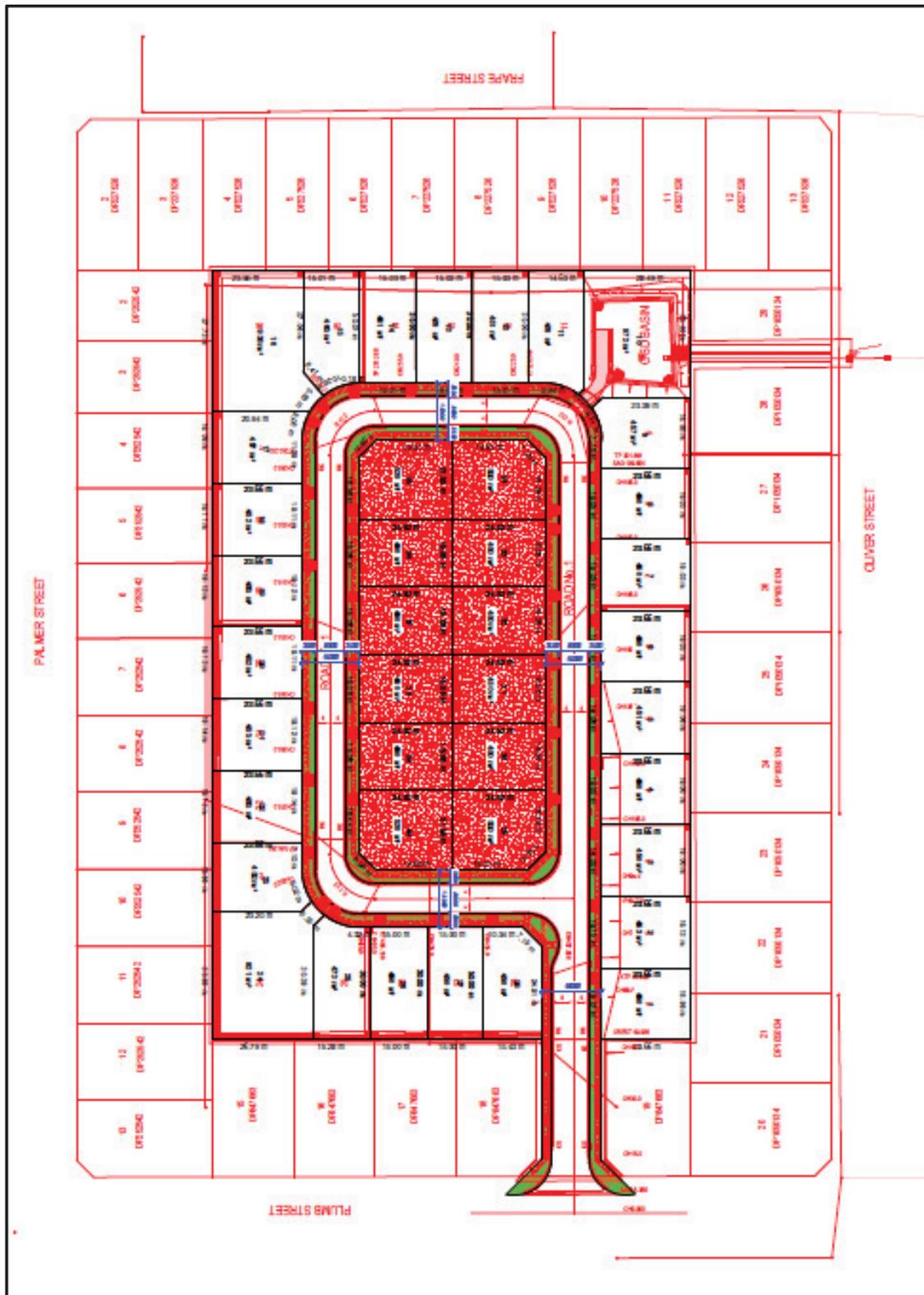


Figure 1: Proposed subdivision layout (proposed lots shown in black, existing lots shown in red) (note: North is to the top of the page)

EXISTING CONDITIONS

The existing condition of the subject property and immediate area are illustrated below:



Figure 2: Existing conditions (note: North is to the top of the page)

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

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

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

SECTION 4.15 EVALUATION

Matters for Consideration – General

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

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

Blayney Local Environmental Plan 2012

Part 1 – Preliminary

Clause 1.2 Aims of Plan

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

Clause 1.7 Maps

Land zoning:	R1 General Residential
Lot size:	450m 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.

Notwithstanding, it is noted that the subject property is affected by an easement to drain water, generally 2m wide. The location of the easement is demonstrated in Figure 3, below.

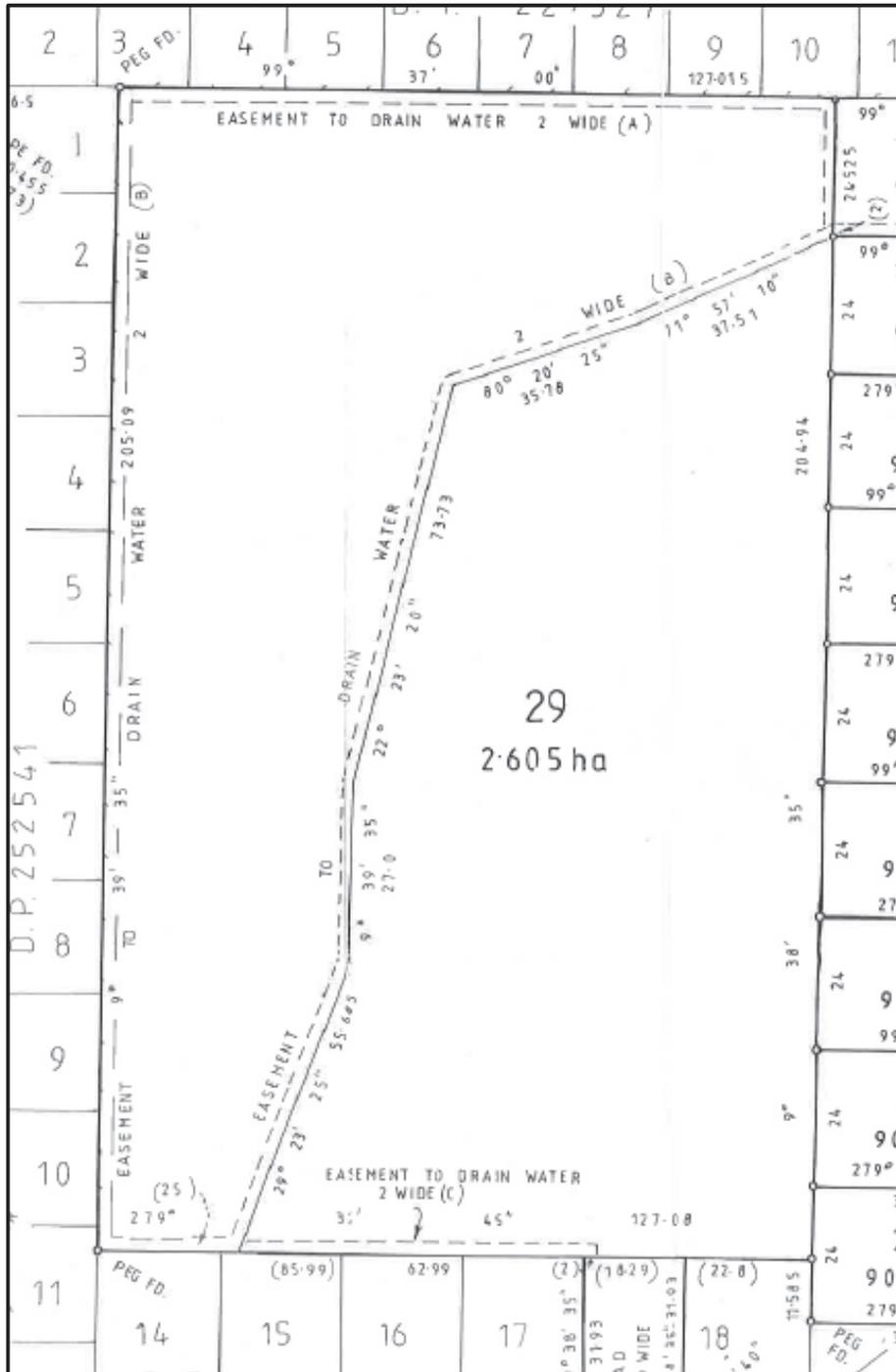


Figure 3: Location of easement – extract of DP1050133 (note: North is to the top of the page)

Part 2 – Permitted or prohibited development

Clause 2.1 Land Use Zones and Clause 2.3 Zone Objectives and Land Use Table

The subject property is zoned R1 General Residential. The objectives of the R1 General Residential zone include the following:

- To provide for the housing needs of the community.
- To 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 proposed subdivision is considered to be consistent with the foregoing objectives insofar as it will provide for the development of additional housing stock within the Blayney township.

Further, given that the proposed lots are substantially smaller than most existing residential lots within the Blayney township, it is considered that it will make a positive contribution to the variety and density of housing stock available.

Clause 2.6 Subdivision – consent requirements

Clause 2.6 identifies that land to which BLEP 2012 applies may be subdivided, but only with development consent.

Part 4 – Principal development standards

Clause 4.1 Minimum subdivision lot size

Clause 4.1 seeks to minimise the cost to the community of fragmented and isolated development of rural land, and providing, extending and maintaining public amenities and services; ensure that the character and landscape setting of an area is protected and enhanced by any development; to ensure that development is undertaken on appropriately sized parcels of land commensurate with available services (including any associated sewerage system) and responds to any topographic, physical or environmental constraints; and to protect drinking water catchments from over-development that may impact on water quality and quantity in the catchment and drinking water systems.

Clause 4.1 applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan. The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

The subject property is affected by a minimum lot size of 450m². In this regard, it is noted that the proposed subdivision will generally comprise lots in the order of 450-500m² (approx.), with two irregularly shaped lots in the order of 920-930m².

While it is acknowledged that the subject property is surrounded by existing dwellings on lots in the order from 675m² – 900m², it is considered that the proposed subdivision is unlikely to impact on the existing character or landscape setting of the immediate area. In particular, given that the proposed subdivision will be located within the existing subdivision pattern, it will have no obvious impact from within Palmer Street, Frape Street, Oliver Street or Plumb Street.

Further, with regard to the availability of services it is noted that Council's Infrastructure Services Department has commented that the capacity of the existing sewer network between the subject property and the Sewer Treatment Plant is unclear. As such, it is recommended that a deferred condition of consent be applied to require that the applicant undertake a study of the existing sewer network to determine any potential limitations.

Should any shortcoming be identified through the study, Council will be required to undertake any upgrades necessary to ensure adequate capacity in the downstream network.

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 water.

Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

- Is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and
- Includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and
- Avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

The proposed subdivision has been reviewed by Council's Infrastructure Services Department which has commented that the proposed development includes a suitable method of stormwater management.

Notwithstanding, it is recommended that a condition of consent be applied requiring that a full engineering design of the proposed stormwater network and on-site detention basin be undertaken prior to the issue of a Construction Certificate in accordance with Council's normal processes.

Further, it is noted that it is likely that Council will be required to extend its existing trunk drainage system in order to cater for stormwater being discharged from the subject property post development.

Part 6 – Additional local provisions

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.

Information submitted with the development application indicates that all essential services are available to the subject property.

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.

A Preliminary Site Investigation was submitted with development application addressing the requirements of SEPP 55. The Preliminary Site Investigation made the following conclusions:

- None of the 15 soil samples collected from the site provided any physical indication of contamination, either by discoloration, staining, odour or response to examination by photoionisation detector;
- No indication of the introduction to or presence of contaminated fill was identified at the site;
- None of the 15 representative soil samples from the site sent to the NATA accredited laboratory of Envirolab Services for analysis indicated the presence of heavy metals, petroleum hydrocarbons, phenolic compounds pesticide residues or polyaromatic hydrocarbon species;
- Asbestos was not detected in any of the representative soil samples from the site;
- The soils at the site are assessed as being free of contamination, and soil quality at the site is considered appropriate for the residential sub-division and redevelopment proposed; and
- The complete absence of volatile contaminants in the sub surface at the site indicates that vapour intrusion from sub surface soil strata into any future basement areas that might be considered at the site will not present an environmental, air quality or contamination problem.

Based on the information provided within the Preliminary Site Investigation and the subsequent findings, it is considered that the subject property is suitable for subdivision and future residential 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 F: Subdivision & Roads

Part F2 Site Planning & General Subdivision

Site Planning is important for all development but particularly so for subdivision as it sets many of the key parameters for any later use. Careful consideration of the site constraints and opportunities must be demonstrated to justify a proposed subdivision design and ensure it can accommodate a range of permissible future uses in the relevant zone.

F2.1 Site Planning

Clause F2.1 requires that any plan of subdivision must be supported by a detailed site plan which demonstrates how the proposed subdivision (and building envelopes for vacant land subdivision) responds to and addresses site context (opportunities and constraints) regarding the following matters:

- Respond to the topography and drainage characteristics of the site;
- Minimise impacts on the natural environment and protect environmentally sensitive areas;
- Avoid or minimise the impacts of natural hazards and stormwater/drainage;
- Avoid or minimise land use conflicts and provide suitable setbacks (and/or buffers) to adjacent or nearby sensitive land uses;
- Create a legible road and pedestrian/cycle network and connection to surrounding networks;
- Create building envelopes that are free of constraints with suitable access for each lot;
- Integrate with the existing and/or desired subdivision pattern of the area.

It is considered that the proposed development is consistent with the foregoing objectives / performance criteria and associated acceptable solutions. In particular, the following is noted:

- The proposed subdivision will generally maintain the existing slope of the site, albeit the existing dam being filled. Earthworks will generally be undertaken to achieve a consistent grade across the subject property which integrates with the Natural Ground Level of each adjoining property.
- There are no environmentally sensitive areas within the subject property;
- Council's Infrastructure Services Department has advised that stormwater can be adequately managed subject to a full engineering design of the proposed stormwater network and on-site detention basin be undertaken prior to the issue of a Construction Certificate.

- The proposed subdivision will allow for suitable setbacks from existing adjoining dwellings;
- The proposed subdivision will allow for suitable developable areas which are free of constraints and accessible to the proposed road network; and
- The proposed subdivision will integrate with the existing subdivision pattern insofar as it will have no obvious impact within Palmer Street, Frape Street, Oliver Street or Plumb Street.

Further, it is noted that while the proposed subdivision includes lots substantially smaller than the typical lot size of other existing lots surrounding the subject property, the size of the proposed lots is consistent with the minimum lot size which has been set by Council.

F2.2 Topography & Earthworks

F2.2 seeks to ensure that subdivision & road design responds to the site opportunities & constraints; minimise cut and fill from any new road, driveways/entrances, and any future building sites; ensure that earthworks will not have a detrimental impact on nearby watercourses or stormwater systems, neighbouring uses, or cultural or heritage items; ensure retaining walls are structurally sound and suitable for purpose; and avoid contaminated fill being utilised on sites.

Engineering plans submitted with the development application indicate that there will be up to 2.5m cut and fill required across the subject property in order to achieve a suitable development area for roads and dwellings. Generally, the proposed cut and fill has been designed to achieve a consistent grade across the subject property which integrates with the Natural Ground Level of each adjoining property.

Notably, cut and fill in the order of 2.5m will only occur in limited areas of the site, including fill required for the existing dam and cut required in a high point towards the north east corner of the subject property.

The extent of cut and fill is demonstrated in Figure 4a and 4b, below.

Given that it is unclear whether additional fill will be required, it is recommended that a condition of consent be applied requiring that only fill characterised as Virgin Excavated Natural Material (VENM) or Excavated Natural Material (ENM) under the guidelines of the NSW Environmental Protection Authority may be used. In addition, copies of validation reports for all fill used shall be retained and presented to Council on request.

It is considered that the proposed development is otherwise consistent with the foregoing objectives / performance criteria and associated acceptable solutions.

