



15 October 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, 21 October 2019 at 6.00pm for consideration of the following business -

- (1) Acknowledgement of Country
- (2) Recording of Meeting Statement
- (3) Apologies for non-attendance
- (4) Disclosures of Interest
- (5) Public Forum
- (6) Mayoral Minute
- (7) Confirmation of Minutes - Ordinary Council Meeting held on 16.09.19
- (8) Matters arising from Minutes
- (9) Reports of Staff
 - (a) Executive Services
 - (b) Corporate Services
 - (c) Infrastructure Services
 - (d) Planning and Environmental Services
- (10) Closed Meeting

Yours faithfully

Rebecca Ryan
General Manager

Meeting Calendar 2019

October

| <u>Time</u> | <u>Date</u> | <u>Meeting</u> | <u>Location</u> |
|-------------|-----------------|-----------------|------------------|
| 6.00pm | 21 October 2019 | Council Meeting | Community Centre |

November

| <u>Time</u> | <u>Date</u> | <u>Meeting</u> | <u>Location</u> |
|-------------|------------------|---|------------------|
| 9.00am | 1 November 2019 | Country Mayors Meeting | Sydney |
| 2.30pm | 1 November 2019 | Upper Macquarie County Council Meeting | Kelso |
| 6.00pm | 4 November 2019 | Cultural Centre Working Group Meeting | Community Centre |
| 9.00am | 8 November 2019 | Mining and Energy Related Councils Meeting | Gloucester |
| 5.00pm | 13 November 2019 | Cemetery Forum Meeting | Community Centre |
| 5.45pm | 13 November 2019 | Access Advisory Committee Meeting | Community Centre |
| 6.00pm | 18 November 2019 | Council Meeting | Community Centre |
| 9.00am | 21 November 2019 | Audit, Risk and Improvement Committee Meeting | Community Centre |
| 6.00pm | 21 November 2019 | Sports Council Meeting | Community Centre |
| 6.00pm | 26 November 2019 | Tourism, Towns and Villages Committee Meeting | Community Centre |
| 10.00am | 28 November 2019 | Central NSW JO Board Meeting | Canberra |

December

| <u>Time</u> | <u>Date</u> | <u>Meeting</u> | <u>Location</u> |
|-------------|------------------|--|------------------|
| 10.00am | 6 December 2019 | Traffic Committee Meeting | Depot |
| 4.30pm | 6 December 2019 | Upper Macquarie County Council Meeting | Kelso |
| 10.30am | 11 December 2019 | Central Tablelands Water Meeting | Canowindra |
| 6.00pm | 16 December 2019 | Council Meeting | Community Centre |

LIVE STREAMING OF COUNCIL MEETINGS

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

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

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

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

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

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

INDEX OF REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING
HELD ON MONDAY 21 OCTOBER 2019

| | |
|--|-----------|
| CONFIRMATION OF MINUTES | 5 |
| 01) Minutes of the Previous Council Meeting held 16 September 2019 | 5 |
| EXECUTIVE SERVICES | 11 |
| 02) Council Resolution Report..... | 11 |
| 03) Risk, Work Health and Safety Quarterly Report | 19 |
| 04) Flyers Creek Wind Farm Voluntary Planning Agreement | 23 |
| 05) McPhillamys Gold Project EIS | 26 |
| 06) Destination Management Plan (2019-2023) | 28 |
| CORPORATE SERVICES | 31 |
| 07) Report of Council Investments as at 30 September 2019 | 31 |
| 08) Adoption of Investment Policy | 36 |
| 09) Code of Conduct Complaints for Period Ending 31 August 2019 | 45 |
| 10) Disclosures by Councillors and Designated Persons | 47 |
| INFRASTRUCTURE SERVICES | 49 |
| 11) Director Infrastructure Services Monthly Report..... | 49 |
| 12) Road Funding Allocations..... | 54 |
| 13) Minutes of the Traffic Committee Meeting held 11 October 2019..... | 57 |
| PLANNING AND ENVIRONMENTAL SERVICES | 61 |
| 14) Draft Local Strategic Planning Statement..... | 61 |
| 15) Draft Community Participation Plan..... | 64 |
| 16) DA60/2019 - Erection of a Dwelling - 2624 Hobbys Yards Road, Barry | 66 |
| 17) DA82/2019 - Erection of a Shed - 3 Mandurama Street, Neville | 86 |
| CONFIDENTIAL MEETING REPORTS | 99 |
| 18) Provision Of Traffic Control Services..... | 99 |

01) MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 16 SEPTEMBER 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 16 September 2019, being minute numbers 1909/001 to 1909/016 be confirmed.

MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE, ON 16 SEPTEMBER 2019, COMMENCING AT 6.00PM

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

General Manager (Mrs R Ryan), Acting Director Corporate Services (Mrs T Irlam), 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

The Mayor advised a video recording of the Council Meeting will be made to trial equipment.

DISCLOSURES OF INTEREST

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

| Councillor /Staff | Interest | Item | Pg | Report | Reason |
|-------------------|---------------------------------------|------|----|--|----------------------|
| Cr Ewin | Non Pecuniary (less than significant) | 17 | 56 | Planning Proposal to Amend Blayney Local Environment Plan 2012 – RU1 Primary Production to E2 Environmental Conservation – Cadia Biodiversity Offset Areas | Employee of Newcrest |

CONFIRMATION OF MINUTES**MINUTES OF THE PREVIOUS COUNCIL MEETING HELD
MONDAY 19 AUGUST 2019****1909/001****RESOLVED:**

That the Minutes of the Ordinary Council Meeting held on 19 August 2019, being minute numbers 1908/001 to 1908/024 be confirmed.

(Reynolds/Ewin)

CARRIED

MATTERS ARISING FROM THE MINUTES

Nil

EXECUTIVE SERVICES REPORTS

The General Manager as the Returning Officer conducted the election of Mayor and Deputy Mayor.

ELECTION OF MAYOR

The General Manager announced that 1 nomination has been received for the position of Mayor, being Cr Ferguson, nominated by Cr Denton and Cr Kingham.

Cr Ferguson accepted this nomination.

The General Manager declared Cr Ferguson as Mayor.

ELECTION OF DEPUTY MAYOR**1909/002****RESOLVED:**

1. That Council accept the nominations for the position of Deputy Mayor from:
 - Cr Ewin, nominated by Cr Denton and Cr Somerville
 - Cr Reynolds, nominated by Cr Newstead and Cr Kingham, and;
2. That if more than one nomination is received for the position of Deputy Mayor, the method of voting is be open means (such as on voices or show of hands).

(Kingham/Ewin)

CARRIED

The General Manager conducted the election. Cr Ewin received 4 votes and Cr Reynolds received 3 votes.

The General Manager declared Cr Ewin as Deputy Mayor.

COUNCIL MEETING DATES

1909/003

RESOLVED:

That Council adopts the meeting dates and times for Ordinary Meetings of Council for the next 12 months as follows:

- Monday 21 October 2019
- Monday 18 November 2019
- Monday 16 December 2019
- Monday 17 February 2020
- Monday 16 March 2020
- Monday 20 April 2020
- Monday 18 May 2020
- Monday 22 June 2020
- Monday 20 July 2020
- Monday 10 August 2020
- Monday 28 September 2020

(Reynolds/Somerville)

CARRIED**SCCF ROUND 3**

1909/004

RESOLVED:

That Council submit the following community infrastructure projects totalling \$781,996 to the Stronger Country Communities Round 3 Program;

- a. Neville Multipurpose Court
- b. Junior Skate Park Redmond Oval Millthorpe
- c. CentrePoint Dry Courts Roof and Renewable Energy Project
- d. Blayney Netball Courts Resurfacing Project

(Somerville/Ewin)

CARRIED**LOW COST LOANS INITIATIVE FUNDING AGREEMENT**

1909/005

RESOLVED:

1. That Council accepts the Funding Agreement to receive 50% reimbursement of loan interest paid for the Plumb Street project, funded by \$1.32m 10 Year Loan from the Office of Local Government (OLG) on behalf of the NSW Government.
2. That Council approve the Mayor and General Manager to sign and affix the Council Seal to the Low Cost Loans Initiative Funding Agreement.

(Newstead/Reynolds)

CARRIED

MINUTES OF THE BLAYNEY SHIRE TOURISM, TOWNS AND VILLAGES COMMITTEE MEETING HELD 27 AUGUST 2019

1909/006

RESOLVED:

That the minutes of the Blayney Shire Tourism, Towns and Villages Committee Meeting, held on Tuesday 27 August 2019, be received and noted.

(Reynolds/Somervaille)

CARRIED**CORPORATE SERVICES REPORTS****REPORT OF COUNCIL INVESTMENTS AS AT 31 AUGUST 2019**

1909/007

RESOLVED:

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

(Kingham/Ewin)

CARRIED**ADOPTION OF RISK MANAGEMENT POLICY**

1909/008

RESOLVED:

That the Risk Management policy be adopted and included in Council's Policy Register.

(Denton/Somervaille)

CARRIED**YOUTH PARTICIPATION FUNDING**

1909/009

RESOLVED:

That Council endorse the inviting of expressions of interest from the community to conduct youth participation activities in the Blayney Shire; and delegate to the General Manager the allocation of funding to successful recipients that meet the NSW Department of Family and Community Services Rural and Regional Youth Participation Grant guidelines.

(Newstead/Ewin)

CARRIED**SALE OF LAND FOR UNPAID RATES**

1909/010

RESOLVED:

1. That Council proceed with preparation of sale of land for unpaid rates in accordance with legislation; and
2. That Council invite expressions of interest for land passed in from the 2014 auction.

(Reynolds/Ewin)

CARRIED

- 1909/011** **2019/20 FINANCIAL ASSISTANCE GRANT ALLOCATION**
RESOLVED:
That Council receive the report on the 2019/20 allocation of Financial Assistance Grants.

(Denton/Somervaille)
CARRIED

INFRASTRUCTURE SERVICES REPORTS

- 1909/012** **DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT**
RESOLVED:
That the Director Infrastructure Services Monthly Report for September 2019 be received and noted.

(Reynolds/Ewin)
CARRIED

- 1909/013** **PROPOSED RENAMING - ARLEY LANE TO MEADOWS LANE, LYNDHURST**
RESOLVED:
That Council adopt the name Meadows Lane, to replace the name Arley Lane at Lyndhurst.