Figure 4a: Site regrading plan

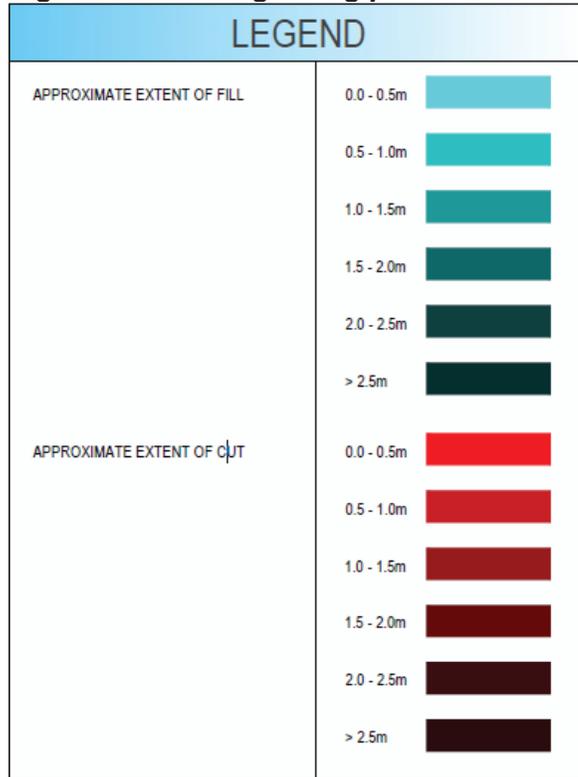


Figure 4b: Site regrading plan – legend

F2.3 Lot Size and Arrangement

F2.3 seeks to provide lot sizes and dimensions that respond to the site constraints and proposed land use requirements; and avoid or minimise / mitigate against existing and future land use conflicts.

The proposed development is considered to be consistent with the foregoing objectives / performance criteria and associated acceptable solutions. In particular the following is noted:

- The proposed lot sizes, shapes and road frontage will allow for suitably sized likely future dwelling;
- The proposed subdivision has maximised the number of regularly shaped lots that could be achieved on the subject property, and will not detract from the existing subdivision pattern;
- Council’s Infrastructure Services Department has commented that the proposed subdivision will achieve suitable road frontages and will promote ease of access and provision of servicing and utilities;
- The proposed subdivision will provide depth to width ratios that could accommodate vehicle access, manoeuvring and suitable building layouts.

F2.4 On-Site Effluent Management

Not applicable.

F2.5 Access & Entrances

F2.5 seeks to provide all lots with safe, legal and practical vehicle access and manoeuvring; provide safe and suitable access and manoeuvring for emergency vehicles and larger vehicles for servicing (as required); provide safe & suitable pedestrian/cycle access and facilities to encourage walking and/or cycling; promote safe and efficient road and footpath environments for motorists, public transport, cyclists and pedestrians.

Council's Infrastructure Services Department has confirmed that each proposed lot will have safe, legal access to a suitably designed public road and that the proposed subdivision will incorporate suitable pedestrian / cycle access and facilities to encourage walking and / or cycling.

In addition it is noted that a Traffic Impact Study (TIS) was submitted with the development application. The TIS makes the following conclusions regarding the proposed development:

- The additional traffic flows which could be generated by the residential subdivision proposal will not have any unacceptable traffic implications in terms of road network capacity;
- The proposed loop road is more efficient than a cul-de-sac because it provides an "alternate route" in the event that part of the loop road becomes obstructed for some reason;
- The proposed public road servicing the future residential lots has been designed to accommodate two-way traffic flows and also 12.5m heavy rigid vehicle around the loop road, enabling them to circulate around the site in a forward direction and return to Plumb Street without the need for any reversing manoeuvres;
- The intersection with Plumb Street satisfies the requirements of Figure 3.2 – Sight Distance Requirements at Access Driveways in the Standards Australia publication Parking Facilities Part 1: Off-Street Car Parking AS2890.1 – 2004 and also in Table 3.2 of the Austroads publication Guide to Road Design.

The TIS has been reviewed by Council's Infrastructure Services Department which has indicated that it agrees with the general conclusions outlined above.

F2.6 Access – Rights of Way & Battle Axe Lots

Not applicable.

F2.7 Utilities / Easements

F2.7 seeks to ensure that all essential utilities to the boundary of any new allotment suitable for the proposed use; ensure appropriate access to and safe operation of utilities; address any connection requirements of the relevant utility authorities; minimise the visual impact of any new utilities by undergrounding connections and integrating into the design (where possible).

Information submitted with the development application indicates that all essential services will be connected to each proposed lot, including water, sewer, electricity and NBN with all services to be located underground.

Council's Infrastructure Services Department has commented that the proposed subdivision can incorporate all necessary services and associated easements. Conditions of consent have been recommended to give effect to this.

Further it is recommended that a condition of consent be applied requiring that all new utilities be located underground.

F2.8 Staging

F2.8 states that larger subdivisions must consider staged subdivision release and ensure each stage is capable of being developed independently of later stages and has appropriate access and utilities.

Information submitted with the development application indicates that proposed subdivision will be constructed in one single stage, with there being limited opportunity or benefit for staging.

Notwithstanding, information submitted with the development application indicates that market and sale of completed lots will be staged.

Part F3 Residential Subdivision in Urban Areas

F3.1 Lot Size & Arrangements - General

F3.1 seeks to promote lot sizes, shapes and orientation that will maximise the number of lots with potential solar access to the future living spaces and private open spaces of new dwelling sites; ensure new subdivisions in or adjacent to existing urban areas complements the existing subdivision pattern and character of the existing urban area; and require all lots have sufficient road frontage to allow driveway access whilst encouraging dwellings to have a frontage/address to the street.

The proposed development is generally consistent with the foregoing objectives / performance criteria and associated acceptable solutions, for the following reasons:

- The proposed lots have been designed to achieve good solar orientation, with the proposed lots generally being within 20° West / 30° East of North or 20° South / 30° North of West;
- Given that the proposed subdivision will be located within the existing subdivision pattern, it will have no obvious impact within Palmer Street, Frape Street, Oliver Street or Plumb Street;
- The majority of lots have been designed in accordance with the acceptable solution for road frontage to ensure driveway access while encouraging dwellings to have a frontage to the street.

Notwithstanding, it is noted that proposed Lots 16 and 24 do not meet the minimum street frontage for a 'fan' or 'radial' shaped lot, being 8m. Lots 16 and 24 have a street frontage of 5.6m and 5m respectively.

While these lots do not meet the acceptable solution, it is noted that Council's Infrastructure Services Department has commented that they have sufficient width for vehicle access. Given that all other lots meet the relevant acceptable

solutions for street frontage widths, it recommended that the reduced street frontage of Lots 16 and 24 be supported.

F3.2 Access to Battle-Axe Lots (Limited Road Frontage)

F3.2 seeks to promote safe and efficient access to urban residential lots; provide sufficient driveway widths & design for battle-axe lots to minimise impacts on adjacent residential lots and accommodate traffic requirements.

While Lots 16 and 24 are not technically battle-axe lots, it is noted that they meet the acceptable solutions for minimum access requirements, being 4m for access to a single lot.

Part F7 New or Upgraded Public Roads

This section applies to any subdivision application in Blayney Local Government Area (LGA) that seeks to create a new or significantly upgraded public road or an extension to an existing public road.

Whilst Council's Guidelines for Engineering Works covers most of the detailed design requirements, this section provides some additional controls for larger subdivisions/new roads to improve urban design and traffic/access outcomes.

F7.1 Engineering Guidelines

F7.1 seeks to ensure that any road design comply with relevant road and access guidelines adopted by Council.

The proposed subdivision has been assessed by Council's Infrastructure Services Department which has commented that the proposed loop road concept is consistent with Council's 'urban cul-de-sac' road class.

Notwithstanding, it is recommended that condition of consent be applied requiring that full engineering design of the loop road be provided to Council prior to the issue of a Construction Certificate.

F7.2 Surrounding Road Patterns & Access

F7.2 seeks to ensure that any subdivision design includes new roads that integrate with the surrounding road network and other pedestrian/bicycle and open space connections and be sympathetic to settlements with strong grid pattern road systems; provide a subdivision pattern and road layout that enables adjacent lands to be developed as urban growth occurs.

Council's Infrastructure Services Department has commented that the proposed loop road is consistent with the relevant acceptable solutions.

Notwithstanding, it is noted that the proposed subdivision does not include a 'through road' connection due to the subject property being bound by existing residential development.

F7.3 Road Hierarchy & Design

F7.3 seeks to provide a logical road pattern / clear hierarchy of roads; and suitable vehicle, pedestrian and cycle connections and navigation to key services and attractions (suited to the size and density of the subdivision and surrounding network/connections).

Council's Infrastructure Services Department has commented that the proposed loop road is consistent with the relevant objectives / performance criteria.

F7.4 Terminating Roads (Cul-de-sacs)

Not applicable.

F7.5 Crown Roads

Not applicable.

F7.6 Safety and Surveillance

F7.6 seeks to ensure significant new roads consider Safety by Design principles.

The proposal is considered to be generally in accordance with the design requirements and principals of the NSW Guidelines for *Crime Prevention Through Environmental Design* ('CPTED') or *Safer by Design* in relation to pedestrian safety.

F7.7 Public Domain Landscaping & Street Trees

F7.7 seeks to ensure that new urban subdivisions must have street tree planting provided to soften the proposed future buildings and streetscape whilst accommodating required vehicle and pedestrian access and movement.

While a landscaping plan was submitted with the development application, typically providing for one street tree per lot frontage, it is recommended that a condition of consent be applied requiring that an amended landscape be prepared to the satisfaction of Council's Infrastructure Services Director prior to the issue of a Construction Certificate.

The purpose of the requiring the amended plan is to confirm the appropriate tree species, planting detail and planting location.

F7.8 Naming of New Roads

The naming of new roads is addressed in Council Policy entitled Guidelines for the naming of public roads and streets (2010 as amended). Completion of the road naming process, including gazettal of the new road names in the NSW Government Gazette, is the responsibility of the relevant roads authority (Council for local roads / Roads & Maritime Services for classified roads). Council will need to make a resolution for the decision to rename and/or the determination of a new name after community consultation (see the Development Guide). The procedures for naming roads is regulated by Clause 162 of the Roads Act 1993 and Part 2, Division 2 of the Roads

Regulation 2008 and also requires consideration by the Geographical Names Board.

Part G: Environmental Management & Hazards

G3 Stormwater & Drainage

G3 seeks to ensure that stormwater and drainage systems seeks to address the objective of Clause 6.2 Stormwater Management of BLEP2012; will not significantly alter and/or worsen pre-development stormwater patterns and flow regimes; will convey stormwater to receiving waters with minimal damage, danger and nuisance; maintain the water quality of receiving waters; stabilise landform and control erosion; maximise the potential for water infiltration and minimise overland flows; protect proposed or likely building areas from erosion and stormwater damage; and consider water retention/detention and re-use (where relevant).

The proposed subdivision has been reviewed by Council's Infrastructure Services Department which has commented that the proposed development includes a suitable method of stormwater management.

Notwithstanding, it is recommended that a condition of consent be applied requiring that a full engineering design of the proposed stormwater network and on-site detention basin be undertaken prior to the issue of a Construction Certificate in accordance with Council's normal processes.

Further, it is noted that it is likely that Council will be required to extend its existing trunk drainage system in order to cater for stormwater being discharged from the subject property post development.

G9 Land & Soils

G9.3 Naturally Occurring Asbestos

G9.3 applies to areas where the potential presence of naturally-occurring asbestos has been mapped by the NSW Government across NSW and broken down into broad areas of low, medium or high potential regions.

A small portion of the subject property (i.e. 171.2m²) is located in an area identified as having medium potential to be affected by naturally occurring asbestos.

As such it is recommended that a condition of consent be applied which identifies the requirements of the *Work Health and Safety Regulations 2017* (as amended). Specifically, Chapter 8 of the Regulation identifies that If NOA is identified, and it is likely to be affected by the proposed works, then Clause 432 of that Regulation requires that a site-specific Asbestos Management Plan is prepared in accordance with the regulations and the Model Asbestos Policy for NSW Councils (2015) (as amended).

Developer Contributions

The land to which the proposed subdivision relates has one starting allotment. The proposed development proposes the creation of 39 lots suitable for residential purposes, as such the nexus for the contribution is 38 additional allotments.

Pursuant to the Blayney Development Contributions Plan 2013, the following contributions have been levied for the subject development and are attached as a condition of consent.

1. The contributions to be paid are currently \$6,434.50. per new lot created. The amount payable would be recalculated on the basis of the contribution rates that are applicable at the time of payment.

The payment of contributions as per the following shall be made to Council in accordance with Section 7.11 of the Act.

Section 64 Water and Sewer Headwork Charges

Under the *Local Government Act 1993* (the 'LG Act') *S64 Construction of works for developers* water and sewer headwork charges are also applicable to the proposal.

Such charges are calculated at the time of a Subdivision Certificate for the proposed development. Attached are draft conditions requiring the payment of the required contribution prior to the issue of a Subdivision Certificate.

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 are addressed in the body of this report. It is considered that the proposed development is unlikely to have a significant or detrimental impact.

Notwithstanding, it is considered that conditions of consent should be imposed to address potential impacts associated with the construction of the proposed subdivision with regard to noise and dust. It is recommended that the following conditions be imposed:

- Prior to the issue of a Construction Certificate, a Dust Management Plan prepared by suitably qualified professional must be submitted to and approved by the Blayney Shire Council.
The Dust Management Plan must detail methods of dust suppression during construction of the subdivision; a consultation strategy to engage and inform adjoining and proximate land owners and tenants prior to construction commencing and during construction; and contact details for the principal contractor during construction.

The Dust Management Plan must be prepared in accordance with current applicable legislation and best practice industry guidelines.

- Prior to the issue of a Construction Certificate, a Noise Management Plan prepared by a suitably qualified professional must be submitted to and approved by the Blayney Shire Council.
The Noise Management Plan must detail methods of mitigating potential adverse noise impacts on adjoining and proximate land owners and tenants prior during construction.

The Noise Management Plan must be prepared in accordance with current applicable legislation and best practice industry guidelines.

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

Given that the proposed subdivision would create more than 20 lots, it was advertised in accordance with the requirements of the *Blayney Development Control Plan 2018*.

Five submissions were subsequently received which raised a range of issues. The relevant planning issues raised are addressed below.

Further, it is noted that the applicant has provided a response to each of the submissions. A copy of the response is included as an attachment to this report.

1. The proposed subdivision is out of character with the balance of the Blayney township, including the following points:
 - The proposed subdivision is reminiscent with the worst example of social housing;
 - The proposed subdivision will harm the quality of the urban environment, with the surrounding quality homes being an enclave with the characteristics of a low socio-economic urban jungle;
 - The proposed subdivision could undermine the appeal of Blayney as a town and a as a place to live.

Staff response

It is acknowledged that the proposed lot size (e.g. 450 – 500m²) is substantially smaller than the majority of existing properties in Blayney, which are typically in excess of 800m² and therefore may be considered to be out of character with the balance of the Blayney township.

Notwithstanding, it must be recognised that Council has adopted a minimum lot size of 450m² which applies throughout all areas of Blayney zoned for general residential use, therefore allowing for a significant change to the prevailing lot size and pattern.

Further, neither the Blayney Local Environmental Plan 2012 nor Blayney Development Control Plan 2018 include objectives or performance criteria which encourage / require a new subdivision to provide for a diversity of lot sizes.

Given that the proposal is for subdivision only, no response is offered to the comments regarding social housing and potential impacts.

2. The proposed subdivision does not consider the quality of life for either its residents or the neighbourhood, including the following points:
 - The rounded rectangle road with one access point creates a sense of being enclosed;
 - The blocks of land are very tightly packed, fill every space of land and provide no privacy;
 - The whole estate is surrounded by the back yards of existing homes;
 - This application highlights a lack of urban design where lifestyle has not been given a high consideration. The overwhelming sense of how inappropriate this development is for Blayney will be felt not only by its residents who will feel conspicuous, but also by the rest of the surrounding population whose long-held idea of country living will have been crushed.

Staff response

As noted above Council, has adopted a new minimum lot size of 450m² throughout the residential areas of Blayney zoned for general residential use.

It is acknowledged that the existing conditions of the subject property present a number of constraints, including being bound by existing residential properties and one vehicle access point only.

However, these constraints are the result of previous approvals which allowed for the creation of residential lots in Oliver Street, Frape Street, Palmer Street and Plumb Street. As discussed in the body of this report, it is considered that the proposed subdivision presents an appropriate response despite the constraints of the subject property.

3. It is recommend that urban design features be added that will mitigate the small blocks of land and the estate's sense of being cramped and enclosed.

Staff response

As noted above, Council has adopted a new minimum lot size of 450m² which applies throughout all areas of Blayney zoned for general residential use.

Further, it is considered that the proposed subdivision presents an appropriate response despite the constraints of the subject property.

It is noted that the submission does not identify an urban design feature which would "mitigate the small blocks of land and the estate's sense of being cramped and enclosed".

4. The traffic flow in Plumb St. is already heavy and with the sale and development of Council land further down, the traffic will only worsen the situation.

Staff response

The proposed development has been reviewed by Council's Infrastructure Department which has commented that the traffic report provided finds the additional traffic generated by the development (in reference to RMS' Guide to Traffic Generating Developments) will not have any unacceptable traffic implications.

5. To fit 40 homes in this block can only lead to a ghetto situation in time as the block sizes must be small and also what will happen to the swampy low area.

Staff response

As noted above Council, has adopted a new minimum lot size of 450m² throughout the residential areas of Blayney.

Given that the proposal is for subdivision only, no response is offered to the comments regarding the "ghetto situation".

6. The present situation in Palmer St. is that we live on a speedway, Now! What will the situation be like if this development gets the go ahead.

Staff response

The proposed development has been reviewed by Council's Infrastructure Department which has commented that traffic calming measures have previously been installed in Plumb Street.

An increase in vehicle speeds cannot be correlated to the potentially increased volume of traffic. It could potentially be argued that an increase in traffic volume would reduce traffic speed.

7. The value of our properties will be lowered substantially.

Staff response

Property value is not considered to be a relevant consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 and has not been considered in any further detail.

Any reduction in property value would be as a consequence of the impacts of the proposed development. The impacts of the proposed development are the subject of this assessment.

8. The public should be given an opportunity to view any proposal put forward before going to Council for approval

Staff response

The proposed development was advertised in accordance with the requirements of the Blayney Development Control Plan 2018.

9. We live in a rural area not in metropolitan area such as Sydney. These small blocks are not consistent with the historical pattern of Blayney Shire. There are too many blocks in a small area with only one entry and exit which is a safety issue when the housing is at its full capacity.

Staff response

As noted above Council, has adopted a minimum lot size of 450m² throughout the residential areas of Blayney.

Further, it is noted that there are many examples of single vehicle entry / exit points throughout Blayney and the broader Blayney Shire Council area, with examples including:

- Maple Crescent, Blayney (39 lots);
- Unwin Street, Millthorpe (31 lots);
- Charles Booth Way, Millthorpe (30 lots);
- Rowlands Street, Blayney (26 lots); and
- Maple Place, Blayney (15 lots).

Council staff are not aware on the single entry / exit creating a significant safety issue in any of these examples.

10. Emergency Services such as fire trucks, ambulances and police would have difficulty maneuvering and in a retrieval process may not even be able to gain close access to a property.

Staff response

The proposed development has been reviewed by Council's Infrastructure Department which has commented that the proposed subdivision road shall be designed to the road class 'Urban Cul-de-sac' in accordance with Council's Guidelines for Engineering Works.

The Urban Cul-de-sac road class features an 8m wide carriageway (road formation) within a 15m wide road reserve.

Council notes the current loop road design is more favourable than a conventional turning head, typically seen in a cul-de-sac.

The traffic report provided to Council includes the swept path of a 12.5m heavy rigid vehicle manoeuvring around the proposed loop road. This and the road class geometry meet the requirements of *Fire and Rescue NSW's Fire Safety Guideline – Access for emergency vehicles and emergency service personnel*.

11. Small blocks – houses may have to be built as two storeys to get a decent house, yard and driveway.

Staff response

Notably, the applicant has indicated that any future dwelling would be single storey only and that a restriction would be placed on each lot to require this in perpetuity.

On this basis, it is recommended that a condition of consent be applied requiring that prior to the issue of a Subdivision Certificate a restriction on the development of the land must be created under Section 88B of the *Conveyancing Act 1919*.

The restriction must require that each lot may only be developed with a single storey dwelling. The restriction must be to the benefit of the Blayney Shire Council.

In this regard, it should be noted that the Blayney LEP 2012, *Clause 1.9A Suspension of covenants agreements and instruments* states that any agreement, covenant or other similar instrument that restricts the carrying out of development does not apply to the extent necessary to serve that purpose. However, this does not apply to a covenant that is imposed by Council or that Council requires to be imposed.

In essence, this means that if a development application is lodged for a two storey dwelling under the Blayney LEP 2012 Council would have the ability to enforce the foregoing restriction and prevent a two storey dwelling from being approved.

However, due to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, *Clause 1.20 Suspension of covenants, agreements and instruments* the same protection would not be afforded if an

application for a two storey dwelling was sought under the Complying Development provisions. Notwithstanding, any such development would need to meet the relevant development standards which seek to ensure that a suitable development outcome is achieved.

12. One entry / one exit into the 40 blocks will cause issues. Example 2 cars per block is 80 cars within a very small area. As families grow households may end up with 4 to 5 cars per household creating the possibility of up to 120 – 200 cars within a small area. For example my adjoining block has a 4 bedroom house on it leaving an extremely small backyard and this block is 780m². There is a family of 2 adults and 4 children living in this property. There is a possibility at some stage this household may have 6 cars. We need to look at the future issues caused by parking and congestion in a small area.

Staff response

While the submission is acknowledged, it is noted that the proposal is for subdivision only. Car parking requirements would be dealt with as a part of any future dwelling assessment / approval.

13. Narrow Street will cause issues for the regular garbage truck collection. There are already issues with small areas for the garbage truck to manoeuvre within other streets of our shire causing the issues of breaking up the bitumen and issues for cars entering their driveways. This will be a much smaller area and maybe impossible for garbage collection when cars are parked within the street area.

Staff response

The proposed development has been reviewed by Council's Infrastructure Department which has commented that the proposed subdivision road shall be designed to the road class 'Urban Cul-de-sac' in accordance with Council's Guidelines for Engineering Works – including the pavement design.

The traffic report provided to Council includes the swept path of a 12.5m heavy rigid vehicle manoeuvring around the proposed loop road. This would demonstrate a garbage collection truck's ability to navigate the proposed loop road.

14. Cars will be forced to park on the verge. Currently in the area of Johnston Crescent you will notice the amount of cars parked within the street, this street is much larger area then this proposed subdivision.

Staff response

Car parking requirements would be dealt with as a part of any future dwelling assessment / approval.

15. A possible solution could be to have some smaller blocks and some larger blocks eg instead of 12 in the centre make it 8 or say 30 blocks instead of 40.

Staff response

Neither the Blayney Local Environmental Plan 2012 nor Blayney Development Control Plan 2018 include objectives or performance criteria which encourage / require a new subdivision to provide for a diversity of lot sizes.

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 is a draft Notice of Decision outlining conditions considered appropriate to ensure that the development proceeds in an acceptable manner.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

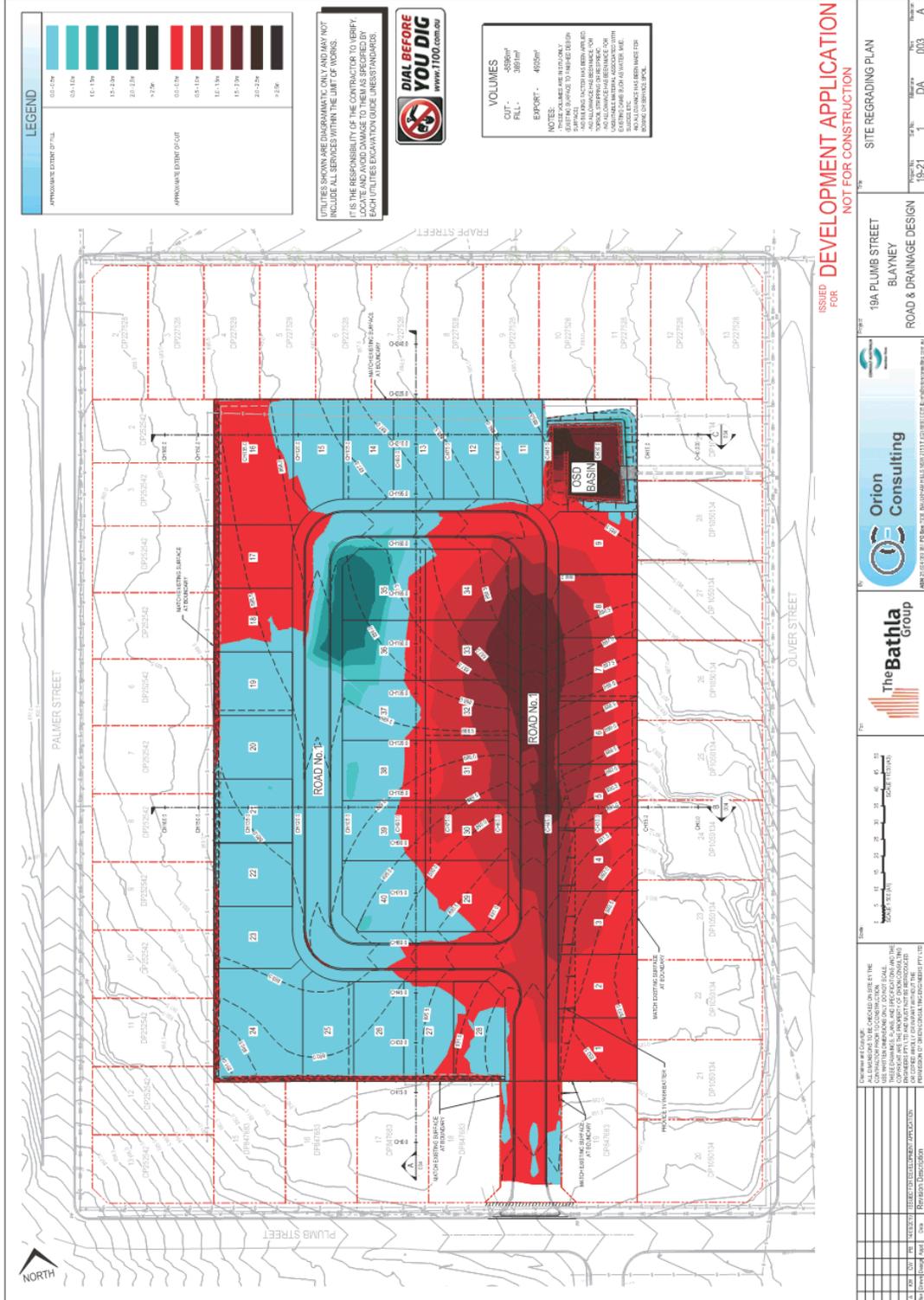
Nil

Enclosures (following report)

1	Plans	3 Pages
2	Submissions	10 Pages
3	Applicant Responses to Submissions	8 Pages
4	Conditions of Consent	14 Pages

Attachments (separate document)

Nil



6th September 2011

Blayney Shire Council

Blayney NSW 2799

Your Reference: IAPPD/49917

Submission relating to concerns about development application 71/2019

Blayney has for decades been a model of quality country living. The heart of the town reflects its history and civic pride. The urban design of the town's surrounds generally advances a sense of space and tranquillity in keeping with its rural setting. I would argue that the typical Blayney home is an attractive house on a good-sized block providing enough room for children to play in the back yard without the feeling they are being overlooked by neighbours. It is this type of urban planning that has made Blayney an attractive and wanted location to live and raise a family.

The DA under consideration if allowed to proceed will result in a development which is out of character with the rest of Blayney. The proposed project seeks to tightly cram small blocks together in a layout reminiscent of the worst examples of social housing. The quality of the urban environment in Blayney will be harmed. When driving on Plumb St the pleasure of enjoying the surrounding quality homes will be overshadowed by an enclave with the characteristics of a low socio-economic urban jungle. In its present layout this proposed estate could undermine the appeal of Blayney as a town and as a place to live.

It is reasonable to argue that this proposed estate does not consider quality of life for either its residents or the neighbourhood. The rounded rectangle road with one access point creates a sense of being enclosed. The blocks of land are very tightly packed, fill every space of land and provide no privacy. The whole estate is surrounded by the back yards of existing homes. This application highlights a lack of urban design where lifestyle has not been given a high consideration. The overwhelming sense of how inappropriate this development is for Blayney will be felt not only by its residents who will feel conspicuous, but also by the rest of the surrounding population whose long-held idea of country living will have been crushed.

I would recommend adding urban design features that will mitigate the small blocks of land and the estate's sense of being cramped and enclosed. The developer would likely have to reduce the number of blocks of land to enable sympathetic changes. Hopefully they can come up with ideas that will turn what now appears to be a liability for Blayney into something that will enhance it.

Yours Truly,

Subject: Development of land off Plumb St.
Date: Wednesday, 11 September 2019 10:41:32 AM

The General Manager

Blayney Shire Council

Adelaide St.

Blayney 2799

Dear Rebecca,

I have been informed of a proposed development of a parcel of land surrounded by homes in Plumb St. Palmer St. Frape St. and Oliver St.

The information I have is that 40 homes are to be constructed on this land.

The developer runs a “Suspect Operation”

There appears to be only one entrance to this site and that is a narrow strip of land fronting Plumb St.

My concerns are as follows:

The traffic flow in Plumb St. is already heavy and with the sale and development of Council land further down, the traffic will only worsen the situation.

To fit 40 homes in this block can only lead to a ghetto situation in time as the block sizes must be small and also what will happen to the swampy low area.

The present situation in Palmer St. is that we live on a speedway, Now! What will the situation be like if this development gets the go ahead?

I do not normally object to progress but, I think that if the information I have received is correct. The value of our properties will be lowered substantially.

I also believe that the public should be given an opportunity to view any proposal put forward before going to Council for approval.

I hope to receive a positive response from you.

Yours faithfully

For the attention of Daniel Drum/Blayney Shire Council

LODGED ON 12-7-2019
COUNCIL RECEPTION

Dear Daniel,

We are writing to voice concerns with the development application 71/2019 concerning a 40 lot subdivision planned for development at 19A Plumb Street, Blayney.

Specifically, we would like to raise concerns as to whether Universal Property Group Pty Ltd, also known as the 'Bathla Group' is a suitable entity to carry out such a large scale project in the area. Additionally, we have concerns regarding the likely impact to the roads in the area as the current plans only provide for one entry road which is insufficient in our view.

There are several causes for concern with regard to Universal Property Group Pty Ltd.

ASIC has previously sanctioned the group for unconscionable business practices. The full details of this case have been published online - *'11-81MR Property developer enters into enforceable undertaking providing compensation for vendor finance borrowers'* (attachment 1)

Specifically, the group was targeting persons of insufficient financial means (including welfare recipients) to enter into lending agreements for their developments. This conduct was reported by the Sydney Morning Herald in the attached article *'Real estate 'conspiracy' targets refugees'* - (attachment 2)

In addition to the above information being available regarding the group's business practices, the group has also been found guilty of maintaining unsafe work sites in 2018 - *'Girraween builder fined \$135,000 after injury at Doonside building site'* (attachment 3)

Finally, the group is known for being aggressively litigious in pursuing development applications. Blacktown Council spent \$268,000 in costs fighting cases against Universal Property Group in the Lands and Environment Court in the 2016/17 financial year alone - *'Council chalks up huge bill in battle with developer'*

Setting aside the suitability of the applicant, we would also like to raise concerns at the fact that the current plans for the development of 40 housing lots only provides for one entrance road, which we believe to be insufficient.