(Kingham/Newstead)
CARRIED

- 1909/014** **SMALL BRIDGE PROGRAM SCOPE CONFIRMATION**
RESOLVED:
1. That Council
 - a. accept the use of box culverts on Winterbottoms Lane for the replacement of the timber bridge and enter into negotiations with the land owner with a view to acquire it as road reserve; and
 - b. not proceed with the replacement of the Lucan Road Bridge.
 2. That a further report come to Council confirming the scope of Leabeater Street bridge pending land tenure and road reserve investigations and subsequent design and cost implications are known.
- (Kingham/Reynolds)
CARRIED

- 1909/015** **MINUTES OF THE BLAYNEY SHIRE SPORTS COUNCIL MEETING HELD ON THURSDAY 15 AUGUST 2019**
RESOLVED:
That the minutes of the Blayney Shire Sports Council Meeting, held on Thursday 15 August 2019, be received and noted.

(Newstead/Kingham)
CARRIED

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

Cr Ewin having declared an interest left the Chambers.

PLANNING PROPOSAL TO AMEND BLAYNEY LOCAL ENVIRONMENT PLAN 2012 - RU1 PRIMARY PRODUCTION TO E2 ENVIRONMENTAL CONSERVATION - CADIA BIODIVERSITY OFFSET AREAS

1909/016

RESOLVED:

1. That Council proceed to endorse the amendment to the Blayney Local Environmental Plan 2012,
2. That Council, in exercising its delegation under Section 3.36 of the Environmental Planning and Assessment Act 1979, as endorsed by NSW Planning, Industry & Environment in the Gateway Determination, forward the relevant documents to Parliamentary Counsel for opinion, to amend the Blayney Local Environmental Plan 2012 by rezoning Lot 201 DP 1037198 and Lot 1422 DP 1168271 from RU1 Primary Production to E2 Environmental Conservation, and the making of the Local Environmental Plan.

(Reynolds/Newstead)

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

| FOR | AGAINST | |
|-----------------------|------------------|----------------|
| Councillor Ferguson | | |
| Councillor Kingham | | |
| Councillor Somerville | | |
| Councillor Reynolds | | |
| Councillor Newstead | | |
| Councillor Denton | | |
| Total (6) | Total (0) | CARRIED |

Cr Ewin returned to the Chambers.

There being no further business, the meeting concluded at 6.34pm.

The Minute Numbers 1909/001 to 1909/016 were confirmed on 21 October 2019 and are a full and accurate record of proceedings of the Ordinary Meeting held on 16 September 2019.

Cr S Ferguson
MAYOR

Mrs R Ryan
GENERAL MANAGER

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

That Council notes the Resolution Report to September 2019.

Reason for Report:

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

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

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

Report:

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

Council currently has 21 resolutions 'in progress'.

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

| Date of Meeting | Res. No | Resolution | Owner | Comments |
|------------------------|----------------|---|--------------|---|
| 18-Apr-17 | 1704/015 | Planning Proposal to amend Blayney Local Environmental Plan 2012 - Flood Planning Map RESOLVED That Council forward a Planning Proposal to the Minister for Planning and Environment seeking to amend the flood planning map within the Blayney Local Environmental Plan 2012. | DPES | In progress: DPE approved Gateway time extension to 19 March 2020. Communication strategy to be developed prior to exhibition commencing. |
| 14-Aug-17 | 1708/010 | Neville Multipurpose Court RESOLVED | GM | DA for subdivision of |

| Date of Meeting | Res. No | Resolution | Owner | Comments |
|-----------------|----------|---|-------|---|
| | | That subject to the agreement by the Presbyterian Church, Council provides approval and support for the Neville Multipurpose Court Project and formalise a long term lease or licence agreement for part of Lot 9 DP662515 then lodge a Development Application. | | Church Lot lodged, approval pending. Design work completed and project now shovel ready status. |
| 25-Sep-17 | 1709/031 | <p>Blayney Shire Council (R590102) Reserve Trust - Lease To Blayney Multi Service Outlet RESOLVED</p> <p>1. That Council, acting in its capacity as Reserve Trust Manager, consent to a lease being issued to the Blayney Multi Service Outlet for a period of 10 years for Crown Reserve R590102 (Lot 23 Section 14 DP 758121) known as Blayney Shire Council Reserve Trust.</p> <p>2. That Council, acting in its capacity as Reserve Trust Manager, apply a lease fee of \$483 (including GST) per annum.</p> <p>3. That Council make application for the purpose of Blayney Shire Council Reserve Trust R590102 to be amended to community.</p> <p>4. That pursuant to the requirements of the Crown Land Act (1989), Council advertise for a period of 14 days its intention to enter into a long term lease for Reserve 590102.</p> <p>5. That Council authorise the General Manager to facilitate lease amendments required by NSW Department of Industry – Lands.</p> <p>6. That Council authorise the Mayor and General Manager affix the Council Seal, sign and execute the lease.</p> | DCS | Awaiting confirmation from Crown Lands. |
| 21-May-18 | 1805/013 | <p>Amendment to Blayney Shire Community Centre Trust RESOLVED</p> <p>1. That Council endorse the</p> | DCS | Matter on hold pending clarification of ownership of 39 |

| Date of Meeting | Res. No | Resolution | Owner | Comments |
|-----------------|-----------|---|-------|---|
| | | incorporation of the property located at 39 Church Street, Blayney (Lot 23 Section 14 DP 758121) known as Crown Reserve R590102 with the Blayney Shire Community Centre Trust, encompassing 41 Church Street, Blayney (Lot 24 Section 14 DP758121) known as Crown Reserve R1000284; and 2. That Council make application to Crown Lands to combine Reserves R590102 and R1000284 under the Blayney Shire Community Centre Trust. | | Church Street, Blayney – Lot 23, Sec 14, DP758121 (Old CWA). |
| 29-Oct-18 | 1810/E003 | Sewer Rehabilitation - Pipe Relining Services Contract RESOLVED That Council accept and sign contracts with Interflow for the Sewer Rehabilitation - Pipe Relining Services contract. | MWW | Currently developing list of works for contracts. |
| 18-Feb-19 | 1902/021 | King George Oval Pump Renewal RESOLVED 1. That Council approve the renewal of the King George Oval bore and irrigation pumping equipment, 2. The supplementary vote of \$68,100 be included in the third Quarterly Budget Review, to be funded from the King George Oval Internal Reserve. | MWW | Currently waiting on information on bore licence from Department of Industry – Water. |
| 18-Feb-19 | 1902/029 | Amendment to Lease Agreement: Blayney Solar Farm RESOLVED 1. That the Council endorse the General Manager to finalise the revised Agreement of lease contract terms with Verde Generation Developments Pty Ltd and Blayney (Solure) Pty Ltd. 2. That Council endorse execution of the lease of Lot 222/DP 1175708 and Lot 3/DP1103517 being 31 and 33 Gerty Street, Blayney and | DCS | Awaiting confirmation of lease commencement (on or before 31 December 2019) prior to registration of lease against title. Matter pending. |

| Date of Meeting | Res. No | Resolution | Owner | Comments |
|-----------------|-----------|--|-------|--|
| | | associated documentation by the Mayor and General Manager under Council seal. | | |
| 20-May-19 | 1905/003 | Blayney Train Station Community Art Space RESOLVED That Council seek a Community Use Licence for the currently disused booking office, waiting rooms, storage sheds and former refreshment buildings at the Blayney Train Station, with the view that a sub licence agreement will facilitate an Art Gallery and Community Space. | GM | In progress. Business Plan Workshop held 07/09/2019. |
| 17-Jun-19 | 1906/E003 | Borrowings - Residential Land Development RESOLVED 1. That Council endorse execution of the letter of offer from TCorp for borrowings to fund the Residential Land Development. 2. A report be brought back to Council to amend the Investment Policy to include the investment limitations imposed by TCorp in order to access low cost borrowings. | CFO | Letter of offer was accepted and borrowings drawn 28 June 2019. Investment Policy as amended on exhibition per resolution, to be presented to Council at October 2019 meeting. |
| 17-Jun-19 | 1906/E005 | Tender 11/2019 - CentrePoint Sport & Leisure Centre Aquatic & Building Upgrades RESOLVED 7. Undertake an operational review of all CentrePoint Sport and Leisure Centre services and operations prior to reopening in 2020 with the objective of identifying efficiencies, increasing membership, users and revenue. 8. Finalise the plans for Stage 2 of the CentrePoint Sport and Leisure Centre Aquatic and Building Upgrades to a 'shovel ready' project to facilitate funding options. | DPES | In Progress. |
| 19-Aug-19 | 1908/003 | SCCF Round 3 RESOLVED 2. Work with the Lyndhurst Village community to develop a Recreation Ground | GM | Date to be set with Village Committee to progress. |

| Date of Meeting | Res. No | Resolution | Owner | Comments |
|-----------------|----------|--|-------|--|
| | | Improvement Plan. | | |
| 19-Aug-19 | 1908/004 | Electric Vehicle Charger Stations RESOLVED 2. When the preferred charging station solution is determined a report be provided to Council with location and recommended fees based on a full cost recovery User Pays Policy. | GM | In progress |
| 19-Aug-19 | 1908/007 | Draft Statement of Financial Reports by Council 2018/19 RESOLVED 5. That the General Purpose Financial Statements and Special Purpose Financial Statements be referred to audit and Intentus Chartered Accountants, as the contracted agent for the NSW Audit Office, be invited to complete the audit as per the requirements of Section 413(1) of the Local Government Act (1993) and Local Government (General) Regulation (2005). | CFO | Council's Financial Statements were audited on 2 September to 5 September. Financial Statements to be presented to Council at the November Council Meeting. |
| 19-Aug-19 | 1908/012 | Amendment to Investments Policy RESOLVED That the Investments policy, as amended, be placed on public exhibition for a period of at least 28 days. | DCS | Public exhibition closed 16 September. Report to Council for adoption at October 2019 meeting. |
| 19-Aug-19 | 1908/014 | Minutes of the Blayney Shire Audit, Risk And Improvement Committee Meeting held 1 August 2019 RESOLVED 2. That 2019/20 review of the Corporate Risk Register be scheduled. | DCS | Review of Corporate Risk Register to be conducted. |
| 19-Aug-19 | 1908/017 | Minutes of the Traffic Committee Meeting held 9 August 2019 RESOLVED 2. That Council endorse the Traffic Management Plan for the Carcoar Cup Running Festival, to be held on 2-3 November 2019 on roads in the Villages of Carcoar and Neville, and roads | DIS | In progress. |