Given the above concerns, could Council please provide answers to the following -

- a) Does Council believe that the Universal Property Group is a suitable applicant to develop the lot at 19A Plumb Street?
- b) Should Council deem that Universal Property Group is a suitable applicant to develop 19A Plumb Street, how does Council plan to mitigate the significant risks posed by their application, being that the group has a proven history of unconscionable business practices, unsafe worksites and being aggressively litigious in pursuing development applications
- c) Should Council assent to Universal Property Group's application, what consideration has been given to the impacts on the road infrastructure of the immediate area?

We look forward to your response.

Attachment 1 - ASIC

<https://asic.gov.au/about-asic/news-centre/find-a-media-release/2011-releases/11-81mr-property-developer-enters-into-enforceable-undertaking-providing-compensation-for-vendor-finance-borrowers/>

Thursday 14 April 2011

11-81MR Property developer enters into enforceable undertaking providing compensation for vendor finance borrowers

ASIC has accepted an enforceable undertaking (EU) from a Toongabbie (NSW) based property developer, Mr Bhart Bhushan, and his company Universal Property Group Pty Ltd (UPG), following an investigation into alleged unconscionable conduct in connection with their lending practices.

As part of the EU, UPG and Mr Bhushan have agreed to a scheme whereby vendor finance borrowers – who were clients of UPG or Mr Bhushan – will be entitled to seek compensation if they believe they were victims of unconscionable conduct.

The compensation scheme will involve UPG and Mr Bhushan writing to clients and providing them with an opportunity to provide information in support of a compensation claim. UPG is also required to appoint an independent person - to be approved by ASIC - to consider any compensation claims that UPG has rejected.

UPG has operated a residential property development business from 1997, mostly in western Sydney. Mr Bhushan is the sole director and secretary of UPG.

From 2004 until mid-October 2009, UPG offered vendor finance to people who purchased property from UPG and associated entities. Mr Bhushan met with prospective purchasers and made oral inquiries about the person's income, assets, and liabilities. Mr Bhushan accepted the information he was given as true and accurate but neither he nor UPG took steps to independently verify the information provided by prospective purchasers about their financial situation.

Many of the purchasers were immigrants – from Sudan or the Philippines – who came from non-English speaking backgrounds.

UPG stopped offering vendor finance in October 2009.

ASIC's investigation identified concerns relating to the conduct of UPG and Mr Bhushan, including:

- whether UPG made adequate inquiries as to the borrower's or any of the guarantor's financial situation;
- UPG's reliance on the borrowers' assertions as to their financial situation and its failure to test or verify independently the borrowers' assertions as to their income, expenses, assets and liabilities;
- whether the borrowers understood to a sufficient degree the terms and conditions of the vendor finance loan in circumstances where UPG knew or ought to have known that some borrowers had a poor understanding of spoken and written English and/or little financial acuity;
- UPG's offer of vendor finance to some borrowers who were recipients of Centrelink benefits;
- UPG's offer of vendor finance on promotional terms, including the offer of capped repayments, contributions to the borrower's first mortgage loan, and lump sum cash rebates.

Further details relating to the compensation scheme are contained in the EU, which is available from ASIC's website. ASIC accepted the EU as an alternative to commencing court proceedings.

ASIC acknowledges the assistance provided by the Mt Druitt & Area Community Legal Centre Inc in this matter.

Background

On 1 July 2010 ASIC became the national regulator for consumer credit and finance broking, taking over from the states and territories. More information can be found on ASIC's credit homepage at www.asic.gov.au/credit

For further information:

ASIC Media Unit

Telephone: 1300 208 215

Email:

media.unit@asic.gov.au

**Attachment 2 - Sydney Morning Herald 'Real-estate 'conspiracy' targets refugees'
Brian Robbins, July 5th 2008**

<https://www.smh.com.au/national/real-estate-conspiracy-targets-refugees-20080705-gdskwy.html>

SHE has survived civil war and disruption, fled across countries, and arrived in Australia as a refugee. But that wasn't enough to protect Rigina Manyang from some sharp businessmen in western Sydney. While looking for a place to rent she was approached at the Mount Druitt shopping centre and talked into buying a home. By doing so she became the latest victim in what appears to be an extensive fraud involving several leading finance companies running to several million dollars.

The paper trail includes bogus payslips and "gifts" seemingly made to help buyers obtain their loan, while the first-home owner's grant appears to have gone straight to the builder, as there was a limited upfront deposit.

For a refugee with five children - two under the age of five - buying her own home after being in Australia for only about three years is not bad going, particularly as 28-year-old Ms Manyang's main source of income is a fortnightly Centrelink cheque.

She is one of as many as 10 Sudanese families who have become home owners while on Centrelink, with \$400,000 mortgages and little ability to make repayments as interest rates have risen.

Many bought small townhouses for about \$400,000 in an area where a tidy three-bedroom house costs about \$250,000, often less.

"It would be hard to value it at more than \$300,000. That would appear to be at the high end of the appraised value," a Mount Druitt real estate agent, Ben Price, said of Ms Manyang's Doonside property.

"These people are paying double what I pay a month [for their mortgage]," says Deng Athum, a Sudanese community leader. "Whatever is received from Centrelink goes straight to paying the mortgage." One Sudanese mother of seven, unable to keep up loan repayments, abandoned her house and took up emergency accommodation in Orange - the seventh town she has lived in since she came to Australia only a few years ago.

Another woman struggling to pay her mortgage found out subsequently that names had been mixed up on the deeds of the house. Another family member was the nominal owner.

"There is wide-ranging conspiracy in western Sydney," a local MP, Paul Gibson, said of the problems confronting Ms Manyang and many in her community. "It involves certain construction companies ... building or purchasing houses and entering into very suspicious mortgage contract deals."

Attachment 3: Girraween builder fined \$135,000 after injury at Doonside building site
<https://www.finance.nsw.gov.au/about-us/media-releases/girraween-builder-fined-135000-after-injury-doonside-building-site>

8 March 2018

A building company has been fined \$135,000 after a worker suffered horrific injuries in a fall at a Western Sydney building site, Minister for Better Regulation Matt Kean said.

Universal Property Group Pty Ltd pleaded guilty to failing to ensure the health and safety of workers at the Doonside site after a young man fell through a void that was not properly covered, and lacked any signage to warn staff of the potential danger.

Mr Kean said the 21-year-old assistant surveyor from Merrylands sustained a 10 centimetre puncture wound, a fractured pelvis, and three spinal fractures in the 2015 incident.

"This poor young worker lost half his blood and needed an urgent transfusion after he fell to the ground, striking steel reinforcing bars on the way down," Mr Kean said.

"Tragically the worker moved the piece of unmarked plywood that was covering the void, believing it was simply spare supplies.

"Universal Property Group was ultimately responsible for ensuring contractors took the necessary steps to stay safe while at work on the Doonside building site.

"I want to ensure that every worker who heads off to work in the morning returns home safely to their family at night, and that's exactly why SafeWork will continue to crack down on any businesses not doing the right thing."

SafeWork NSW recommends all voids should be securely covered with a structurally graded cover, painted in bright colours, and marked with appropriate warnings.

Last year SafeWork NSW successfully prosecuted 34 offenders and issued 218 penalty notices.

Universal Property Group has the right to appeal.

Attachment 4: Council chalks up huge bill in battle with developer
August 8th 2017 - Martha Azzi, Blacktown Advocate

<https://www.dailytelegraph.com.au/newslocal/blacktown-advocate/council-chalks-up-huge-bill-in-battle-with-developer/news-story/44025fcc2b7f69c1d1bca4af14342007>

Hundreds of thousands of dollars are being spent by Blacktown Council to fight against a developer.

In the 2016-17 financial year Blacktown Council spent just under \$268,000 fighting Universal Property Group in the NSW Land and Environment Court.

Also known as The Bathla Group and Western Sydney Property Group, Universal Property Group has contested a number of rejected planning proposals.

The first quarterly report for this year revealed more than \$155,000 was spent fighting appeals by the Girraween-based developer.

The refusal of a medium- density housing development at Quakers Hill Parkway saw Blacktown Council spend almost \$149,000 after it was brought before the court in September 2015.

Cr Frederick Brillo questioned what could be done in a bid to avoid the enormous costs.

"The question is: are we smarter than them or are they smarter than us?" he said.

But Blacktown Council general manager Kerry Robinson said "there was no way to bar them" from appealing in court.

"They do have an obligation under their funding documents to expedite projects," he said.

Blacktown Mayor Stephen Bali said the developer was purely "satisfying their financial requirement".

"The olive branch is there for us to talk and negotiate and they've refused that," Cr Bali said.

Bathla Group planning director Graeme Allen said it had "an obligation to its financial partners" to pursue its approvals.

Therefore, the group had pursued its "legal entitlements before the court in the same manner that is available to all applicants" where matters were delayed.

Council Reference: IAPPD/49917**Submission in relation to DA71/2019 – 40 Lot Subdivision – 19A Plumb Street, Blayney**

I wish to raise concerns in relation to the proposed subdivision.

We live in a rural area not in metropolitan area such as Sydney. These small blocks are not consistent with the historical pattern of Blayney Shire. There are too many blocks in a small area with only one entry and exit which is a safety issue when the housing is at its full capacity.

- Emergency Services such as fire trucks, ambulances and police would have difficulty maneuvering and in a retrieval process may not even be able to gain close access to a property.
- A small block in Blayney township is 600 – 650m2.
- Looking at Lovejoy – Meek Street most blocks are 800m2 and these houses seem close together and have mostly 4 bedroom houses with reasonably small yards.
- Small blocks – houses may have to be built as two storeys to get a decent house, yard and driveway.
- One entry / one exit into the 40 blocks will cause issues. Example 2 cars per block is 80 cars within a very small area. As families grow households may end up with 4 to 5 cars per household creating the possibility of up to 120 – 200 cars within a small area. For example my adjoining block has a 4 bedroom house on it leaving an extremely small backyard and this block is 780m2. There is a family of 2 adults and 4 children living in this property. There is a possibility at some stage this household may have 6 cars. We need to look at the future issues caused by parking and congestion in a small area.
- Narrow Street will cause issues for the regular garbage truck collection. There are already issues with small areas for the garbage truck to maneuver within other streets of our shire causing the issues of breaking up the bitumen and issues for cars entering their driveways. This will be a much smaller area and maybe impossible for garbage collection when cars are parked within the street area.
- Cars will be forced to park on the verge. Currently in the area of Johnston Crescent you will notice the amount of cars parked within the street, this street is much larger area then this proposed subdivision.
- A possible solution could be to have some smaller blocks and some larger blocks eg instead of 12 in the centre make it 8 or say 30 blocks instead of 40.

I urge Council to consider reviewing the approval of the current amount of blocks within the subdivision taking in particular consideration the safety issues raised above.

Regards

The Bathla Group – Commentary & Response to Submission Material – 21st October 2019

Submission	Commentary/Response
<p>1. The proposed subdivision is out of character with the balance of the Blayney township, including the following points:</p> <ul style="list-style-type: none"> • The proposed subdivision is reminiscent with the worst example of social housing; • The propose subdivision will harm the quality of the urban environment, with the surrounding quality homes being enclave with the characteristics of a low socio-economic urban jungle; • The proposed subdivision could undermine the appeal of Blayney as a town and a as a place to live. 	<p>Blayney’s Community Strategic Plan notes that the housing opportunities in Blayney are limited and subdivision opportunities for investment are constrained. The CSP also cites the limited capacity for growth in residential and rural residential house blocks as preventing families from relocating and investing in Blayney. This proposal responds to the Community Plan by seeking to utilise an existing parcel of underutilised land and provide an investment in both subdividing and providing new housing.</p> <p>As outlined in the Statement of Environmental Effects the proposed subdivision is entirely consistent with Blayney DCP 2018- see Section 4.4 of SEE which permits 450m2 as the minimum lot size.</p> <p>Housing lots of 450m2 does not equate to social housing nor does the proposal constitutes and “enclave” of “low socio economic urban jungle”.</p> <p>The development will allow for additional residential housing opportunities and diversities in a desirable location and complete the development of Lot 29 DP1050133 that was previously destined for development since adjoining land was subdivided along Oliver Street Lots 19-28 DP1050133).</p> <p>Blayney has an ageing population, consisting of a high proportion of single person households made up of either divorced, separated or widowed persons living in large multi bedroom dwellings which they own or are purchasing.</p> <p>In terms of housing strategy, the demographic profile outlined above leads to areas of major housing initiatives:-</p> <ul style="list-style-type: none"> • Provision of Housing that will enable ageing single households to down size; and • Provision of affordable housing for “first home buyers” to attract or retain younger households <p>The proposed subdivision is intended to be built out by the applicant, and sales targeted at the owner occupier market identified above. This is desirable as the character of the subdivision can be established as a single storey development by this applicant.</p>

The Bathla Group – Commentary & Response to Submission Material – 21st October 2019

Submission	Bathla Commentary/Response
<p>2. The proposed subdivision does not consider the quality of life for either its residents or the neighbourhood, including the following points:</p> <ul style="list-style-type: none"> • The rounded rectangle road with one access point creates a sense of being enclosed; • The blocks of land are very tightly packed, fill every space of land and provide no privacy; • The whole estate is surrounded by the back yards of existing homes; • This application highlights a lack of urban design where lifestyle has not been given a high consideration. The overwhelming sense of how inappropriate this development is for Blayney will be felt not only by its residents who will feel conspicuous, but also by the rest of the surrounding population whose long-held idea of country living will have been crushed. 	<p>As outlined in the Statement of Environmental Effects the proposed subdivision is entirely consistent with Blayney DCP 2018- see Section 4.4 of SEE.</p> <p>The slope of the site and the orientation of the site will ensure all dwellings have an outlook and will not experience a sense of enclosure.</p> <p>The proposal involves 39 residential lots plus a permanent OSD facility which will be a grassed area in the northeast corner (on proposed Lot 10) of the development with a site area of 950m² plus. The OSD lot would be dedicated to Council for its care and maintenance.</p> <p>All blocks have a minimum width of 18metres which enables greater side boundary setbacks as depth of blocks have been maintained at 24metres ensuring rear boundary setbacks of 4 to 6metres.</p> <p>All subdivisions consist of allotments backing on to existing backyards of other allotments. There are multiples examples of smaller allotments of around 500m² located in the Blayney township.</p> <p>The lifestyle and housing strategy fostered by this proposal is aimed specifically at:-</p> <ul style="list-style-type: none"> • Provision of Housing that will enable ageing single households to down size; and • Provision of affordable housing for “first home buyers” to attract or retain younger households <p>The initiative is solely aimed at lifestyle and providing housing choice both to existing residents and future residents of Blayney.</p>

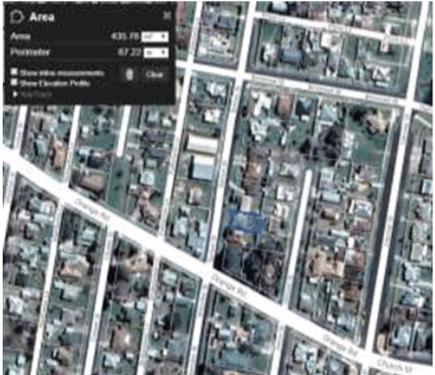
The Bathla Group – Commentary & Response to Submission Material – 21st October 2019