| Date of Meeting | Res. No | Resolution | Owner | Comments |
|-----------------|----------|--|-------|---------------------------|
| | | in-between as a Class 2 event, subject to the conditions detailed in the Director Infrastructure Services' Report, and subject to the following amendments: <input type="checkbox"/> Directional signage to public parking on Pound Flat to be provided. <input type="checkbox"/> A vehicle protection barrier to be provided at the intersection of Icely/Coombing and Belubula/Collins Street's. <input type="checkbox"/> All references to Roads and Traffic Authority (RTA) to be amended to Roads and Maritime Services (RMS). 3. That Council install a No Stopping sign on Mid-Western Highway 8m north of the Gold Street intersection outside the Mandurama General Store in accordance with rule 170 of the NSW Road Rules 2014. | | |
| 19-Aug-19 | 1908/019 | Minutes of the Blayney Shire Access Advisory Committee Meeting held on 17 July 2019 RESOLVED 4. That Council proceed to cost the upgrade of the identified non-compliant car parking in the 2018 audit of accessible car parking across Blayney Shire for future grant funding opportunities and/or Operational Plan inclusion. 6. That Council investigate and consider as a priority renewing the layback in front of the Anglican Church Blayney (corner of Adelaide Street and Church Street) in the 2019/20 financial year. 8. That Council write to the NSW Department of Education to ensure accessible car parking and access is considered in the design of the upcoming major upgrade to the Millthorpe Public School. | DPES | In progress. |
| 16-Sep-19 | 1906/010 | Sale of Land for Unpaid Rates RESOLVED | DCS | Adjoining owners notified |

| Date of Meeting | Res. No | Resolution | Owner | Comments |
|-----------------|----------|---|-------|---|
| | | <p>1. That Council proceed with preparation of sale of land for unpaid rates in accordance with legislation; and</p> <p>2. That Council invite expressions of interest for land passed in from the 2014 auction.</p> | | and EOI placed on Council website. |
| 16-Sep-19 | 1906/013 | <p>Proposed Renaming - Arley Lane to Meadows Lane, Lyndhurst RESOLVED</p> <p>That Council adopt the name Meadows Lane, to replace the name Arley Lane at Lyndhurst.</p> | MI | |
| 16-Sep-19 | 1906/014 | <p>Small Bridge Program Scope Confirmation RESOLVED</p> <p>2. That a further report come to Council confirming the scope of Leabeater Street bridge pending land tenure and road reserve investigations and subsequent design and cost implications are known.</p> | MO | Report will be presented to future Council Meeting. |
| 16-Sep-19 | 1906/016 | <p>Planning Proposal to Amend Blayney Local Environment Plan 2012 - RU1 Primary Production to E2 Environmental Conservation - Cadia Biodiversity Offset Areas RESOLVED</p> <p>1. That Council proceed to endorse the amendment to the Blayney Local Environmental Plan 2012,</p> <p>2. That Council, in exercising its delegation under Section 3.36 of the Environmental Planning and Assessment Act 1979, as endorsed by NSW Planning, Industry & Environment in the Gateway Determination, forward the relevant documents to Parliamentary Counsel for opinion, to amend the Blayney Local Environmental Plan 2012 by rezoning Lot 201 DP 1037198 and Lot 1422 DP 1168271 from RU1 Primary Production to E2 Environmental</p> | MP | In progress. |

| Date of Meeting | Res. No | Resolution | Owner | Comments |
|-----------------|---------|---|-------|----------|
| | | Conservation, and the making of the Local Environmental Plan. | | |

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

03) RISK, WORK HEALTH AND SAFETY QUARTERLY REPORT

Department: Executive Services

Author: WHS and Risk Coordinator

CSP Link: 2. Local Governance and Finance

File No: GO.ME.1

Recommendation:

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

Reason for Report:

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

Report:

Council representatives have attended the Statewide Mutual Risk Management Conference held in August. Participation provides staff members with training and development opportunities on best practice risk management issues within and outside of the industry. Council were presented an award at the Risk Management Excellence Award Ceremony for the Early Contractor Involvement (ECI) Bridge Tender for the Browns Creek Road bridge.

In September, a Statewide initiative workshop was conducted encompassing Enterprise Risk Management and the Risk Appetite workshop for Councillors and Managers. The interactive parts of the session delivered an understanding of the level of risk Council is willing to accept across its operations which will be included into the Risk Management Policy.

The Business Continuity exercise will be held in November. The Business Continuity Plan (BCP) is an in-depth assessment of the organisation's operations and business functions, which serves to determine the level of criticality of each function. Understanding the criticality levels will assist Council to prioritise its efforts during the recovery stage.

The Statewide Continuous Improvement Pathways (CIP) Program has begun for 2019-2020. The CIP Workbooks to be completed are:

- Sporting Facilities;
- Contractor Management;
- Risk Culture; and
- Information Security.

The CIP exists to help councils advance the continuous improvement of risk management systems through individually chosen projects, benchmarking and participation in Statewide Mutual programmes and initiatives. This ongoing improvement and participation strengthens and maintains Council’s commitment to the Mutual and the Mutual Discretionary Incentive Bonus Program. Results for CIP workbooks for 2018-2019 period has Blayney Shire Council above average with 95 of the 106 general councils completing the workbooks. Blayney Shire Council average was 75% for 2018-2019 compared to the Central NSW council average of 64%.

WHS StateCover provides councils with a WHS self-audit to assist in the evaluation and monitoring of Council’s WHS management system. The audit consists of 2 main sections:

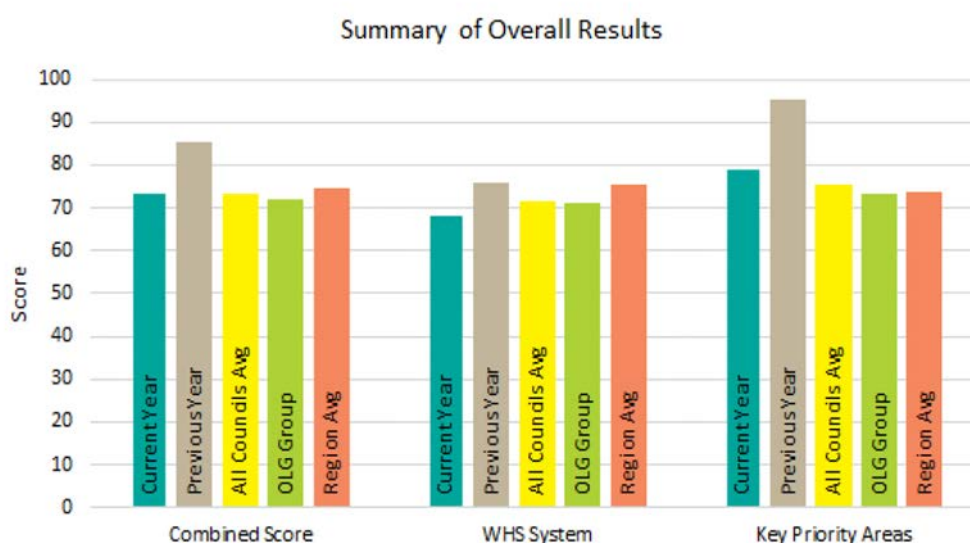
WHS Management System - This section examines the 14 key elements of a WHS management system including questions on the availability of WHS documentation and the effective implementation of WHS procedures.

Key Priority Areas – This section examines how well a Council manages 21 common types of hazards that can lead to injury or illness.

This provides a range of information about Council’s WHS performance including:

- The strengths and weaknesses of our WHS management system and hazard management practices
- A comparison of our WHS performance against other Councils
- Suggestions on ways to improve areas of weakness

The results for 2019 indicate that Blayney Shire Council’s overall WHS performance is 73.9%, which is about average when compared to all Councils.