Submission	Bathla Commentary/Response
<p>3. It is recommend that urban design features be added that will mitigate the small blocks of land and the estate’s sense of being cramped and enclosed</p>	<p>From an Urban design perspective; the subdivision has been designed so that it:-</p> <ul style="list-style-type: none"> • has no impact on the natural or environmentally sensitive areas, seeks to improve the existing drainage of the site; • provides adequate and suitable setback opportunities within the proposed lots to establish a buffer to the existing residences • creates a legible road and pedestrian network within the site; • establishes lots which are capable of being developed with high quality dwellings as reflected in building envelope plans for each of the proposed lots; • integrates with the existing subdivision pattern and utilises existing Road frontage and access point as well as existing drainage easements. • Street tree planting will dominate the internal road as will 4-5-5.5m setback of the proposed dwellings together with garage setbacks to the road. • The NSW Government Architect’s <i>“Better Places – Urban Design for Regional NSW”</i> promotes, in relation to subdivision the following: <ul style="list-style-type: none"> ○ <i>“Design subdivision plans for a range of lot sizes and configurations to enable diverse housing options.”</i> ○ <i>“Opportunity to enhance residential amenity through improved subdivision design, including improving solar orientation”</i> ○ <i>Improving greenfield subdivision design to better respond to natural environmental features</i> <p>The proposal achieves these goals by providing a range of lot sizes will potential housing designs that provide adequate solar access, street facing dwellings and at an appropriate scale with the predominately single, detached housing stock in the vicinity.</p> <p>The site has a degraded natural environment currently and the proposal will introduced a well maintained precinct with a green space/OSD lot.</p>

The Bathla Group – Commentary & Response to Submission Material – 21st October 2019

Submission	Bathla Commentary/Response
<p>4. The traffic flow in Plumb St. is already heavy and with the sale and development of Council land further down, the traffic will only worsen the situation.</p>	<p>The traffic report submitted with the application concludes:- <i>“That projected increase in traffic activity as a consequence of the development proposal is minimal, and will clearly not have any unacceptable traffic implications in terms of road network capacity.”</i></p>
<p>5. To fit 40 homes in this block can only lead to a ghetto situation in time as the block sizes must be small and also what will happen to the swampy low area.</p>	<p>Housing lots of 450m2 does not equate to social housing nor does the proposal constitutes a “ghetto”.</p> <p>The proposed development is a permitted development meeting the Council’s DCP requirements and will be developed to sell new houses to home purchasers to support the investment in Blayney’s future as proposed in Council’s Community Strategic Plan (CSP).</p> <p>The “dry” dam on the site will be filled and compacted while a permanent OSD basin is proposed to be located in the north east corner of the site; the area will be grassed and dry except in period of high rainfall.</p>
<p>6. The present situation in Palmer St. is that we live on a speedway, Now! What will the situation be like if this development gets the go ahead</p>	<p>The traffic report submitted with the application concludes:- <i>“That projected increase in traffic activity as a consequence of the development proposal is minimal, and will clearly not have any unacceptable traffic implications in terms of road network capacity.”</i></p> <p>Excess speed along Palmer Street, has little to do with the proposed subdivision but more to do with existing resident driver habits and speed limits within the town and the enforcement of speed generally. This is a matter for Council and the local Police to manage.</p> <p>This development will contain a loop road acting similar to a cul-de-sac within a 50kmh speed environment. It is likely to provide a safe place for children as it is located away from the external road system.</p>

The Bathla Group – Commentary & Response to Submission Material – 21st October 2019

Submission	Bathla Commentary/Response
<p>7. The value of our properties will be lowered substantially.</p>	<p>There is no empirical evidence that small lots lower residential land value of adjoining properties. The sale prices of the proposed small Lots, on a m2 basis, will be higher than the adjoining properties solely as a correlation between sale price and site area.</p>
<p>8. The public should be given an opportunity to view any proposal put forward before going to Council for approval</p>	<p>The current exhibition and notification performs the function sought. Whether additional exhibition and notification occurs is a matter for Council and whether any changes arise as a result of the current submissions received.</p> <p>The planning system provides a process for the public to comment on development but this cannot override the existing council policy and state level provisions. This proposal is designed for housing that would more than comply with those planning policies.</p>
<p>9. We live in a rural area not in metropolitan area such as Sydney. These small blocks are not consistent with the historical pattern of Blayney Shire.</p> <p>There are too many blocks in a small area with only one entry and exit which is a safety issue when the housing is at its full capacity.</p>	<p>The historical subdivision pattern in Blayney has been mixed; while it is acknowledged that the peripheral areas of the villages consist of larger lots, the areas adjoining the town centre, have been subdivided to smaller lot areas as evidenced by the block bounded by Binstead, Carcoar, Burton and Church streets which are predominately 450m2 or less.</p>  <p>Council's Community Strategic Planning process has identified a desire to develop land for housing in Blayney and this proposal is consistent with the Council's long term future.</p>

The Bathla Group – Commentary & Response to Submission Material – 21st October 2019

Submission	Bathla Commentary/Response
<p>10. Emergency Services such as fire trucks, ambulances and police would have difficulty manoeuvring and in a retrieval process may not even be able to gain close access to a property.</p>	<p>It is pertinent to note that the alternative to the loop road is a conventional cul-de-sac turning head. This would require HRV & emergency vehicles to undertake a multiple point turn with a number of reversing movements in order to turn around and exit the site.</p> <p>The proposed loop road therefore represents a significantly better outcome in road safety terms because trucks will be able to circulate around the site and return to Plumb Street whilst travelling in a forward direction, without the need for any reversing manoeuvres.</p>
<p>11. Small blocks – houses may have to be built as two storeys to get a decent house, yard and driveway.</p>	<p>All houses will be restricted to single storey and a restriction on each title to ensure this in perpetuity is willingly offered by the applicant. The SEE is explicit in that:-</p> <p>“All lots have wide frontage ensuring houses will sit across the block and provide adequate rear boundary setbacks – minimum 6m</p> <p>Overshadowing should not be an issue based on the proposed rear boundary setbacks and single storey limits imposed.”</p>
<p>12. One entry / one exit into the 40 blocks will cause issues. Example 2 cars per block is 80 cars within a very small area. As families grow households may end up with 4 to 5 cars per household creating the possibility of up to 120 – 200 cars within a small area. For example my adjoining block has a 4 bedroom house on it leaving an extremely small backyard and this block is 780m². There is a family of 2 adults and 4 children living in this property. There is a possibility at some stage this household may have 6 cars. We need to look at the future issues caused by parking and congestion in a small area.</p>	<p>Only 39 residential lots are proposed.</p> <p>Each house is proposed to have a double garage with the further ability to park an additional two visitor vehicles between the garage line and the front property boundary.</p> <p>The average car per household (2016 Census) in Blayney Shire was 2.1 vehicles per household.</p> <p>The lifestyle and housing strategy fostered by this proposal is aimed specifically at:-</p> <ul style="list-style-type: none"> • Provision of Housing that will enable ageing single households to down size; and • Provision of affordable housing for “first home buyers” to attract or retain younger households <p>The expected residents in the area outlined above are expected to have lower car ownership, than the other population sectors of Blayney. Notwithstanding, the proposed car parking provision complies with Council’s DCP.</p>

The Bathla Group – Commentary & Response to Submission Material – 21st October 2019

Submission	Bathla Commentary/Response
<p>13. Narrow Street will cause issues for the regular garbage truck collection. There are already issues with small areas for the garbage truck to manoeuvre within other streets of our shire causing the issues of breaking up the bitumen and issues for cars entering their driveways. This will be a much smaller area and maybe impossible for garbage collection when cars are parked within the street area.</p>	<p>The proposed loop road is not narrow or undersized as it complies with Council’s DCP requirements.</p> <p>Council is responsible for garbage truck selection and associated road damage.</p> <p>The issue of Garbage truck selection is specifically addressed in the Traffic Report to Council.</p> <p><i>“Garbage collection for the proposed development is expected to be undertaken by a variety of commercial vehicles up to and including 12.5m long heavy rigid trucks. The proposed new loop road has been designed to accommodate the swept turning paths of these trucks to allow them to circulate around the site and to enter / exit the site whilst driving in forward gear at all times”</i></p>
<p>14. Cars will be forced to park on the verge. Currently in the area of Johnston Crescent you will notice the amount of cars parked within the street, this street is much larger area then this proposed subdivision.</p>	<p>Parking on a verge is unlikely as each house is proposed to have a double garage with the further ability to park an additional two visitor vehicles between the garage line and the front property boundary.</p> <p>The average car per household (2016 Census) in Blayney Shire was 2.1 vehicles per household.</p>

The Bathla Group – Commentary & Response to Submission Material – 21st October 2019

Submission	Bathla Commentary/Response
<p>15. A possible solution could be to have some smaller blocks and some larger blocks e.g. instead of 12 in the centre make it 8 or say 30 blocks instead of 40.</p>	<p>The proposed lots comply with the DCP and provide adequate width to depth ratio to ensure future dwellings can be sited to ensure minimal visual and privacy impact on adjoining residents. A minimum of 6metre setback to the rear property boundary is proposed for each allotment; maximum site coverage 50% and single storey dwelling only proposed.</p> <p>The proposed subdivision:</p> <ul style="list-style-type: none"> • has no impact on the natural or environmentally sensitive areas, seeks to improve the existing drainage of the site; • provides adequate and suitable setback opportunities within the proposed lots to establish a buffer to the existing residences • creates a legible road and pedestrian network within the site; • establishes lots which are capable of being developed with high quality dwellings as reflected in building envelope plans for each of the proposed lots; • integrates with the existing subdivision pattern and utilises existing Road frontage and access point as well as existing drainage easements. <p>Based on the foregoing argument, there is no reason to reduce the yield of the property as the proposed subdivision is consistent with the future character of the area. Smaller lots are proposed in order to cater for the “downsizer” and “first home buyer” market which we believe exists within the Town & surrounding areas.</p> <p>The proposed subdivision ensures an outcome that is consistent with Council’s CSP, LEP and DCP and achieves the orderly and economic development of the property.</p>

Reasons for Conditions

Mandatory/statutory requirement and public interest.

Deferred Commencement

1. Deferred Commencement Condition

By reference to section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, this consent is a deferred commencement consent.

The consent does not operate until such time as the following information is provided to the satisfaction of the Blayney Shire Council:

Evidence the development does not adversely impact on the existing Sewerage network.

The evidence is to include modelling of the impacts of the development on the existing sewerage gravity network and pump station using applicable Water Services Association of Australia (WSAA) Codes and Standards, with a minimum being WSA02-2014 & WSA 04-2005.

Data provided for approval by Council is to include relevant standards used for calculations / provisions, including all assumptions which have been made to complete the calculations.

The period in which this information must be provided to the Blayney Shire Council is 12 months from the date of the consent i.e. **xx (to be updated to reflect the date on which the notice of determination is signed in the event that the proposed development is approved by Council).**

Approved Plans

2. 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	The Bathla Group	-	July 2019
01	Subdivision	The Bathla Group Drawn by VN	Rev 1	July 2019
003	Site Regrading Plan	Orion Consulting	Rev A	14/06/2019
600	Street Tree Plan	Orion Consulting	Rev A	14/06/2019

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

3. Sign – Subdivision Works

A sign is to be erected in a prominent position on any site on which subdivision work is being carried out:

- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
- (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the subdivision work is being carried out.

4. Appointment of Principal Certifying Authority

No work shall commence in connection with this Development Consent until:

- (a) A construction certificate for the building work has been issued by:
 - the consent authority; or
 - an accredited certifier; and
- (b) the person having the benefit of the development consent has:
 - appointed a principal certifying authority for the building work, and
 - notified the principal certifying authority that the person will carry out the building work as an owner builder, if that is the case, and

B1 the principal certifying authority has, no later than 2 days before the building work commences:

- a) notified the Council of his or her appointment, and
- b) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and

B2 the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:

- a) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
- b) notified the principal certifying authority of such appointment, and
- c) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

Prior to Issue of a Construction Certificate

5. Engineering Plans

The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to Conditions 45, 46, 51, 52, 9, 20, 22, 21, 23, 24, 25, 26, 55, 30. Further, the works are to comply with *WBC Guidelines for Engineering Works*.

6. Traffic and Pedestrian Management Plan

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.

7. Soil and 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 a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, **or inspection report** has been issued by Council or an accredited certifying authority, certifying that the plan is in accordance with Council's *WBC Guidelines for Engineering Works*. Upon certification, the measures in the Soil and Water Management Plan are to be implemented prior to works commencing.

8. Construction Certificate – Subdivision

Unless the development is deemed as exempt, the applicant is to obtain a Construction Certificate for engineering works pursuant to Part 6 of the Environmental Planning and Assessment Act 1979, as amended from either Council or an accredited certifying authority, which compliments the detail provided in the development consent, that the proposed works are in accordance with *WBC Guidelines for Engineering Works*, prior to any subdivision works commencing.

Note 1: No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificate or certificates have been obtained.

Note 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this development application.

Note 3: It is the responsibility of the applicant to ensure that the development complies with the provisions of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

Optional note: Dangerous Goods - the Construction Certificate plans and specifications will need to be approved by the Dangerous Goods Branch, NSW Industrial Relations, prior to the commencement of any work.

9. Design New Road to Engineering Standard

The Proposed Road is to be designed in accordance with *WBC Guidelines for Engineering Works* as an Urban Cul-de-sac

10. Security Deposits

Payment is to be made to Council of a bond of \$3000.00 for security deposit on the existing sewer main adjacent to the proposed On Site Detention Basin in proposed Lot 10.

Note: The bond held on the sewer main is fully refundable upon completion of all works and upon inspection by Council to ensure that any damage to Council infrastructure has been repaired. The bond will not be refunded in the event that damage done to Council's infrastructure is not repaired to its satisfaction.

11. Long Service Levy

Prior to the issue of a Construction Certificate, the applicant is to satisfy Council that the amount of the long service levy payable under Part 5 of the *Building and Construction Industry Long Service Payments Act 1986* in respect of the erection of the building has been duly paid or, if the levy is to be paid by instalments pursuant to Section 43 of that Act, the first instalment of that long service levy has been duly paid.

12. Landscape Plan

The applicant is to provide Council with an amended landscape plan for the proposed street trees in accordance with Part F7.7 Public Domain Landscaping & Street Trees, of the Blayney Development Control Plan, 2018.

The amended plan must include details of street tree species, planting detail and planting locations.

The plan is to be approved by Council's Infrastructure Services Director, prior to the commencement of works.

13. Dust Management Plan

Prior to the issue of a Construction Certificate, a Dust Management Plan prepared by suitably qualified professional must be submitted to and approved by the Blayney Shire Council.

The Dust Management Plan must detail methods of dust suppression during construction of the subdivision; a consultation strategy to engage and inform adjoining and proximate land owners and tenants prior to construction commencing and during construction; and contact details for the principal contractor during construction.

The Dust Management Plan must be prepared in accordance with current applicable legislation and best practice industry guidelines.

14. Noise Management Plan

Prior to the issue of a Construction Certificate, a Noise Management Plan prepared by a suitably qualified professional must be submitted to and approved by the Blayney Shire Council.

The Noise Management Plan must detail methods of mitigating potential adverse noise impacts on adjoining and proximate land owners and tenants during construction.

The Noise Management Plan must be prepared in accordance with current applicable legislation and best practice industry guidelines.

Prior to Works Commencing

15. Public liability insurance

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.

16. On-Site toilet

A temporary onsite toilet is to be provided and must remain throughout the project or until an alternative facility meeting Council's requirements is available onsite.

17. 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).

18. Protection of Public Places

A fence must be erected between the work and Plumb Street, and must be kept in place until after the completion of works if the works:

- a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
- b) could cause damage to adjoining lands by falling objects, or
- c) involve the enclosure of a public place or part of a public place.

Note 1: Any such hoarding, fence or awning is to be removed when the work has been completed.

Note 2: Any external lighting required by this condition is to be designed and positioned so that at no time will any light be cast upon any adjoining property.

During Construction

19. Engineering Inspections

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

A	Road Construction	<ul style="list-style-type: none"> * Following site regrading, and prior to installation of footway services; * Excavation and trimming of subgrade; * After compaction of sub-base; * After compaction of base, and prior to sealing; * Establishment of line and level for kerb and gutter placement; * Subsoil Drainage; * Road pavement surfacing; * Pavement test results (compaction, strength). * Footpath and kerb ramp construction.
B	Drainage	<ul style="list-style-type: none"> * After laying of pipes and prior to backfill; * Pits after rendering openings and installation of step irons. * On Site Detention Basin construction
D	Sewerage	<ul style="list-style-type: none"> * After laying of pipes and prior to backfill; * Main - air pressure testing; * Manhole - water test for infiltration, exfiltration.
G	Erosion and Sediment Control	<ul style="list-style-type: none"> * Prior to the installation of erosion measures.
H	All Development & or Subdivision Works	<ul style="list-style-type: none"> * Practical completion.
I	Road Openings	<ul style="list-style-type: none"> * Upon completion of works.