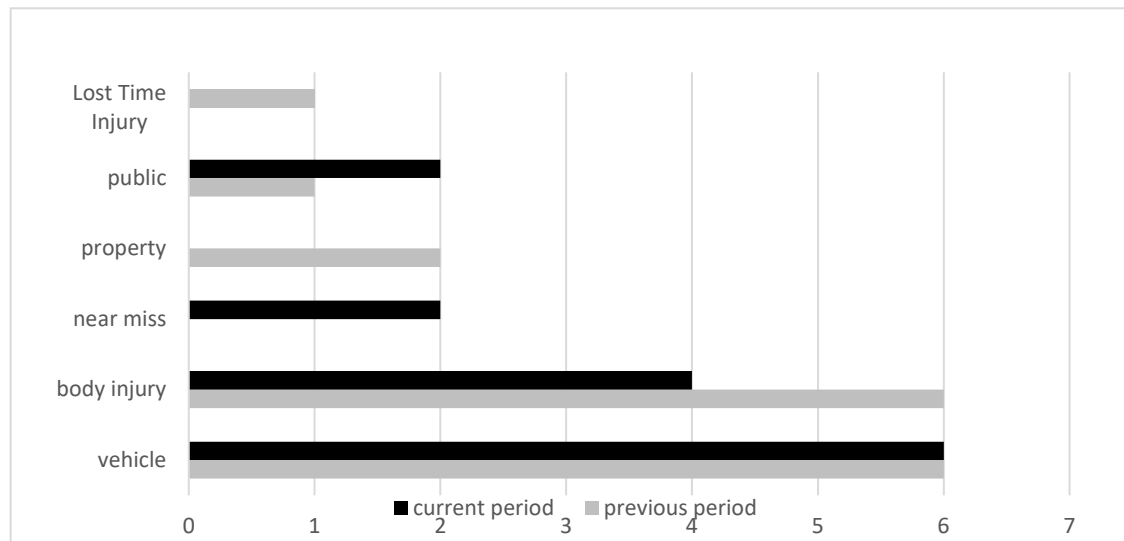


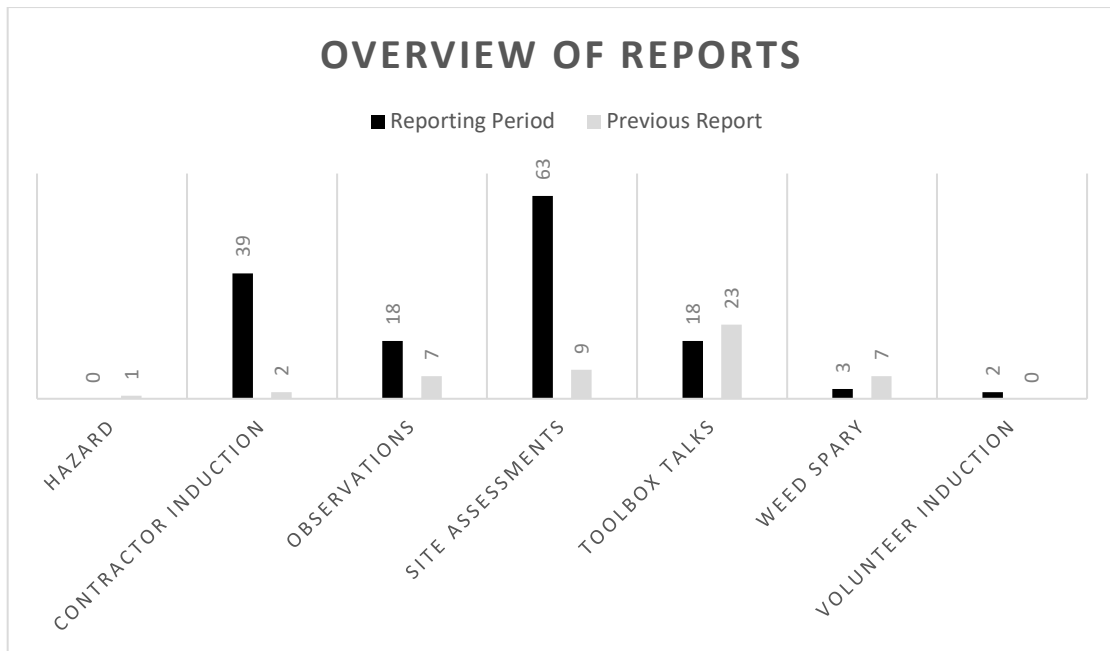
Based on the recommendations, the WHS and Risk Coordinator will determine specific actions required to address the identified weaknesses.

Performance Summary

| WHS Performance Indicators | Current report period | Previous Reporting Period |
|---|-----------------------|---------------------------|
| New hazard reports received | 0 | 0 |
| New WHS Quality Improvements | 4 | 19 |
| WHS Quality Improvements closed | 17 | 5 |
| Staff training/refresher sessions | 7 | 5 |
| Workplace inspections conducted | 4 | 3 |
| Project Site Inspections conducted | 12 | 8 |
| Number of StateCover audits conducted | 0 | 2 |
| Number of Statewide initiatives conducted | 2 | 2 |

Reported Incidents: July – September 2019





Risk/Policy/Legislation Considerations:

Correct the AS ISO 31000 version dated to reflect version 2018 in the Risk Management Policy.

The New Risk Management and Internal Audit Framework snapshot guide to be reviewed and to include any requirements into the Risk Management Policy.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

04) FLYERS CREEK WIND FARM VOLUNTARY PLANNING AGREEMENT

Department: Executive Services

Author: General Manager

CSP Link: 2. Local Governance and Finance

File No: DB.EQ.1

Recommendation:

That Council receive and note the report on the review of the Flyers Creek Windfarm Voluntary Planning Agreement.

Reason for Report:

To provide Council with an update on the review undertaken of the Voluntary Planning Agreement (VPA) with Flyers Creek Windfarm.

Report:

At the March 2019 meeting, Council authorised the General Manager to review the existing VPA for the Flyers Creek Windfarm (**Resolution No 1903/002**).

A VPA was agreed between Blayney Shire Council and Flyers Creek Wind Farm Pty Ltd in April 2014 (**Resolution No 1508/011**) in relation to the Flyers Creek Wind Farm project, and executed on 22 October 2015

On 22 August 2019 the Independent Planning Assessment Commission approved Modification No 4, being:

- construction and operation of a wind farm with up to 38 turbines and associated infrastructure including access tracks, local road infrastructure upgrades and electrical connections between the turbines (both underground cable and under and aboveground power lines);
- an on-site substation (inclusive of switch room, control room and auxiliary services building); and
- a 132 kilovolt transmission line and switching station to connect the project to the grid.

Discussions with the Development Manager Infigen were held seeking clarification of the VPA which were confirmed in writing to Council. In summary, the VPA executed in 2014 provides flexibility and assurance to Council that critical infrastructure will be addressed by this project.

Management and distribution of Development Contributions

Although clause 4.1 of the VPA allocates certain amounts of Development Contributions for certain purposes, clause 4.3 gives the Council discretion when deciding how it will ultimately spend these funds. This clause states that:

'The Development Contributions paid pursuant to subclause 4.1 may be pooled with other monies held by Council which have similar and relevant objectives, subject to the Proponent having the opportunity to make representations for certain expenditure for the benefit of residents in the district near the Project.'

| Summary | Total Financial Contribution | \$ payable per annum 2014 | 2019 Adjusted CPI per annum |
|---|------------------------------|---------------------------|-----------------------------|
| Community Benefit Fund | \$1,375,000 | \$55,000 | \$59,068 |
| Road Maintenance | \$1,000,000 | \$40,000 | \$42,959 |
| Project Related Council Administration and Observations | \$300,000 | \$12,000 | \$12,888 |
| Total first 25 years for life of Project | \$2,675,000 + CPI | \$107,000 | \$114,915 |

Whilst Council must have regard to the opinions expressed by the Proponent, the management and distribution remains at the discretion of Council.

As per Clause 3.3(a) of the VPA operation of the agreement is subject to (i) Final Development Consent being received and (ii) Construction Commencement.

As reported to the Community Consultative Committee Meeting held on 19 September 2019, construction commencement is anticipated to occur early to mid 2020, subject to all project approvals, contracts and finance being in place. At this time, Development Contributions are payable and Council will determine the amount and model for allocating Community Benefit and Road Maintenance funds.

Road Upgrades

Clause 4.4 of the VPA requests Flyers Creek Wind Farm to undertake, at its own cost and in addition to the Development Contributions, upgrades to roads and other infrastructure as per the findings of the Traffic Study, which must be acceptable to both parties. The Construction Traffic and Access Management Plan is required under Condition F21(c) of the Development Consent to identify and manage construction traffic and access impacts of the Project. It will be this Management Plan, prepared in consultation with Blayney Shire Council and approved by the Department of Planning, that determines any road upgrades necessary for the development to progress.

Errowanbang Road has changed significantly since the VPA was executed, however there will be feeder roads that are identified in the proximity of the project which are impacted, that will need to be identified in the plan.

Requirement to update land description for the Project

As the Project has been further developed, the land on which wind turbines are being located is different to what is set out in an attachment of the VPA. Council sought confirmation that since the VPA is not registered on land title, the property details included are not required to be updated.

However, we have been provided with an updated description of the project land and layout which is publicly available on the NSW Major Projects website <https://www.planningportal.nsw.gov.au/major-projects/project/25001>

Risk/Policy/Legislation Considerations:

Council will be notified formally that the project has commenced, and at this time a report will be provided with an update on all of the matters addressed above.

In regards to the Community Benefit funding, Blayney Shire Council Financial Assistance Program is an existing and very successful program. The Financial Assistance Program Guidelines has the capacity to include additional funds and grant type; and an additional Committee member should Council determine to include Infigen Energy representation onto the Financial Assistant Program Committee.

Budget Implications:

Council will prepare the Draft Operational Plan 2020/21 to include the Developer Contributions from Flyers Creek Windfarm.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

05) MCPHILLAMYS GOLD PROJECT EIS**Department:** Executive Services**Author:** General Manager**CSP Link:** 3. The Local and Visitor Economy**File No:** ED.PJ.1**Recommendation:**

That Council endorse the position and key issues of concern to the McPhillamys Gold Project EIS, and provide comments for inclusion to the Council submission to the NSW Department of Planning, Industry and Environment (DPIE).

Reason for Report:

For Council to provide any further commentary and endorse the key issues raised in its submission to the McPhillamys Gold Project State Significant Development (SSD) Application and Environmental Impact Statement (EIS).

Report:

The NSW Department of Planning, Industry and Environment (DPIE) placed the EIS for McPhillamys Gold Project on public exhibition on Wednesday 11 September. The 42-day exhibition period closes Thursday 24 October.

DPIE will publish all submissions online and ask the proponent (Regis Resources) to prepare a response, called a Submissions Report. After publishing the Submissions Report, DPIE complete its assessment of the merits of the project in accordance with Government legislation, policies and guidelines and prepare the Assessment Report.

At the DPIE information session held in Blayney on 26 September, attendees were advised it is expected the Independent Planning Commission (IPC) will be appointed as the Consent Authority for this project. Also, it was acknowledged that given the complex issues, community concerns, scientific review, site inspections, public meetings and potentially a public hearing; the assessment and determination process may take 18 months to 2 years to be completed.

The mine extraction site is in the local government area of Blayney Shire Council and the project is located directly adjacent to the Kings Plains community, being only 8km from the town of Blayney.

The broad issues and topics that will be raised by Council may include, but are not restricted to:

- Positive economic stimulus, employment and regional growth benefits and opportunities;

- Links to the Blayney Shire Community Strategic Plan, Regional Economic Development Strategy and Orana/Central NSW Regional Plan;
- Adverse and direct negative impact on the local residents and homes at Kings Plains;
- Concerns of the Belubula Headwaters Protection Group;
- Negotiation and approval of a Voluntary Planning Agreement with Blayney Shire Council;
- Short term and long term accommodation needs for the mining workforce;
- Opportunity for families to relocate to the area with increased demand for housing supply, rental and new homes in Blayney and its villages;
- Closure of Dungeon Road and agreement to sell this Council asset;
- Traffic, road safety and ongoing maintenance of Guyong and Vittoria Roads;
- Noise, dust, vibrations and visual amenity mitigation strategies and mine management plans;
- Value of prime agricultural land, the environment and co-existence with mining in the shire;
- Protection of the Belubula River and water catchment systems of the Upper Lachlan;
- Mitigation strategies to ensure rates income is not compromised;
- Light pollution; and
- Post mining use and the long term management of a tailings dam facility

Risk/Policy/Legislation Considerations:

Whilst not the consent authority, Blayney Shire Council has been reviewing the EIS, meeting with both the Belubula Headwaters Protection Group (BHPG) and other stakeholders and preparing a submission.

Council's submission will be lodged online by the close of the public exhibition period.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

06) DESTINATION MANAGEMENT PLAN (2019-2023)

Department: Executive Services

Author: Manager Tourism and Communications

CSP Link: 3. The Local and Visitor Economy

File No: CR.PL.1

Recommendation:

That Council adopt the Destination Management Plan (2019-2023) for Blayney Shire.

Reason for Report:

The Blayney Shire Destination Management Plan (2016-2020) has been reviewed and updated. This report seeks Council's formal endorsement of the strategic objectives and recommendations which reflect the current needs and trends of the Blayney Shire tourism industry.

Report:

The Destination Management Plan (DMP) is a document that provides information to guide tourism in the Blayney Shire for the next 4 years. The first DMP was endorsed in September 2016.

Following consultation with tourism businesses, Village and Progress Associations, relevant stakeholders and endorsement by the Tourism, Towns and Villages Committee the reviewed DMP, attached under separate cover, is now presented to Council for approval.

The plan provides an overview of the current tourism industry in Blayney Shire, research on current tourism trends and opportunities with strategic objectives and relevant action items.

The vision of the DMP (2019-2023) is to *'Develop a well-established, connected and prosperous tourism industry supported by local communities to ensure that our visitors have an enriched experience of food and wine, creative and artistic culture, historic villages and events in each of our four unique seasons.'*

The strategic objectives of the DMP are outlined below with a detailed list of action items included in the plan.

1. Promote Blayney Shire to grow the local and visitor economy;
2. Develop a unified and collaborative approach to support the growth of the visitor economy;
3. Enable effective and efficient communication with stakeholders;
4. Build the capacity of the tourism industry, stakeholders and local government to deliver on the expectations of visitors to the region; and

5. Ensure industry and local communities receive strong leadership and support in the development or enhancement of products, experiences, events and access to grant funding.

It recognises that our signature events that contribute to the visitor economy, rely heavily on our local community groups, with Council providing a supporting role. The DMP notes the essential partnerships that Blayney Shire has with our Village Committees and Progress Associations, and leverage gained with cooperative marketing opportunities with Central NSW Tourism and Orange360.

Some of the key action items include;

- developing a marketing plan in conjunction with Orange360 which capitalises on emerging digital marketing trends,
- ensuring a unified and collaborative approach to benefit to visitor by merging the Blayney Shire tourism website with the Orange360 website; and
- combining the Blayney and Villages Visitor Guide with the soon to be released Orange360 Towns and Villages Guide.

Villages will be greater promoted as individual destinations with new village brochures, advertised as cluster villages (e.g. Lyndhurst/Mandurama/Carcoar) as well as specific trails or itineraries based on interest.

Council and Orange360 will work with local business owners and community groups on providing increased training and support as well as networking opportunities. A signage audit will also be completed to update tourism signage in the region with the tourism billboards into the Shire to be updated in the coming months.

The Manager Tourism and Communications will continue to work closely with the Visitor Information Centre to review services and operations to provide a positive experience for the visitor and aim to increase volunteers.

Risk/Policy/Legislation Considerations:

A risk identified in the DMP is the longevity and sustainability of the Blayney Shire Visitor Information Centre (VIC) operated by the Blayney Shire Arts and Crafts Council. A number of long-term members have either retired, are not able to contribute due to illness or go away for long periods of time which has placed significant strain on their resources. Staff are investigating how best Council might support and encourage new volunteers and tourism operator interest to ensure this valuable facility remains functional.

2019/20 is the final year of the initial 3-year agreement with Blayney Shire Council and Orange360. The implementation of the new DMP assumes Council's ongoing support and partnership with Orange360. Should Council determine not to commit to another 3 to 4 year membership the DMP will need to be reviewed.

Budget Implications:

Council has allocated a budget of \$167,686 in the 2019/20 Operational Plan which supports tourism activity including tourism partnerships, promotions, community development, events and the Visitor Information Centre.

Enclosures (following report)

Nil

Attachments (separate document)

1 Destination Management Plan 2019-2023 21 Pages

07) REPORT OF COUNCIL INVESTMENTS AS AT 30 SEPTEMBER 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 September 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 September 2019.

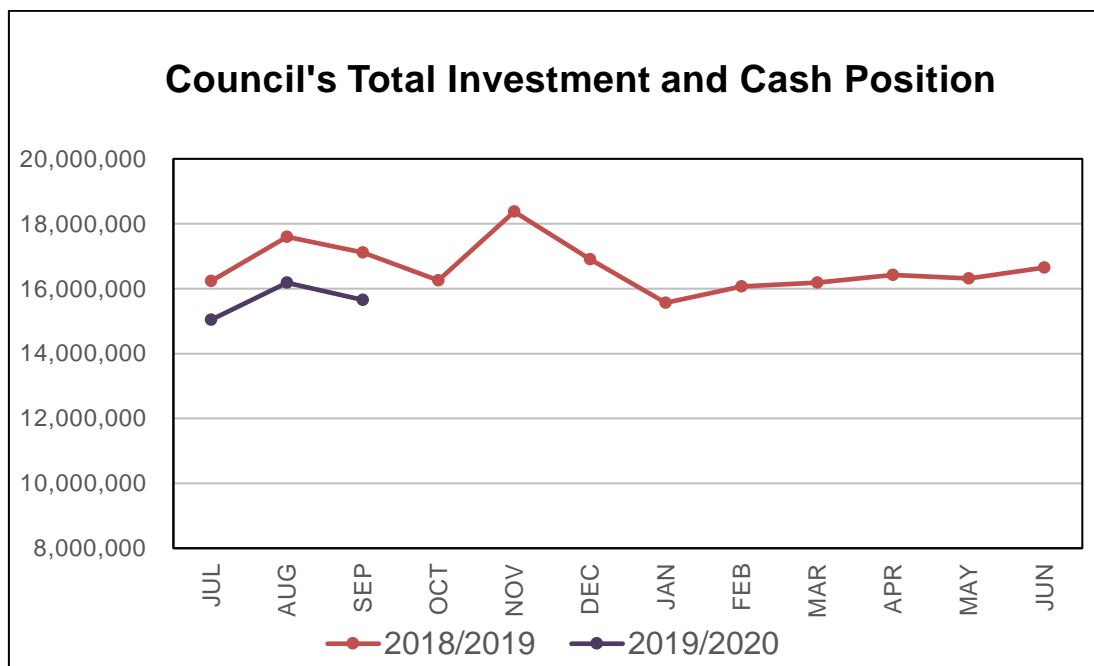
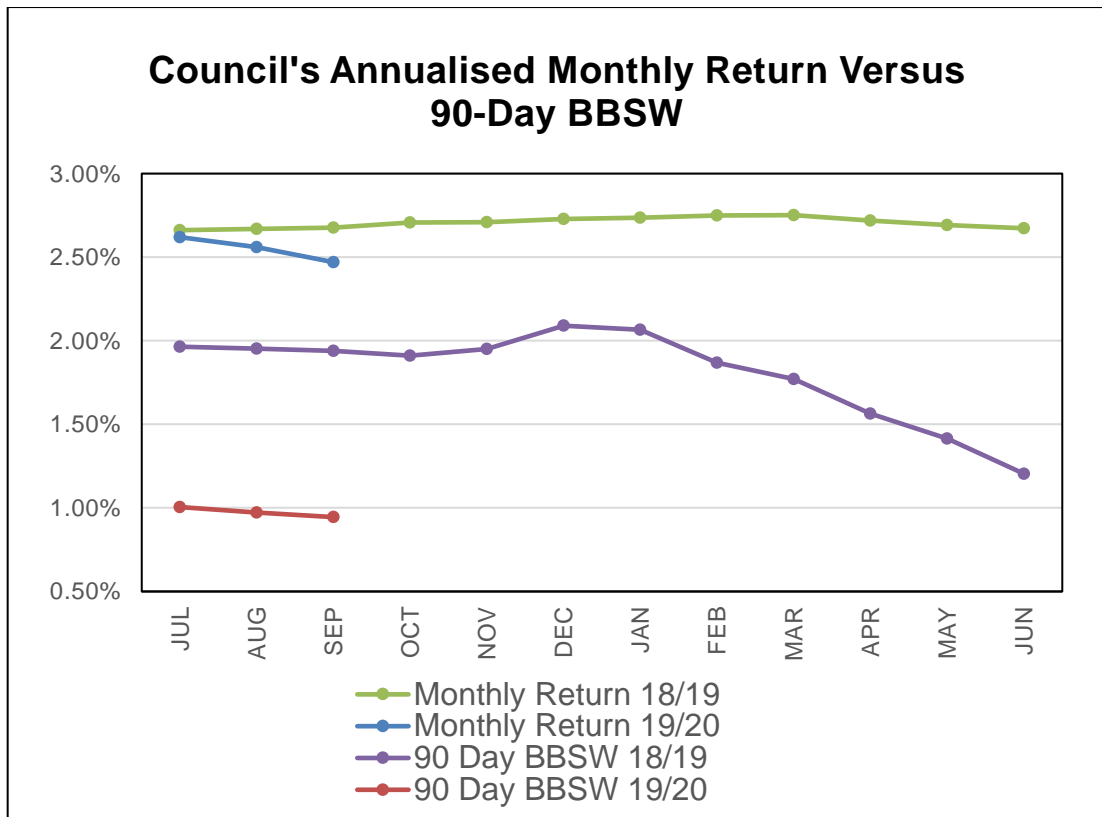
Report:

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

Council's total investment and cash position as at 30 September 2019 is \$15,651,832. Investments earned interest of \$28,075 for the month of September 2019.

Council's monthly net return on Term Deposits annualised for September of 2.47% outperformed the 90 day Bank Bill Swap Rate of 0.95%.