20. Intersection Improvements

The intersection of Plumb Street and the Proposed Road is to be reconstructed, to include:

- (b) kerbing and guttering and sealing of the road shoulder at the intersection to ensure that the proposed new road and associated kerb returns seamlessly tie in with the existing infrastructure in Plumb Street.

Works are to be carried out in accordance with the provisions of *WBC Guidelines for Engineering Works*. Full details of proposed works are to be submitted to and approved by Council prior to issue of the Construction Certificate.

21. Interallotment Drainage

The developer is to construct inter allotment drainage to drain all lots not draining naturally to a public road. The drainage system is to include grated inlet pits with a minimum 100 mm diameter pipe connection to all such lots. All drainage works are to comply with the provisions of AS/NZS 3500 and *WBC Guidelines for Engineering Works*.

22. Footpath in Footway

The construction of a 1.5 metre wide, 100 mm thick concrete footpath within the footway is to occur from Plumb Street across the frontages of Lots 1-18 (being the external loop of the proposed road) with kerb ramps between Lots 2 and 28. All footpath works shall be in accordance with AS1428-2010 and *WBC Guidelines for Engineering Works*.

23. Road and Interallotment Drainage

All road and inter allotment drainage is to be conveyed through the controlled outlet of an On Site Detention Basin to:

- (a) Council's underground drain in Oliver Street, in accordance with *WBC Guidelines for Engineering Works*.

24. Water Connection

Water mains are to be constructed such that there is a separate and distinct water main connection wholly within the boundary of each proposed residential and open space lot, in accordance with the Local Government (Approvals) Regulation 1999 and in accordance with *WBC Guidelines for Engineering Works*.

25. Separate Water Service

The applicant is to ensure that the water service to each lot is contained entirely within the boundary of the individual lot serviced. Any alterations that are necessary are to be at the applicants cost. The applicant is to arrange an inspection with Central Tablelands Water to ensure each property has a separate water supply within their respective boundaries.

26. Sewer Connection

The construction of sewer mains is to occur, such that there is a separate and distinct sewer connection wholly within the boundary of each proposed residential lot, in accordance with the Local Government (Approvals) Regulation 1999 and in accordance with *WBC Guidelines for Engineering Works*.

Note: The developer is to construct a 150 mm sewer riser at each property junction; each riser is to be constructed so that riser cap finishes 150 mm above the finished surface level of each allotment created.

27. Access to Manholes

Access to any sewer manholes on the subject land is not to be obstructed in any way.

Note: Any alterations to the existing manhole/s or adjustments in height to the existing manhole/s are to be at the applicant's cost.

28. Relocate Utility Services

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

29. Maintain sewer access

The existing sewer main servicing Lots 15, 16, 17 & 18 of DP 847682 shall remain in operation until such time as the proposed sewer main is constructed. Only once the proposed sewer main is operational shall the superseded section of existing sewer main be removed and disposed of.

30. On site detention basin

The developer is to construct an On Site Detention Basin within Lot 10 including:

- A 1.8m high Colorbond fence and lockable gate bounding the Lot
- A minimum 3.5m wide reinforced concrete, maintenance access and vehicular crossing over the footway adjacent to the proposed ingress/egress point.
- Earth retaining structures (where required)

The works shall be in accordance with *WBC Guidelines for Engineering Works*.

31. Dust Management Plan

The requirements of the Dust Management Plan required under Condition 13 must be implemented at all times.

32. Noise Management Plan

The requirements of the Noise Management Plan required under Condition 14 must be implemented at all times.

33. Earthworks

All materials onsite or being delivered to the site are to be contained within the site. The requirements of the *Protection of the Environment Operations Act 1997* are to be complied with when placing/stockpiling loose material or when disposing of waste products or during any other activities likely to pollute drains or watercourses.

34. Hours for Construction works

Construction works can only be carried out between 7.00 am and 5.00 pm on Monday to Friday, and 8am to 1pm on Saturdays. No construction 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.

35. Excavation Work

Where any excavation work on the site extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) Protect and support the adjoining premises from possible damage from the excavation, and
- b) Where necessary, underpin the adjoining premises to prevent any such damage.

Note: This condition does not apply if the person having the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to that condition not applying.

36. Utilities

All new utilities must be located underground.

37. Unexpected Finds

If Aboriginal objects, relics or other historical items or the like are located during development works, all works in the area of the identified object, relic or item shall cease and the NSW Office of Environmental Heritage (OEH) or its successor, and representatives from the Local Aboriginal Land Council shall be notified. Where required, further archaeological investigation shall be undertaken. Development works in the area of the find(s) may recommence if and when outlined by the management strategy, developed in consultation with and approved by the OEH.

38. Clean Fill

Only fill characterised as VENM or ENM under the guidelines of the NSW Environmental Protection Authority may be used in this development. Copies of validation reports for all fill used shall be retained and presented to Council on request.

39. Unexpected Finds

If Aboriginal objects, relics or other historical items or the like are located during development works, all works in the area of the identified object, relic or item shall cease and the NSW Office of Environmental Heritage (OEH), and representatives from the Local Aboriginal Land Council shall be notified. Where required, further archaeological investigation shall be undertaken. Development works in the area of the find(s) may recommence if and when outlined by the management strategy, developed in consultation with and approved by the OEH.

40. Waste

All waste associated with the subdivision works is to be appropriately collected, stored and disposed of at an approved waste facility.

41. Naturally Occurring Asbestos

If Naturally Occurring Asbestos is identified, and it is likely to be affected by the proposed works, then Clause 432 of the *Work Health and Safety Regulations 2017* (as amended) requires that a site-specific Asbestos Management Plan is prepared in accordance with the regulations and the *Model Asbestos Policy for NSW Councils (2015)* (as amended).

Prior to Issue of Subdivision Certificate
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42. Works as Executed Plan

The applicant is to submit to Council an electronic copy of the works as executed plans for the works required by Conditions 45, 46, 51, 52, 9, 20, 22, 21, 23, 24, 25, 26, 55, 30. in AutoCAD 2000 format. Further, the works are to comply with *WBC Guidelines for Engineering Works*.

43. Electrical and Telecommunications Authorities - subdivision

The developer is to furnish Council with documentary evidence that arrangements have been made, satisfactory to the appropriate electrical authority and the appropriate telecommunications authority, for the provision of street and pathway lighting and/or for the provision of underground electrical power and telecommunication lines, respectively, to serve each lot.

All services must be installed prior to the issue of a Subdivision Certificate.

Note: This information must be submitted before Council will issue the Subdivision Certificate relating to this development.

44. Compliance Certificate – Engineering Works

The applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, **or inspection report** from either Council or an accredited certifying authority, certifying that the engineering work required by conditions 9, 20, 22, 21, 23, 26, 30 has/have been constructed in accordance with the approved plans and *WBC Guidelines for Engineering Works*.

Note: Where Council is the Certifying Authority in relation to engineering works fees will be payable in accordance with Council's Revenue Policy.

45. Creation of an Easement

The development will require the creation of an easement under Section 88B of the Conveyancing Act 1919, to address stormwater drainage. The easement will be in favour of Council, it will have a minimum width of 4 metres and be centrally located.

46. Easement Required - adjacent land

The creation and registration of an easement over the adjoining land is required for:

- (d) an easement to drain stormwater within Lot 28 DP 1050133 and in favour of Council;
- (g) an easement for stormwater drainage:
 - within Proposed Lot 3 and in favour of Proposed Lot 2;
 - within Proposed Lot 4 and in favour of Proposed Lots 2 & 3;
 - within Proposed Lot 5 and in favour of Proposed Lots 2, 3 & 4;
 - within Proposed Lot 6 and in favour of Proposed Lots 2, 3, 4 & 5;
 - within Proposed Lot 7 and in favour of Proposed Lots 2, 3, 4, 5 & 6;
 - within Proposed Lot 8 and in favour of Proposed Lot 7;
 - within Proposed Lot 9 and in favour of Proposed Lots 7 & 8;
 - within Proposed Lot 11 and in favour of Proposed Lots 12, 13 & 14;
 - within Proposed Lot 12 and in favour of Proposed Lots 13 & 14;
 - within Proposed Lot 13 and in favour of Proposed Lot 14;
 - within Proposed Lot 14 and in favour of Proposed Lots 15, 16, 17, 18, 19 & Lots 1, 2, 3, 4 & 5 of DP 252541;
 - within Proposed Lot 15 and in favour of Proposed Lots 16, 17, 18, 19 & Lots 1, 2, 3, 4 & 5 of DP 252541;
 - within Proposed Lot 16 and in favour of Proposed Lots 17, 18, 19 & Lots 1, 2, 3, 4, & 5 of DP 252541;
 - within Proposed Lot 17 and in favour of Proposed Lots 18, 19 & Lots 2, 3, 4 & 5 of DP 252541;
 - within Proposed Lot 18 and in favour of Proposed Lot 19 & Lots 3, 4 & 5 of DP 252541;
 - within Proposed Lot 19 and in favour of Proposed Lots 20, 21, 22, 23, 24 & Lots 4, 5, 6, 7, 8, 9, 10, 11 & 12 of DP 252541;

- within Proposed Lot 20 and in favour of Proposed Lots 21, 22, 23, 24 & Lots 5, 6, 7, 8, 9, 10, 11 & 12 of DP 252541;
- within Proposed Lot 21 and in favour of Proposed Lots 22, 23, 24 & Lots 6, 7, 8, 9, 10, 11 & 12 of DP 252541;
- within Proposed Lot 22 and in favour of Proposed Lots 23, 24 & Lots 7, 8, 9, 10, 11 & 12 of DP 252541;
- within Proposed Lot 23 and in favour of Proposed Lots 24 & Lots 8, 9, 10, 11 & 12 of DP 252541;
- within Proposed Lot 24 and in favour of Lots 9, 10, 11 & 12 of DP 252541 & Lots 14 & 15 of DP847682;
- within Proposed Lot 25 and in favour of Proposed Lots 24, 26, 27, 28, Lots 11 & 12 of DP 252541 & Lots 14, 15, 16 & 17 of DP 847682;
- within Proposed Lot 26 and in favour of Proposed Lots 27, 28 & Lots 15, 16 & 17 of DP 847682;
- within Proposed Lot 27 and in favour of Proposed Lots 28 & Lots 16 & 17 of DP 847682;
- within Proposed Lot 28 and in favour of Lots 17 of 847682;
- within Proposed Lot 30 and in favour of Proposed Lot 29;
- within Proposed Lot 31 and in favour of Proposed Lots 29 & 30;
- within Proposed Lot 32 and in favour of Proposed Lots 29, 30 & 31;
- within Proposed Lot 35 and in favour of Proposed Lots 36 & 37;
- within Proposed Lot 36 and in favour of Proposed Lot 37;

47. Section 7.11 Contributions (Type A - Residential)

Contributions are to be paid to Council towards the provision or improvement of amenities or services (residential subdivision/works) under the *Blayney Local Infrastructure Contributions Plan 2013* (see Council's web site). The contributions to be paid are currently \$6,434.50. per new lot created/per new dwelling. The amount payable would be recalculated on the basis of the contribution rates that are applicable at the time of payment. Evidence of payment of the contributions is to be provided to the Principle Certifying Authority prior to the issue of the Subdivision Certificate.

48. Sewerage Headworks

The applicant shall contribute \$2,932.00 per new lot created/per new dwelling, towards sewer head works pursuant to Section 305 of the Water Management Act, 2000, and the Development Servicing Plan (Section 64), before the Subdivision Certificate is issued. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

49. Water Headworks

The applicant shall contribute towards water head works to Central Tablelands Water (CTW) pursuant to Section 305 of the Water Management Act, 2000, and the Development Servicing Plan (Section 64), before the Subdivision Certificate is issued. The amount applicable will be dependent upon the date on which payment is made and will be as per CTW's adopted fees and charges for the financial year in which payment is made.

50. Road Inspection Fee

Payment of \$14.00 per lineal metre is to be made for the inspection of the road during construction. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

51. Dedication of Land

The developer is to undertake dedication of certain land, that being (c) transfer to Council of Lot 10 as drainage reserve, under the *Blayney Local Infrastructure Contributions Plan 2013*.

52. Dedication of Road Widening

The dedication as public road is required of that part of the subject land so indicated on the approved plans.

53. Road Construction Bond

The developer is to lodge a bond with Council equal to 5% of the total subdivision civil construction costs at practical completion, to be held by Council for a minimum period of six (6) months. The bond must be lodged with Council prior to the issue of the Subdivision Certificate.

54. Street Signs

The developer is to make a payment to Council for the provision of each street sign. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

55. Easement for Sewer

The final plan of survey is to show an easement for sewer over all lots affected and in favour of Council. For sewer mains of 300mm or greater diameter, the easement is to be 5 metres wide with the main centrally located.

56. Subdivision Certificate Required

The applicant is to submit the original plan of subdivision and two (2) copies for Council's endorsement. The applicant is to obtain a Subdivision Certificate from Council pursuant to Section 6.3 of the *Environmental Planning and Assessment Act 1979*, as amended.

Note: Council will only consider issuing a Subdivision Certificate in relation to this subdivision when it is satisfied that all conditions of development consent have been complied with and the appropriate fee paid.

57. Road naming

Prior to the issue of a Subdivision Certificate, a Road Naming Application form is to be completed and submitted with a plan of the whole development defining the stage being released - including future road extensions.

58. Restriction of the use of the land

Prior to the issue of a Subdivision Certificate a restriction on the development of the land must be created under Section 88B of the *Conveyancing Act 1919*.

The restriction must require that each lot may only be developed with a single storey dwelling. The restriction must be to the benefit of the Blayney Shire Council.

59. Landscaping – Street Trees

Prior to the issue of a Subdivision Certificate, street tree planting must be undertaken in accordance with Condition 12.

60. National Broadband Network

Prior to the issue of a Subdivision Certificate, the owner of the land must enter into an agreement with:

- A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Prior to the issue of a Subdivision Certificate, the owner of the land must provide written confirmation from:

- a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

Ongoing Matters

Nil.

Advisory Notes

Notice of Commencement.

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.

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.

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.

21) **MINUTES OF THE BLAYNEY SHIRE ACCESS ADVISORY COMMITTEE HELD 21 NOVEMBER 2019**

Department: Planning and Environmental Services

Author: Director Planning and Environmental Services

CSP Link: 4. Community, Sport, Heritage and Culture

File No: GO.ME.1

Recommendation:

1. That the minutes of the Blayney Shire Access Advisory Committee, held Thursday 21 November 2019, be received and noted.
2. That Council investigate and consider for prioritised inclusion in the Active Movement Strategy renewing 3 laybacks within in Adelaide Street (Church Street and both sides of Burns Street).

MINUTES OF THE BLAYNEY SHIRE ACCESS ADVISORY COMMITTEE MEETING HELD ON THURSDAY 21 NOVEMBER 2019 AT THE BLAYNEY SHIRE COMMUNITY CENTRE

Meeting commenced at 6.02pm.

PRESENT

Councillor Bruce Reynolds (chair), Jenny McMahon, Tom Williams, Iris Dorsett, Greg Hooper, Shane Oates, Mark Dicker (Director Planning and Environmental Services (DPES) and Councillor Scott Denton (arrived at 6:15pm).

GUEST

Donna Black (Community Development Coordinator, Social Futures Australia)

APOLOGIES

Allison Farr

CONFIRMATION OF PREVIOUS MINUTES

The minutes of the previous meeting held on 17 July 2019 were confirmed to be a true and accurate record of that meeting, noting two minor corrections in the transport for social support section.