AMP's Rating has been downgraded to A2/BBB+ due to its Banking Business being divested from the Insurance Business. This has resulted in Council being outside of its holding limits for the BBB+ to BBB Category under the Investment policy, and outside of the policy limit for AMP individually. This will be rectified as these term deposits fall due for reinvestment, and funds will be invested in accordance with the Investments policy.



| REGISTER OF INVESTMENTS AND CASH AS AT 30 SEPTEMBER 2019 | | | | |
|---|--------------------------------|-----------------|-------------------|----------------------|
| Institution | Rating | Maturity | Amount \$ | Interest Rate |
| NAB | A1+/AA- | 01/10/2019 | 500,000 | 2.720% |
| NAB | A1+/AA- | 15/10/2019 | 500,000 | 2.750% |
| NAB | A1+/AA- | 29/10/2019 | 500,000 | 2.720% |
| NAB | A1+/AA- | 12/11/2019 | 500,000 | 2.730% |
| AMP Bank | A2/BBB+ | 19/11/2019 | 500,000 | 2.650% |
| NAB | A1+/AA- | 26/11/2019 | 500,000 | 2.750% |
| ME Bank | A2/BBB | 03/12/2019 | 500,000 | 2.350% |
| MyState Bank Ltd | A2/BBB | 03/12/2019 | 500,000 | 2.800% |
| Auswide Bank Ltd | A2/BBB | 10/12/2019 | 500,000 | 2.850% |
| AMP Bank | A2/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% |
| AMP Bank | A2/BBB+ | 04/08/2020 | 500,000 | 2.000% |
| ME Bank | A2/BBB | 15/09/2020 | 500,000 | 1.600% |
| Total Investments | | | 11,500,000 | 2.444% |
| Commonwealth Bank - At Call Account ¹ | | | - | 1.100% |
| Commonwealth Bank Balance - General ¹ | | | 1,798,026 | 0.850% |
| Tcorp IM Cash Fund ² | | | 2,353,806 | 1.080% |
| TOTAL INVESTMENTS & CASH | | | 15,651,832 | |
| Benchmarks: | BBSW 90 Day Index ¹ | | | 0.945% |
| | RBA Cash Rate ¹ | | | 1.000% |

1. % Interest rates as at 30/09/2019

2. Monthly return annualised. Return over the previous year is 2.10%

| Summary of Investment Movements – September 2019 | | |
|---|--------------------------------------|------------------------------------|
| Financial Institution | Invest/(Recall) Amount \$ | Commentary |
| Bendigo & Adelaide Bank | (513,214) | Term Deposit Matured 03/09/2019 |
| Bendigo & Adelaide Bank | 500,000 | Term Deposit Reinvested 03/09/2019 |
| ME Bank | (513,426) | Term Deposit Matured 17/09/2019 |
| ME Bank | 500,000 | Term Deposit Reinvested 17/09/2019 |

| Long Term Credit Rating (or Moody's, Fitch, S&P or Equivalent) | Policy Maximum | Current Holding % | Current Holding \$ |
|---|---------------------------|------------------------------|-------------------------------|
| TCorp IM Funds | 100% | 17% | 2,353,806 |
| AAA – AA Category | 100% | 25% | 3,500,000 |
| A Category | 80% | 0% | - |
| BBB+ to BBB Category | 40% | 58% | 8,000,000 |
| | | | 13,853,806 |

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

| <u>RESTRICTED CASH, CASH EQUIVALENTS & INVESTMENTS</u> | | | |
|---|---|---|---|
| | Actual 30/06/2018 \$ 000's | Forecast 30/06/2019 \$ 000's | Forecast 30/06/2020 \$ 000's |
| External Restrictions | 9,122 | 7,984 | 8,444 |
| Internal Cash Restrictions | 8,093 | 4,467 | 5,156 |
| TOTAL RESTRICTED ASSETS | 17,215 | 12,451 * | 12,832 * |

* 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) ADOPTION OF INVESTMENT POLICY

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: CR.SD.2

Recommendation:

That the Investments policy be adopted and included in Council's Policy Register.

Reason for Report:

For Council to adopt the Investments Policy.

Report:

Council at its meeting held 19 August 2019 resolved to place the Investments Policy on public exhibition.

The objectives of the Investment Policy are:

- To undertake investment of surplus funds in a way that, firstly ensures the security of Council Funds and secondly maximises earnings from authorised investments.
- To ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.

The closing date for public exhibition was 16 September 2019 and Council received no submissions. Council has however been advised by TCorp that clause 1.9 should be amended to limit the BBB category to 10% and limit the overall BBB+/BBB categories to a combined maximum of 30%. This amendment has been made in the policy for consideration by Council.

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

Risk/Policy/Legislation Considerations:

The Local Government Act s.625 serves to outline the types of investments that Council is permitted to invest in. The Investment Policy proposed for adoption introduces more stringent controls recommended by TCorp on the investment of Council funds.

Budget Implications:

The proposed policy will introduce a more robust framework that will reduce Council risk however may also result in diminished returns on investment.

Enclosures (following report)

1 Investment Policy

7 Pages

Attachments (separate document)

Nil



Investment Policy

| | |
|----------------------------|-------------------------|
| Policy | 4B |
| Officer Responsible | Chief Financial Officer |
| Last Review Date | 17/09/2018 |

Strategic Policy

1.1 Objectives

- (a) To undertake investment of surplus funds in a way that, firstly ensures the security of Council Funds and secondly maximises earnings from authorised investments.
- (b) To ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.

1.2 Definitions

Authorised Deposit taking institutions - financial institutions in Australia supervised by the Australian Prudential Regulation Authority (APRA) and authorised under the Banking Act 1959 (Cth) to accept deposits from the public.

Ausbond Bank Bill Index - formerly the UBS Bank Bill Index. The UBS Australia index family was acquired by Bloomberg from Q3 2014, and while branding changed the benchmark construction is unaltered. It represents the performance of a notional rolling parcel of bills averaging 45 days and is the widely used benchmark for local councils and other institutional cash investors.

Bank Bill Swap Rate - a short-term interest rate used as a benchmark for the pricing of Australian dollar derivatives and securities, most notably floating rate bonds

Bills of Exchange - A bill of exchange is an unconditional order in writing, addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand, or at a fixed or determinable future time, a sum certain in money to or to the order of a specified person, or to bearer.

Debentures - a type of debt instrument that is backed only by the general creditworthiness and reputation of the issuer rather than being secured by physical assets or collateral.

Ministerial Investment Order - schedule of authorised investments approved for access by NSW Councils pursuant to Local Government Act 1993 section 625 by the Order of the Minister and published in the Government Gazette.

Responsible Accounting Officer - a member of the staff of the council designated by the General Manager, or if no such member been designated, the General Manager. (LGGR, clause 196)

TCorp – New South Wales Treasury Corporation including the TCorp Investment Management arm which manages the TCorpIM funds (formerly Hour-glass).

Term Deposits (Deposits) - Funds invested with a financial institution at a predetermined rate that applies for the duration of the deposit. The

principal is held on deposit for a fixed term with interest payable at set periods during the term and/or on maturity. Increasingly banking regulation requires term deposits to be issued on “unbreakable” terms or at a minimum funds cannot be withdrawn for a minimum period of 31 days.

1.3 Legislative Requirements

All investments are to be made in accordance with:

- (a) Local Government Act 1993;
- (b) Local Government Act 1993 – Order (of the Minister) dated 12 January 2011
- (c) Trustee Act 1925;
- (d) Local Government (General) Regulation 2005;
- (e) Local Government Code of Accounting Practice and Financial Reporting;
- (f) Australian Accounting Standards; and
- (g) Office of Local Government Circulars.

1.4 Delegation of Authority

| Authorised Officer | Roles & Responsibilities |
|--|--|
| General Manager | Authority to invest surplus funds and authority to delegate this function in accordance with the councils adopted investment policy. |
| Director Corporate Services | Per Delegation |
| Chief Financial Officer (Responsible Accounting Officer) | Per Delegation |
| Accountant | Per Delegation |

All delegated officers shall confirm in writing that they have received a copy of Council’s current investment policy and that they understand the contents and their obligations as a delegated officer.

1.5 Authorised Investments

Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government.

Council shall only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the Local Government Act 1993 (NSW));

- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the Banking Act 1959 (Cwth)), but excluding subordinated debt obligations;
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an TCorpIM Investment Fund of the New South Wales Treasury Corporation.

All investment instruments (excluding short term discount instruments) referred to above include principal and investment income (interest).

1.6 Prudent Person Standard

The investments shall be managed with care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolios to safeguard the portfolio in accordance with the spirit of this Investment Policy, and not for speculative purposes

1.7 Ethics and Conflicts of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This policy requires officers to disclose any conflict of interest to the General Manager.

If engaged, independent advisors shall also be required to declare that they have no actual or perceived conflicts of interest.

1.8 Prohibited Investments

This Investment Policy prohibits any investment carried out for speculative purposes including:

- (a) Derivative based instruments;
- (b) Principal only investments or securities that provide potentially nil or negative cash flow;
- (c) Stand alone securities issued that have underlying futures, options, forward contracts and swaps of any kind; and
- (d) Any investment acquired using leveraging to fund the purchase (borrowing to invest).

1.9 Risk Management Guidelines

Investments are to comply with the following criteria:

- (a) Preservation of Capital - all reasonable measures are to be taken to prevent losses in portfolio value (considering the time value of money);
- (b) Institutional Diversification:

- i. Not less than three (3) quotations shall be obtained from authorised institutions when an investment is proposed.
- ii. Direct investments shall not exceed counterparty limits with any one institution at any one time as detailed below.
- iii. All term deposit investments are to be made with authorised deposit taking institutions authorised under the Banking Act, 1959 and with an investment grade credit rating, excepting ADI's located within the local government area.
- iv. The maximum holding limit in each rating category and the target credit quality weighting for Council's total portfolio shall be in accord :

| Long Term Credit Rating (or Moody's, Fitch, S&P or Equivalent) | Total Portfolio Limits | Counterparty Limits |
|---|------------------------|------------------------|
| | Maximum Holding | |
| TCorp IM Funds | 100% | 100% |
| AAA – A Category | 100% | Lesser of \$5m or 40% |
| A- Category | 40% | Lesser of \$3m or 20% |
| BBB+ Category** | 30% | Lesser of \$1m or 10% |
| BBB Category** | 10% | Lesser of \$500k or 5% |
| BBB- Category and below: Local** ADI's | 5% | Lesser of \$500k or 5% |

***ADI's located within the Local Government Area**

**** BBB+ / BBB categories are not to exceed 30% collectively**

- (c) Maturity Risk - the investment portfolio is to be invested within the following maturity constraints:

| Long Term Credit Rating (or Moody's, Fitch, S&P or Equivalent) | Overall Portfolio Return to Maturity |
|---|--------------------------------------|
| | Maximum |
| TCorp IM Funds | Not applicable |
| AAA to BBB+ Category | 3 Years |
| BBB Category | 12 months |

- (d) Market/Credit Risk - consideration shall be given to the risk that the fair value or the future cash flows of an investment will fluctuate due to changes in market prices, or the risk of failure to repay principal or pay interest on an investment;

- (e) Liquidity Risk -

- i. Matching investments with cash flow requirements.
- ii. Ensure access is available within seven (7) days to at least \$1,000,000 or 10% of value of total investments, whichever is lesser.

1.10 Performance Benchmarks

The performance of the investment portfolio shall be against the industry standard 11am Cash Rate for cash investments, BBSW 90 Day Swap Rate for direct investments and the Ausbond Composite 2 – 5 year index for investments exceeding 2 years.

1.11 Safe Custody

Safe custodial arrangements shall be as follows:

- (a) Council must retain beneficial ownership at all times;
- (b) Council must be in receipt of documentation existence of investment;
- (c) The custodian must be the custodian nominated by TCorp for investment in TCorpIM Funds, or Austraclear, or an investment grade institution so rated by Standard and Poor's or Fitch.

1.12 Reporting and Responsibilities of Council Officers

- (a) The Responsible Accounting Officer shall be responsible for reconciling the investment register on a monthly basis and ensuring sufficient records are maintained, including:
 - a. the source and amount of money invested;
 - b. particulars of the security or form of investment in which the money was invested;
 - c. the term of the investment, and
 - d. if appropriate, the rate of interest to be paid, and the amount of money earned, in respect of money invested.
- (b) A monthly report shall be provided to Council, detailing the investment portfolio in terms of performance, investment institution and amount of each investment.
- (c) The report should also detail each average return percentage against the performance benchmark rates.
- (d) For audit purposes, certificates must be obtained from financial institution confirming the amounts of investment held on the Council's behalf at 30th June each year.
- (e) The documentary evidence must provide Council legal title to the investment.

1.13 Investment Advisor

Should Council engage an investment advisor, the advisor must be approved by Council and licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to choose the most appropriate product within the terms and conditions of the investment policy.

The independent advisor is required to provide written confirmation that they do not have any actual or potential conflicts of interest in relation to the investments they are recommending or reviewing, including that they are not receiving any commissions or other benefits in relation to the investments being recommended or reviewed.

1.14 Grandfathering provisions

This Policy shall only apply to investments made from the date of Council adoption onwards.

1.15 Review of Investment Policy

This policy shall be reviewed annually by the Chief Financial Officer and any amendments, if necessary, shall be reviewed against investment requirements in the conditions of borrowing of TCorp, if applicable, and approved by resolution of Council.

End of Policy

| | | |
|-----------------------|-------------------|-----------------|
| Adopted: | 14/10/2003 | 123 |
| Last Reviewed: | 11/10/2005 | 280 |
| | 14/05/2007 | 07/094 |
| | 09/08/2010 | 1008/04 |
| | 14/03/2011 | 1103/010 |
| | 08/08/2011 | 1108/004 |
| | 14/11/2011 | 1111/011 |
| | 12/11/2012 | 1211/014 |
| | 10/11/2014 | 1411/007 |
| | 17/09/2018 | 1809/010 |
| | xx/xx/2019 | |
| Next Review: | 16/03/2021 | |

09) CODE OF CONDUCT COMPLAINTS FOR PERIOD ENDING 31 AUGUST 2019**Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 2. Local Governance and Finance**File No:** GO.RP.1**Recommendation:**

That the report on Code of Conduct complaints for the 12 month period ending 31 August 2019 be received and noted.

Reason for Report:

For Council to satisfy its obligations regarding annual reporting on Code of Conduct complaints.

Report:

Clause 12.1 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW requires the Complaints Coordinator to report annually to Council on Code of Conduct complaints.

The following statistics are provided for Council's information:

| Complaints | Number |
|---|---------------|
| Total number of complaints made about Councillors and the General Manager under the code of conduct in the period to 31 August 2019 | 1 |
| Number of code of conduct complaints referred to a conduct reviewer | 0 |
| Number of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage | 0 |
| The outcome of the reviews of code of conduct complaints finalised by a conduct reviewer at the preliminary assessment stage | N/A |
| Number of code of conduct complaints investigated by a conduct reviewer | 0 |
| Number of code of conduct complaints investigated by a conduct review committee | 0 |
| The outcome of the reviews of code of conduct complaints investigated by a conduct reviewer or conduct review committee | N/A |
| Number of matter reviewed by the Office of Local Government | 0 |
| The outcome of the reviews of code of conduct complaints investigated by the Office of Local Government | N/A |

| | |
|--|--------------|
| Total cost of dealing with code of conduct complaints made about Councillors and the General manager in the year to September, including staff costs | \$387 |
|--|--------------|

Risk/Policy/Legislation Considerations:

The Model Code of Conduct Procedures clause 12.1 requires Council's Complaints Coordinator to arrange for the above statistics for the period to September be reported to Council within 3 months of the end of September.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

10) DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: PE.DI.1

Recommendation:

That the “Disclosures by Councillors and Designated Persons” Returns for the period ending 30 June 2019, as tabled be received and noted.

Reason for Report:

For Council to fulfil its “*Disclosure of Interests in Written Returns*” obligations to maintain a register and tabling of returns under Part 4 of the Model Code of Conduct for Local Councils in NSW and Council’s adopted Code of Conduct for Councillors and for staff.

Report:

In accordance with clause 4.13 (Code of Conduct), all returns disclosing interests of Councillors and designated persons, for the period 1 July 2018 to 30 June 2019, must be tabled at the first meeting of Council following the last day for lodgement of the returns. This date was 30 September 2019.

Accordingly, a copy of the returns will be tabled at this meeting for each Councillor, who held office at 30 June 2019, and the following designated persons as determined by the General Manager:

- General Manager
- Director Corporate Services
- Director Planning & Environmental Services
- Director Infrastructure Services
- Chief Financial Officer
- Operations Manager
- Manager Planning

Risk/Policy/Legislation Considerations:

The Model Code of Conduct for Local Councils in NSW requires:

- Disclosure of Interests in Written Returns to be submitted on an annual basis by Councillors and Designated Persons;
- The general manager to keep a register of returns required to be made and lodged with the General Manager; and
- That they be lodged at the next meeting after the prescribed due date for lodgement.

Budget Implications:

Nil

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 October 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****Inland Rail Opportunities Session**

In recent weeks, Councils Director Infrastructure Services attended an information session on opportunities associated with the Inland Rail, in Forbes. The meeting was well attended by Central West Councils and the Joint Organisation, with some businesses from the region.

It should be noted that the Inland Rail project is currently about construction of a railway (the spine) between Melbourne and Brisbane to provide an under 24 hour transit time. There is no definite commitment with regard any intermodal or other development between these points, although the NSW Governments Special Activation Precinct in Parkes supports the intermodal terminals already established.

Attendees were first presented with research findings from the Regional Infrastructure Institute, an independent research organisation engaged by the Australian Government Department of Infrastructure, Transport, Cities and Regional Development.

Some notable observations revealed by this data, includes:-

- There is a general migration from metro areas to regional areas.
- Regional areas are growing, not dying.
- Blayney and Orange are losing their youth population, but they are returning at a working age.
- Job vacancies are available, but the mix of industries offering them is shifting.
- Regional job vacancies are growing at a rate of 16% compared to metro areas at 9%.
- Regional trade and university graduates are gaining employment quicker and with higher wages than metro areas.

The Department then provided information on 2 funding programs provided for under the Inland Rail Interface Improvement Program, being:-

- Productivity Enhancement Program
- Country Lines Improvement Program

Both programs offer funding for business consultants to work with proponents of eligible projects to develop proposals for:

- Proposed improvements to the interface between supply chains and Inland Rail, to improve supply chain and community resilience.
- Proposed improvements to improve country lines that intersect with Inland Rail, to accommodate longer, heavier and faster trains.

In isolation Councils not located on the Inland Rail corridor may find it difficult to identify and align a suitable project, however collectively the Councils may be able to aggregate to make a proposal.

There may be opportunity for a project that further supports the reactivation of the Cowra Lines, and this requires further discussion amongst the 4 Councils (Blayney, Cowra, Hilltops and Weddin).

The current funding window is 10 – 31 October, which the Department acknowledged was short, however there would be a second opportunity in 2020.

It was clear that this provides a blank canvas for innovative ideas to be investigated, and should they progress through the various gateways to establish a sound business case, then be presented to Government for funding consideration.

Major Works

Forest Reefs Road has been completed with the exception of the line marking, and works around the land acquisition. Line marking is scheduled within the next 2 weeks, fitting in with our contractors availability.

Burnt Yards Road has had the pavement design finalised, with pavement works scheduled for the week commencing 14 October. The scope has been reduced to 850m length to provide further contingency given the poor subgrade material found through the pavement investigations.

Small bridge replacement program

Kinds Lane bridge has been completed, with works well underway on Hines Lane. The abutments are near completion, with girders expected to be installed in the coming 2 weeks. It is anticipated that Hines Lane will be complete prior to the end of November.

Road Maintenance Works

With the delay on Burnt Yards Road, Council's crews have been able to undertake gravel resheeting works on Carcoar Road in preparation for the completion of the Cowriga Creek Bridge.

Land Development

Sewer and stormwater works are now predominantly complete. Service trenching is to be arranged in the coming weeks, followed by completion of the road surface. It is anticipated that Council's portion of the works will be completed by the end of November.

Major Contracts

Carcoar Road Bridge

Abutments and headstocks have been installed, with girders currently being placed. Guardrail has been ordered, with works expected to be completed by mid December.

Central West Equestrian & Livestock Centre (CWELC)

The shed structure has been progressing well with the trusses and roof purlins now installed. The installation of the walls, gutters and downpipes will commence shortly with roofing to follow.

A contract has been awarded for the completion of the design and construction of the internal perimeter fence which was awarded to ICR Engineering after a request for quotation process was undertaken.

The access platform design is now complete and request for quotes are due to be undertaken shortly.

The electrical distribution board and sub-mains are now complete and the lighting project documentation is being completed to go to quote for the general lighting and power construction.

The fire service line is complete and is ready for testing and sign off.

Assets

Asset staff have completed the major culvert inspections and are now inspecting the urban stormwater pipes and pits. These inspections will provide the condition data for the transportation asset revaluations, for 2019/20 financial year.

Parks and Recreation

With the establishment of the Lyndhurst Cricket Club, Council has modified its mowing regime provided to the Recreation Ground.

As an initiative of the Central West Councils Environment and Waterways Alliance, Councils Parks and Recreation Supervisor has been working with a local consultant to develop a Cemetery Management Plan, and this is now in a draft format for further discussion amongst the Blayney Shire Cemetery Forum members. The Supervisor has also made a presentation on council's cemetery management to the Orange Field Naturalists and Conservation Society, and undertaken a tour of the Endangered Ecological Communities (EEC) located within the Neville and Newbridge Cemetery areas. The plan captures knowledge of the cemeteries, and identifies the requirements for management and costs to ensure Council plans and budgets for the

management of these reserves. It provides a strategic guide that focuses on providing guidance on management actions to maintain the environmental and cultural values of the cemeteries. It should be noted that the draft document is unique in its concept and of strong interest across surrounding Councils, with cemeteries that also incorporate environmentally sensitive areas.

The Parks and Recreation team have completed the changeover of sporting grounds from winter sports to summer (cricket).