(Greg Hooper / Iris Dorsett)

DISCLOSURES OF INTEREST

Nil

BUSINESS ARISING FROM PREVIOUS MEETING

CentrePoint – Adult change table and hoist

The committee were advised the variation has been approved to alter the accessible bathroom adjoining the manager's office to include; sliding door, adult change table and mechanical hoist.

CentrePoint – Concrete footpath, lighting and doors

The committee were advised the focus at the moment is delivering the Major Upgrade on time and on budget.

It was noted there is allocation in the 2019/20 Active Movement Strategy Program for this footpath.

2018 audit of accessible car parking across the Blayney Shire

The committee were advised this matter is with Council's Infrastructure Services for action. There is a significant amount of work in designing and costing the audit and due to the current workload it is unknown when this matter will be completed.

Access consulting

The committee were advised to date during 2019/20 no pre DA advice has identified a businesses that required the benefit of access consulting. If required, a visit is likely to be scheduled for February or March 2020.

Transport services for social support

DPES advised he had emailed Paul Toole's office who have responded seeking clarification on the matter. General discussion was had there should not be varying costs throughout the Blayney Shire to access doctors in Bathurst or Orange.

Blayney Library

DPES advised no works have been undertaken to the front door and/or entrance of the Blayney Library. General internal maintenance (painting, new shelves etc) has been undertaken. Council is planning for changes to the Blayney Library including toilets and potential expansion. Access Committee will be provided with plans for comment in the future.

Central West Equestrian and Livestock Arena

The committee advised the access landing previously provided to the committee was being installed as part of the project. Project is scheduled to be completed in March 2020.

BUSINESS ADVISED**International Day of People with a Disability 2019**

Tuesday 3 December 2019, Council will scheduled Facebook posts and a GM conversation to promote the day.

Active Movement Strategy Program – 2019/20 to 2029/30

The committee discussed the 10 year plan provided with the agenda.

Particular discussion was had on the adequacy of the laybacks in Adelaide Street, in particular;

- Church Street (Eastern side in front of the Anglican Church), and
- Both sides of Burns Street (Northern side and Southern side to the side of the post office)

RECOMMENDED; That Council investigate and consider for prioritised inclusion in the Active Movement Strategy renewing 3 laybacks within in Adelaide Street; Church Street and both sides of Burns Street
(Jenny McMahon / Iris Dorsett)

Millthorpe School Redevelopment

DPES advised Council's MANEX team were seeking a meeting with the NSW Department of Education to discuss a number of matters with the Millthorpe Public School redevelopment.

Social Futures Update

Ms Donna Black, Community Development Coordinator, Social Futures Australia provided an update to the committee, in particular on the NDIS and Access at a Glance program.

Carcoar Amenities Block

The committee were advised Council is seeking feedback on the plans for the Carcoar Amenities Block. Plans have been emailed to all committee members.

Council's Senior Building Surveyor has reviewed the plans against the Australian Standard compliance. Council is seeking input from the Access Committee for consideration prior to construction commencing.

ACTION; Access Committee to provide any comments regarding Carcoar Amenities Block to DPES ASAP.

FUTURE AGENDA ITEMS

- Progress inspection of;
 - Central West Equestrian and Livestock Arena;
 - CentrePoint Sports and Leisure Centre Major Upgrade – stage 1

FUTURE MEETING DATES

To be advised – potentially last week of February 2020.

MEETING CLOSE

The meeting closed at 7:14pm.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

22) **MINUTES OF THE BLAYNEY CEMETERY FORUM MEETING HELD WEDNESDAY 13 NOVEMBER 2019**

Department: Planning and Environmental Services

Author: Director Planning and Environmental Services

CSP Link: 5. The Natural Environment

File No: GO.ME.1

Recommendation:

That the minutes of the Blayney Shire Cemetery Forum, held Wednesday 13 November 2019, be received and noted.

MINUTES OF THE BLAYNEY SHIRE CEMETERY FORUM MEETING HELD ON WEDNESDAY 13 NOVEMBER 2019
BLAYNEY SHIRE COMMUNITY CENTRE

Meeting commenced at 5.00pm.

PRESENT

Councillor David Kingham (Chair), Councillor John Newstead, Helen Dent, Vicki Pulling, Hayley Lavers and Mark Dicker (Director Planning and Environmental Services (DPES)).

APOLOGIES

Nil

CONFIRMATION OF MINUTES

The minutes of the previous meeting held on 17 July 2019 were confirmed to be a true and accurate record of that meeting.

(Vicki Pulling / John Newstead)

DECLARATIONS OF INTEREST

Nil

BUSINESS ARISING

Cemetery Brochure

The committee discussed changing the cemetery brochure.

ACTION; Hayley Lavers to email DPES.

Restoration of damaged and/or derelict graves

Blayney History Group to provide a response to the committee on recommended priorities to the next meeting.

ACTION; Helen Dent to follow up.

Rabbits

The committee were advised Council is liaising with private contractors to implement an ongoing eradication program.

Committee members asked if Council staff can inspect Millthorpe and Blayney to consider trip hazards.

ACTION; DPES to arrange Ranger to inspect Millthorpe and Blayney cemeteries.

BUSINESS ADVISED

Millthorpe Cemetery Plantings

Hayley Lavers asked for an update on the plan for tree plantings at Millthorpe Cemetery. DPES advised it was his understanding this was to be included into a wider tree planting strategy for Millthorpe, being jointly prepared by Council and MVC.

Lister's Grave Millthorpe

Hayley Lavers advised that the Millthorpe Village Committee (MVC) were investigating the need to restore Lister's grave at Millthorpe (Lister discovered gold in Australia in 1851). McMurtrie's have inspected and advised some minor works could be undertaken. DPES advised if the MVC wish to undertake restoration works at their own cost they could.

Millthorpe Cemetery Bin

Hayley Lavers asked if there was a bin at the Millthorpe Cemetery, if not how do we get one? DPES advised he thought there was a bin near the niche walls.

ACTION; DPES to arrange inspection of Millthorpe cemetery to confirm if a bin is present.

FUTURE MEETINGS

To be advised, likely late February 2020.

MEETING CLOSE

The meeting closed at 5.20pm.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

23) **REPORT OF THE CENTROC BOARD MEETING AND THE CENTRAL NSW JOINT ORGANISATION MEETING HELD 27 NOVEMBER 2019**

Department: Executive Services

Author: Mayor

CSP Link: 2. Local Governance and Finance

File No: GR.LR.3

Recommendation:

That the Mayoral Report from the Centroc Board and Central NSW Joint Organisation Meeting held 27 November 2019 be received and noted.

Reason for Report:

To provide Council with the Mayors delegate report on the Centroc Board and Central NSW Joint Organisation meetings.

Report:

The Board meeting of Centroc and Central NSW Joint Organisation (JO) was held on Wednesday 27 November 2019 at the ACT Legislative Assembly in Canberra. Please see the draft Minutes attached.

The following day Thursday 28 November the JO attended Parliament House to participate in round table discussions with the following politicians.

- The Hon Michael McCormack, Deputy Prime Minister, Minister for Infrastructure, Transport and Regional Development, Member for Riverina
- The Hon Mark Coulton, Minister for Regional Services, Decentralisation and Local Government
- The Hon Josh Frydenberg, Treasurer
- The Hon David Littleproud, Minister for Water Resources, Drought, Rural Finance, Natural Disaster and Emergency Management
- The Hon Angus Taylor, Minister for Energy and Emissions Reduction
- The Hon Sussan Ley, Minister for the Environment
- Hon Dan Tehan, Minister for Education
- Hon Andrew Gee, Assistant Minister to the Deputy Prime Minister, Member for Calare
- Senator the Hon Bridget McKenzie, Minister for Agriculture

The Board was hosted by the Hon Michal McCormack as the Member for Riverina.

A significant amount of discussion was around drought and ongoing drought support. Other issues raised included

- Federal Assistance Grants and funding to Local Government
- Rural and remote health, Telecommunications

- Electricity and energy market challenges, Water Sharing Agreements
- Better vocational and tertiary education in region including direct funding to local government

Reports from Centroc

The Board were presented with the Statement of Finances. The information did not vary from the accounts provided to the Board in August 2019 and the Board resolved to adopt the Statement of Finances for Centroc.

Reports to Joint Organisation

Advocacy

Advocacy Plans were adopted and the Board resolved to share the policy position of each with LGNSW. These include:

- Regional Prosperity Advocacy Plan
- Regional Transport Advocacy Policy
- Regional Water, Advocacy Plan
- Draft Drought Advocacy Plan

The Central West Food and Fibre Plan and its implementation plan was provided for member consideration.

Energy Program

The Board resolved to investigate the opportunities of the recently announced renewable energy zone.

An update was provided on the cost savings anticipated for the next 3 years from the recently agreed electricity procurement. Councils will have a share in cost savings of \$2.37m over 3 years achieved through the procurement process for the supply of electricity for large market sites. More advice on savings for small sites will be provided in due course.

Internal Audit and Risk Management Report

Council will be aware that the Office of Local Government (OLG) has produced draft guidelines for internal audit and risk management seeking feedback. A response will be provided to the OLG by the JO and members are encouraged also to write their own responses.

Tourism Data Tool by Western Research Institute and support for a collaborative project with Arts Out West delivering arts and culture journeys

Five JO members get no tourism data at all from Tourism Research Australia or Destination NSW. Advice collected is for accommodation over 14 rooms and therefore misses the majority of our visitor economies – Visiting Friends and Relatives. Further, advice from the Regional Economic Development Strategies has tourism data collected in Functional Economic Regions only, not by Local Government Area.

To help build our understanding of the value of tourism, the JO is collaborating and co-investing with Council, Destination Network Outback & Country and WRI on a tourism data project.

Members are encouraged to support providing data into the program including promoting the visiting friends and relatives (VFR) survey through the community and through Council staff and family.

<https://www.wri.org.au/surveys>

The Board also resolved to support the printing of collateral for arts and culture journeys through the region.

Regional Transport

The Board resolved to write to the Minister for Regional Roads, the Hon Paul Toole seeking advice on the update of the Bells Line of Road Corridor.

A reviewed Advocacy Plan will be provided that identifies 1 or 2 priorities for the Board to focus its advocacy efforts, this is expected as a report to the next Board meeting.

Regional Water

Advice was provided in the Confidential Briefing Note No. 3 regarding water security for urban water utilities in the current unprecedented drought.

A strategic subcommittee including the sponsoring GMs, other interested GMs, the Portfolio Mayor and Chair to provide a higher level of strategic support for a regional response to emergency town water needs and long-term planning in the short term.

The JO will also undertake advocacy seeking early engagement in the Wyangala Dam wall raising and Lake Rowlands to Carcoar Dam projects with a view to being able to influence outcomes.

Reporting on progress of the Strategic Plan

The Chair of the CNSWJO has requested a more structured approach to the value to members. It is intended to transition the savings and grant funding across while drawing a line in the sand and starting afresh for the JO where this report would provide the starting point for the new advice.

Compliance, Policy review and dates for 2020

That the Board resolved to adopt the 2019 Annual Performance Statement and place it on the website. Members Pecuniary Interest Returns under s450a of the Local Government Act 1993 were provided. Amendments to the Joint Organisation Policy and Procedure Manual were provided and adopted.

Adoption of Audited General Purpose Statements for period 11 May 2018 to 30 June 2019

The Board adopted the CNSWJO Joint Organisation General Purpose Financial Statements for the period 11 May 2018 to 30 June 2019. This is a requirement to comply with the Local Government Act.

Prioritisation of \$150K Joint Organisation Capacity Building Fund

The Board approved 3 funding applications under the Joint Organisation Capacity Building Fund:

- Best Practice in Aggregated Procurement budgeted at \$35K;
- Understanding and supporting the new role of our CBDs – a project of the Regional Prosperity Subcommittee budgeted at \$50K; and
- Regional Capacity Building in Energy Innovation budgeted at \$65K.

These have now been lodged with the OLG and we await their decision.

Regional Bridges Assessment Report

The Confidential report by Pitt and Sherry has provided a cost estimate of repairs, for all bridges and culverts and a cost estimate of replacement for the 8 bridges and 15 culverts where replacement is recommended.

CNSWJO staff have had preliminary discussions with Public Works Advisory and Transport for NSW regarding options for a collaborative approach by members to conduct the next steps of the project, consisting of the repair and replacement of identified bridges. The Regional Bridge Assessment Report was endorsed to be used to access further funding.

Regional Smart Approved Water Mark Subscription

Members of the Centroc Water Utilities Alliance (CWUA) received a presentation from Smart Approved Water Mark in early August. Most Councils already have existing agreements with Smart Approved Water Mark which are due for re-negotiation prior to December 2019 and have been provided a regional offer at a reduced rate for a regional subscription, which will save the region per annum.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

- 1 Minutes of the Centroc Board Meeting held 27 November 2019
- 2 Minutes of the Central NSW Joint Organisation Meeting held 27 November 2019

Attachments (separate document)

Nil

Minutes of the Centroc Board Meeting 27 November 2019 held at Canberra ACT Legislative Assembly

Board Delegates in bold

Mr D Sherley	Bathurst Regional Council	Cr M Kellam	Oberon Council
Cr S Ferguson	Blayney Shire Council	Mr G Wallace	Oberon Council
Ms R Ryan	Blayney Shire Council	Cr R Kidd	Orange City Council
Cr K Beatty	Cabonne Council	Mr D Waddell	Orange City Council
Mr B Byrnes	Cabonne Council	Cr K Keith	Parkes Shire Council
Cr D Somervaille	Central Tablelands Water	Mr K Boyd	Parkes Shire Council
Mr G Rhodes	Central Tablelands Water	Cr M Liebich	Weddin Shire Council
Cr B West	Cowra Council	Mr G Carroll	Weddin Shire Council
Mr D Wymer	Cowra Council	Mr P Evans	OLG
Cr J Webb	Forbes Shire Council	Ms J Bennett	Centroc
Mr S Loane	Forbes Shire Council	Ms M Macpherson	Centroc
Cr J Medcalf	Lachlan Shire Council	Ms A Thomas	Centroc
Mr G Tory	Lachlan Shire Council	Ms K Barker	Centroc
		Ms V Page	Centroc

Chaired by Cr John Medcalf the meeting opened at 1.52pm.

1. Apologies

Cr B Bourke, Cr K Sajowitz, Cr P Miller, Mr P Devery, Ms C Weston, Mr S Harma, Mr A Albury

Resolved	Cr B West/Cr K Keith
That the apologies for the Centroc Board meeting 27 November 2019 listed above be accepted.	

2. Minutes

2a Confirmation of the Minutes of the Board Meeting 22 August 2019 at Parkes

Resolved	Ms S Loane/Cr K Beatty
That the Minutes of the Centroc Board Meeting 22 August held at Parkes be confirmed.	

3 Transitioning to the Joint Organisation

Resolved	Mr D Sherley/Mr S Loane
That the Central NSW Councils (Centroc) Board note the report regarding transition to the Joint Organisation and the windup of Centroc as a Section 355 Committee of Forbes Shire Council.	

4 Financial report

Resolved	Mr D Waddell/Cr D Somervaille
That the Board note the Financial report and transfer the reserves as follows to the Joint Organisation:	
Bells Line Expressway Group	17,537
Best Practice in Aggregated Procurement	40,768
Centroc Regional Tourism Group	129,759
CWUA Best Practice Program	31,569
CWUA - Asset Management Maturity Audit (NAMAf)	80,775
CWUA - Developer Services Plans	47,930
Energy Project	65,306
Energy Workshops - Office of Environment & Energy Grant	1,770
Energy Workshops - Centroc matching contribution	1,536

Growing Local Economies Grant Funding	73,400
Health Study - Beyond the Range	37
IT - Unified Communications	13,453
Regional Marketing	8,607
Roads Transport Technical Committee	14,977
	\$527,424

6 Presentation of the Statement of Finances

Resolved	Mr D Sherley/Mr D Waddell
That the Board adopt the Statement of Finances for Centroc.	

The General Meeting of the Centroc Board closed at 1.55pm

Page 2 is the last page of the Centroc Board Minutes 27 November 2019

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Minutes of the Central NSW Joint Organisation meeting 27 November 2019 held at ACT House in Canberra.

Attendees, voting members in bold.

Cr S Ferguson	Blayney Shire Council	Cr M Kellam	Oberon Council
Cr K Beatty	Cabonne Council	Cr R Kidd	Orange City Council
Cr B West	Cowra Shire Council	Cr K Keith	Parkes Shire Council
Cr J Webb	Forbes Shire Council	Cr M Liebich	Weddin Shire Council
Cr J Medcalf	Lachlan Shire Council		

Mr D Sherley	Bathurst Regional Council	Cr D Somerville	Central Tablelands Water
Ms R Ryan	Blayney Shire Council	Mr G Rhodes	Central Tablelands Water
Mr B Byrnes	Cabonne Council	Mr D Waddell	Orange
Mr D Wymer	Cowra Shire Council	Mr P Evans	OLG
Mr G Tory	Lachlan Shire Council	Ms J Bennett	Central NSW JO
Mr S Loane	Forbes Shire Council	Ms Meredith Macpherson	Central NSW JO
Mr G Wallace	Oberon Council	Ms A Thomas	Central NSW JO
Mr K Boyd	Parkes Shire Council	Ms K Barker	Central NSW JO
Mr G Carroll	Weddin Shire Council	Ms V Page	Central NSW JO

1. **Opening meeting 1.55pm**
2. **Acknowledgement to Country by Chair**
3. **Apologies applications for a leave of absence by Joint Voting representatives**
Cr B Bourke, Cr K Sajowitz, Cr P Miller, Mr P Devery, Ms C Weston, Mr S Harma, Mr A Albury

Resolved	Cr K Keith/Cr J Webb
That the apologies for the Central NSW Joint Organisation Board meeting 22 August 2019 listed above be accepted.	

4. **Minutes**
- 4a **Noting of the Minutes of the GMAC meeting 24 October 2019 held in Orange**

Resolved	Cr R Kidd/Cr M Kellam
That the Central NSW Joint Organisation Board confirm the Minutes of the GMAC meeting 24 October 2019 held in Orange.	

- 4b **Confirmation of the Minutes of the Central NSW Joint Organisation meeting 22 August 2019 in Parkes**

Resolved	Cr S Ferguson /Cr R Kidd
That the Central NSW Joint Organisation Board confirm the Minutes of the meeting 22 August 2019 held in Parkes	

5. **Business Arising from the Minutes – Matters in Progress**

Resolved	Cr B West/Cr K Keith
That the Central NSW Joint Organisation Board note the Matters in Progress, making deletions as suggested.	

6. Reports to Statement of Regional Strategic Priority**Priority One: Inter-council Co-operation****a. Procurement Report**

Resolved	Cr K Beatty/Cr B West
That the Board note the Procurement Report and	
<ol style="list-style-type: none"> 1. approve the 12-month extension of the road signs contract (S1 2018) with Artcraft, Barrier Signs and DeNeefe until 31 December 2020; 2. approve the 12-month extension of the bitumen emulsion contract (S2_2018) with Boral Asphalt until 31 March 2021; 3. approve the 12-month extension of the linemarking services contract (R2_2018) with Avante, Central West Linemarking, Complete Linemarking, Oz Linemarking and Red Squirrel; 4. approve a 6-month extension of the contract with Common Thread Consulting for the Procurement Support for Water Main Condition Assessment; 5. approve the Water Main Condition Assessment Pilot contract to include a management fee of 1.5% of the total value of the contract, which will be payable by the successful Contractor/s; 6. note that the structure of contract management fees to CNSWJO will remain as is until the Best Practice in Aggregated Procurement Program is completed, at which time a report will be provided to GMAC and the Board on the recommendations for aggregated procurement by the JO, including a report on options on fees and funding of aggregated procurement; 7. note the contract management fees being charged for current contracts; and 8. receive reports regarding management fees for any upcoming procurement processes for approval of the percentage contract management fee to be charged. 	

b. Energy Programming Report

Resolved	Cr R Kidd/Cr B West
That the Board note the Energy Programming Report and	
<ol style="list-style-type: none"> 1. Vary the existing contract with Sourced Energy to raise the management fee from the large market retailer by 0.25% which will be payable to CNSWJO; 2. Note the cost savings of \$2.37m over 3 years achieved through the procurement process for the supply of electricity for large market sites; 3. Draft a media release to voice frustration with the delays of the LED roll outs; and 4. Investigate the opportunities of the recently announced renewable energy zone. 	

c. Internal Audit and Risk Management Report

Resolved	Cr B West/Cr S Ferguson
That the Board note the new Internal Audit and Risk Management Guidelines advice from the Office of Local Government and	
<ol style="list-style-type: none"> 1. provide a response that: <ol style="list-style-type: none"> a. Is supportive of a strategic approach to internal audit and risk management; b. Suggests a less prescriptive approach, than that suggested in the guidelines; c. Is not supportive of leveraging Section 377 of the Local Government Act where Councils delegate internal audit and risk management functions to the JO; d. Notes the diversion of resource required for a Joint Organisation to fulfill these guidelines will be counterproductive and is at risk of contributing to JO network failure; e. Request that JOs be exempt from the new Internal Audit and Risk Management Framework for NSW; and f. Includes Member Councils concerns; and 2. Members are encouraged to write their own responses. 	

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d. Administration Update

Resolved	Cr B West/ Cr K Keith
That the Board note the timeline for the implementation of the JO.	

Priority Two: Regional Prosperity

a. Central West and Orana Food and Fibre Strategy report

Resolved	Cr B West/Cr J Webb
That the Board note the report on the Central West Food and Fibre Strategy and	
<ol style="list-style-type: none"> 1. endorse the Strategy; and 2. note that advice on implementation is being progressed through the Regional Prosperity Subcommittee. 	

b. Regional Prosperity and Advocacy Plan

Resolved	Cr B West/Cr K Keith
That the Board note the report on the Regional Prosperity Advocacy Plan;	
<ol style="list-style-type: none"> 1. Adopt the Plan; and 2. Share the policy position with LGNSW. 	

c. Tourism Data Tool by WRI and support for a collaborative project with Arts Out West delivering arts and culture journeys

Resolved	Cr B West/Cr J Webb
That the Board note the report on the Tourism Data Tool and support for a collaborative project with Arts Out West delivering arts and culture journeys and;	
<ol style="list-style-type: none"> 1. encourage members to support providing data into the program including promoting the visiting friends and relatives (VFR) survey through the community and through Council staff; and 2. amend the Tourism Budget transferring the \$5000 for the second round of the Regional Passport Project to a collaborative project with Arts Out West for arts and culture journeys. 	

Priority Three: Regional Transport and Infrastructure

a. Regional Transport Advocacy Policy, Prioritisation and Freight Links Mapping.

Resolved	Cr K Keith/Cr B West
That the Board	
<ol style="list-style-type: none"> 1. Endorse the changes to the Department of Planning, Industry and Environment regional network map; 2. Note the “Central West and Orana Transport Issues & Insights” report and that while it is complete, the transport planning process in region welcomes feedback through the JO; 3. Provide a submission to the consultation on the Lithgow to Katoomba Corridor for the upgrade of the Great Western Highway within existing policy; 4. Adopt the CNSWJO Transport Advocacy Plan noting the need to update the Matrix in line with advice below; 5. Endorse the 58 projects listed on the Matrix to the with the exception of priority 1; 6. Note priority 1 of the Matrix is under review to align it with the Transport Advocacy policy; 7. Note that a review of the Matrix is underway; 8. Write to the Minister seeking advice on the update of the Bells Line of Road Corridor; 9. Provide updated mapping to the Board; and 10. Provide a reviewed the Advocacy Plan that identifies one or two priorities for the Board to focus its advocacy efforts. 	

Priority Four: Regional Water
a. Regional Water, Advocacy Plan

Resolved	Cr D Somerville/Cr K Beatty
That the Board note the report on the Regional Water Advocacy Plan (the Plan) and	
<ol style="list-style-type: none"> 1. Adopt the Plan; and 2. Share the policy position with LGNSW. 	

b. Regional Water Report

Resolved	Cr B West/Cr M Liebich
That the Board:	
<ol style="list-style-type: none"> 1. Note advice provided in the Confidential Briefing Note No. 3 regarding water security for urban water utilities in the current unprecedented drought; 2. Note that GMAC have agreed to form a strategic subcommittee including the sponsoring GMs, other interested GMs, the Portfolio Mayor and Chair to provide a higher level of strategic support for a regional response to emergency town water needs and long-term planning in the short term; 3. Agree arrangements be developed with the strategic subcommittee and in consultation with member Councils for emergency water management between towns across the region that (based on previous Board policy) address the following heads of consideration: <ol style="list-style-type: none"> a) Arrangements for the sharing of water for emergency water needs between towns across the region so that the burden of providing infrastructure for critical urban water transfers is borne equitably by the region (for example through the development of instruments and agreements not structures); b) Ownership and management by LG of any such infrastructure built to transfer emergency water between towns across the region for critical human needs; c) On-going operational costs for emergency water infrastructure; d) A multi-source approach to the supply of emergency water that enables options to be switched on or off as needed with these to be linked to State and local based triggers; and; e) Receive a report to the February 2020 Board meeting. 4. Undertake advocacy seeking early engagement in the Wyangala Dam wall raising and Lake Rowlands to Carcoar Dam projects with a view to being able to influence outcomes; 5. Adopt the response to the Lachlan Regional Water Strategy provided under the hand of the Chair; 6. Note the report to the JO Executive Officer network on a potential cross JO project for the development of Regional Town Water Strategies; 7. Adopt the response to the State Water Strategy provided under the hand of the Chair; 8. Note that a copy of the CNSWJO's input to the Lachlan Regional Water Strategy has been provided to the Independent Panel assessing the social and economic conditions in the Murray Darling Basin; 9. Commend to members that they become members of the Murray Darling Association; 10. Endorse the response provided to LGNSW for the NSW Legislative Assembly Committee on Investment, Industry and Regional Development inquiry into support for drought affected communities in NSW noting that the CNSWJO response will be provided based on this; 11. Advocate strongly that Councils are responsible and experienced water utilities managers that seek to work collaboratively with all levels of Government on water security solutions; and 12. Commend to members that they include this messaging in their media releases and advocacy. 13. Thank Minister Pavey for visiting the region Tuesday 26 November 2019; 14. Seek to work through the Minister's office on developing a collaborative approach to water security in Central New South Wales within existing policy; 15. Noting that existing policy is for the sharing of water to be through instruments rather than structures seek funding from and engagement with the state on progressing such an approach; and 16. Reaffirm the region's policy position of councils including county councils retaining control of their water utilities assets. 	

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7. Supplementary motion on water policy

Resolved	Cr K Keith/Cr R Kidd
That the Board seek advice on the correlation between surface and bore water and meet with the Minister as required.	

8. Suspension of standing orders to receive a presentation from Canberra Airport at 3:30pm

Resolved	Cr K Beatty/Cr S Ferguson
That the Board suspend standing orders.	

9. Resumption of the meeting at 4:20pm

Resolved	Cr B West/Cr S Ferguson
That the Board resume the meeting.	

10. Report to the Central NSW JO Strategic Plan and Statement of Regional Strategic Priority 2019/2020

Resolved	Cr K Beatty/Cr S Ferguson
That the Board note the report to the Central NSW JO Strategic Plan and Statement of Regional Strategic Priority.	

11. Compliance, policy review and dates for 2020

Resolved	Cr K Keith/Cr K Beatty			
That the Board note the Compliance report and;				
1. Adopt the 2019 Annual Performance Statement and place it the website;				
2. Note the Pecuniary Interest Returns under s450a of the Local Government Act 1993;				
3. Adopt the Joint Organisation Policy and Procedure Manual; and				
4. Determine the dates for GMAC and Board meetings for 2020 be:				
Board	27 February	28 May	27 August	26 November
GMAC	30 January	7 May	23 July	22 October

12. Adoption of Audited General Purpose Statements for period 11 May 2018 to 30 June 2019

Resolved	Cr B West/Cr R Kidd
That the Board adopt the CNSWJO Joint Organisation General Purpose Financial Statements for the period 11 May 2018 to 30 June 2019.	

13. Financial Report

Resolved	Cr K Keith/Cr J Webb	
That the Board note the Financial and compliance report and accept the transfer of the reserves from Centroc in the following form:		
CNSW Regional Tourism Group + Regional Marketing		138,366
CWUA Best Practice Program		31,569
CWUA - Asset Management Maturity Audit (NAMAF)		80,775
CWUA - Developer Services Plans		47,930
Energy Project + Energy Workshops matching contribution		66,842
Energy Workshops - Office of Environment & Energy Grant		1,770
Growing Local Economies Grant Funding		73,400
Inter-Council Co-operation Reserve (IT Unified communications + Best Practice in Aggregated Procurement)		54,221
Roads Transport Technical Committee + BLEG		32,514
		\$527,387

14. Other Reports

a. Prioritisation of \$150K Joint Organisation Capacity Building Fund

Resolved	Cr K Beatty/Cr S Ferguson
That the Board note the report regarding the prioritisation of the 150K Joint Organisation Capacity Building Fund and	
<ol style="list-style-type: none"> 1. approve the funding application for the following under the Joint Organisation Capacity Building Fund: <ol style="list-style-type: none"> a. Best Practice in Aggregated Procurement budgeted at \$35K; and b. Understanding and supporting the new role of our CBDs – a project of the Regional Prosperity Subcommittee budgeted at \$50K; c. Regional Capacity Building in Energy Innovation budgeted at \$65K; and 2. Commend to members they give consideration to co-investment in the CBD project. 	

b. Logo Report

Resolved	Cr R Kidd/Cr B West
That the Board note the logo report and adopt Option 2 and 3 combined.	
Note: the amended logo to be circulated for review.	

c. Executive Officer Performance Review

Resolved	Cr K Beatty/ Cr S Ferguson
That the Board note the report regarding the performance management of the Executive Officer and	
<ol style="list-style-type: none"> 1. Delegate the entirety of the performance review function to a Performance Review Panel that is: <ol style="list-style-type: none"> a. Developing a Performance Agreement in consultation with the Executive Officer b. Undertaking a performance assessment of the Executive Officer in c. December/January each year d. Determining the following in relation to the Performance Agreement: <ol style="list-style-type: none"> i. A final list of projects to be included in the Performance Agreement; and ii. Any managerial or behavioural actions that they would like the Executive Officer to address during the review year. e. Reviewing and determining salary and any bonus arrangements f. Providing a report to the Board facilitated by the Chair of GMAC 2. Determine that the Performance Review Panel be the Chair, Deputy Chair a Mayor nominated by the Executive Officer to be facilitated by the Chair of GMAC. 	

15. Confidential Reports

a. Regional Bridge Assessment Report

Resolved	Cr K Beatty/Cr M Liebich
That the Board note the confidential report on bridge assessments and	
<ol style="list-style-type: none"> 1. endorse the Regional Bridge Assessment Report to be used to access further funding; 2. receive a report on options for a collaborative approach within three months to the repair and replacement of identified bridges; and 3. members give consideration to their participation in a collaborative approach and advise CNSWJO accordingly. 	

b. Regional Smart Approved Water Mark Subscription

Resolved	Cr K Beatty/Cr S Ferguson
That the Board note the confidential report on the Regional Smart Approved Water Mark Subscription and approve the regional subscription for Smart Approved Water Mark and the JO sign the agreement and invoice member councils accordingly.	

16. Next Meeting 27 February 2020 in Weddin.

17. Conclusion of the meeting - Meeting closed at 4.31pm

Page 7 is the last page of the Central NSW Joint Organisation meeting 27 November 2019

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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.

24) LAND ACQUISITION FOR ROAD RE-ALIGNMENT FOREST REEFS ROAD - LOT 71 DP1225816

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

25) LEGAL MATTER

This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.