There continues to be a focus on street trees with the recent planting of trees in Millthorpe as part of the street tree plan for the village. Continued watering of street trees across the shire, due to the ongoing dry conditions has been critical to ensuing minimal losses.

As part of the Revive 2 funding commitment, routine maintenance was undertaken at Pound Flat with weed control and some further tree planting, incorporated within a training session for the Carcoar Urban Landcare Group and a general community working bee for the site.

Lack of winter growth on surrounding farms is adding increased pressure on cemetery fences in our villages, with Lyndhurst impacted by resident Kangaroos.

With the recent long weekend and many local and regional tourist events attracting people to the district, weekend amenities cleaning has been scheduled to cater for the increased demand.

Heavy Plant and Fleet - Workshop

Council has taken delivery of a skid-steer loader. This is an upgrade from our previous item of plant, and will improve Council's flexibility in the work it can complete. We have hired skid-steer loaders extensively in the past 12-18 months, so this will reduce our ongoing operational costs by having an internal unit to use.

Wastewater

Strategic Business Plan & Integrated Water Management Plan

Council engaged a consultant last year to undertake the Developer Servicing Plan & Strategic Business Plan for the sewer business. The Developer Servicing Plan is complete and waiting on the audit process and the Strategic Business Plan process was due to commence, however, during this time the Department of Industry – Water, (DoI) changed its guidelines for the Safe & Secure Water Program (funding program). The new requirement for this funding program includes the completion of an Integrated Water Cycle Management Plan (IWCM). Council was relying upon this funding for future works, which was to include an upgrade of the Sewerage Treatment Plant and a study on sewerage of the villages, being Carcoar, Mandurama and Lyndhurst.

Council staff have consulted with the DoI to determine if they would be agreeable to Council modifying the Strategic Business Plan to include components of the IWCM and still be compliant in achieving the funding requirements of the funding program. DoI were not in agreement with our proposal and therefore Council have no alternative than to undertake an IWCM to obtain the funding, which is up to 90% of the costs for our projects. Due to this we have halted the Strategic Business Plan process and have sought financial support through the funding program to undertake the IWCM. It is anticipated the process to complete the IWCM will take 2 -3 years. Staff will now proceed to finalise the Developer Servicing Plan audit process to present to Councillors for approval and public exhibition.

Risk/Policy/Legislation Considerations:

Information report only

Budget Implications:

Information report only

Enclosures (following report)

Nil

Attachments (separate document)

Nil

12) ROAD FUNDING ALLOCATIONS**Department:** Infrastructure Services**Author:** Manager Operations**CSP Link:** 1. Public Infrastructure and Services**File No:** RD.MT.1

Recommendation:

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

Reason for Report:

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

Report:

The location of reseals, heavy patching, and footpath renewals has been determined for the 2019/20 financial year within the funding allocations.

Resealing

The resealing budget for 2019/20 is \$385,000. Following the completion of the road assessment by ARRB, Council currently has 8.2km of seal in very poor condition (condition 5), with a further 16.1km in poor condition (condition 4)

A lot of the condition 5 seals are small sections leading into unsealed roads, or dust suppression seals. These are not economical to complete with a contractor, so Council staff will investigate the use of our patching truck to undertake cost effective reseals on these sections.

Between the heavy patching works, scheduled rehabilitation works, and these reseal works, it is expected that only 2.8km of very poor seal will be remaining.

It is worth noting that the reseal on Errowanbang Road is to place a final seal over the prime seal that was put on during construction. This will also be required next financial year on Newbridge and Forest Reefs Roads as we were unable to put a final seal on these projects due to the time of year the works were completed.

| Road | From | To | Length | Cost |
|----------------------|---|---------------------------|----------------|------------------|
| Errowanbang Road | Mid Western Highway | Gap Road Intersection | 2.5km | \$90,000 |
| Mandurama Road | Somers Lane (East) | Hilton Lane | 4.85km | \$120,000 |
| Panuara Road | 5.90km from Errowanbang Road | Four Mile Creek Road | 4.1km | \$100,000 |
| Four Mile Creek Road | 400m either side of Panuara Road Intersection | | 0.4km | \$10,000 |
| Barry Road | Hobbys Yards Road +4.17km | Hobbys Yards Road +6.18km | 2.0km | \$50,000 |
| Total | | | 13.85km | \$370,000 |

The seal designs are not yet completed, so final estimates are not yet available. Depending on the seal design, and the prevailing oil price at the time of works, prices can vary between -20%/+10% from what is estimated.

Heavy Patching

The heavy patching budget for 2019/2020 is \$492,000, with a carry over of \$115,000 from 2018/19. Works are required to be undertaken on some of the reseal sections to ensure that the road is in suitable condition for resealing.

| Road | From | To | Length | Cost |
|--------------------------|--|-----------------------------------|---------------|------------------|
| Carcoar Road (completed) | Kinghams Lane +1.8km south | Tallwood Road Intersection +0.3km | 2.1km | \$325,000 |
| Errowanbang Road | Culvert 1.2km from Mid-Western Highway | | 30m | \$30,000 |
| Panuara Road | 5.90km from Errowanbang Road | 7.50km from Errowanbang Road | 1.6km | \$150,000 |
| Mandurama Road | Various Patches | | ~1.0km | \$102,000 |
| Total | | | ~4.5km | \$607,000 |

Risk/Policy/Legislation Considerations:

The heavy patching works are identified as at 9 October 2019, and could change into the future dependant on the prevailing weather conditions. Council Officers will re-prioritise works within the budget as needed.

There is a risk of poor public perception around the prioritisation of these works given the distress shown on Hobbys Yards Road. Council is awaiting confirmation of funding for rehabilitation of a section of Hobbys Yards Road. However, it is noted that maintaining our reseal schedule is critical, and these works are needed to ensure the longevity of our reseals.

Budget Implications:

All works scheduled are within Council's budget allocation.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

13) MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 11 OCTOBER 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 11 October 2019, be received and noted.
2. That Council endorse the Traffic Management Plan for the Millthorpe Market event, to be staged on 1 December 2019 on Redmond Oval and Millthorpe Public School as a Class 2 event, subject to the conditions detailed in the Director Infrastructure Services' Report, and inclusion of a Traffic Control Plan for the closure of Boomerang Street, in accordance with the event wet weather contingency plan.
3. That Council endorse the Traffic Management Plan for the Millfest event, to be staged on 14 December 2019 on Pym Street Millthorpe as a Class 2 event, subject to the conditions detailed in the Director Infrastructure Services' Report.
4. a) That the issue of excess speed in the area of Spring Terrace and Forest Reefs Roads be referred to NSW Police for enforcement purposes,
b) That the Safe Intersection Sight Distance for this intersection be considered as part of the upcoming road reconstruction project.
5. a) That vegetation on the eastern side of Hobbys Yards Road be trimmed south of the access to 1229 Hobbys Yards Road.
b) That a Caution Driveway (w2-206-4R) sign be installed north of 1304 Hobbys Yards Road, and a Caution Driveways (w2-206-3R) sign be installed north of 1229 Hobbys Yards Road to cater for traffic from Hobbys Yards.
c) That traffic monitoring data be provided to NSW Police for enforcement purposes, and Forestry Corporation NSW for necessary action.
6. a) That parking be restricted, and No Stopping signs be installed across the driveway access to Redmond Oval and Millthorpe Rural Fire Station only, being 40 and 44 Park Street, Millthorpe.
b) That transverse pavement marking be installed on the driveway threshold to the Millthorpe Rural Fire Station only, as a further indication to motorists.

**MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE MEETING
HELD ON FRIDAY 11 OCTOBER 2019 AT BLAYNEY SHIRE COUNCIL**

Meeting commenced at 10:00am.

PRESENT -

Members: Cr John Newstead (Blayney Shire Council - Chair), Reg Rendall (Paul Toole Representative), Jackie Barry (Roads & Maritime Services Representative), Michael Chooi (NSW Police).

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

APOLOGIES

Cr Bruce Reynolds (Blayney Shire Council)

DECLARATION OF INTEREST

Nil

CONFIRMATION OF MINUTES

RESOLVED: That the minutes of the previous Traffic Committee Meeting held on Friday, 9 August 2019 be confirmed to be a true and accurate record of that meeting.

(Reg Rendall / Michael Chooi)

MATTERS ARISING FROM THE MINUTES

No Stopping Sign – Olive Street Mandurama (20190809:02)

Jackie Barry highlighted her email prior to the last meeting which had been delayed due to IT issues, and not been considered at the meeting. Jackie tabled an RMS Technical Direction – Statutory 10m No Stopping at unsignalised intersections review checklist.

ACTION: Council to address the checklist and seek RMS approval, prior to installing the sign in accordance with the current resolution.

CORRESPONDENCE

20191011:01 – Pedestrian Crossing – Park Street, Millthorpe

Email 25/09/2019, Michael Chooi highlighted concerns about street lighting and School Pedestrian Crossing on Park Street.

ACTION: Matter to be referred to Essential Energy for further advice.

REPORTS

20191011:02 – Millthorpe Markets

RECOMMENDATION: That Council endorse the Traffic Management Plan for the Millthorpe Market event, to be staged on 1 December 2019 on Redmond Oval and Millthorpe Public School as a Class 2 event, subject to the conditions detailed in the Director Infrastructure Services' Report, and inclusion of a Traffic Control Plan for the closure of Boomerang Street, in accordance with the event wet weather contingency plan.

(Jackie Barry / Reg Rendall)

20191011:03 – Millfest

RECOMMENDATION: That Council endorse the Traffic Management Plan for the Millfest event, to be staged on 14 December 2019 on Pym Street Millthorpe as a Class 2 event, subject to the conditions detailed in the Director Infrastructure Services' Report.
(Michael Chooi / Reg Rendall)

20191011:04 – Safety Concerns – Spring Terrace / Forest Reefs Road Intersection**RECOMMENDATION:**

1. That the issue of excess speed in the area be referred to NSW Police for enforcement purposes.
2. That the Safe Intersection Sight Distance for this intersection be considered as part of upcoming road reconstruction project.

(Jackie Barry / Michael Chooi)

20191011:05 – Safety Concerns – Hobbys Yards Road**RECOMMENDATION:**

1. That vegetation on the eastern side of Hobbys Yards Road be trimmed south of the access to 1229 Hobbys Yards Road.
2. That a Caution Driveway (w2-206-4R) sign be installed north of 1304 Hobbys Yards Road, and a Caution Driveways (w2-206-3R) sign be installed north of 1229 Hobbys Yards Road to cater for traffic from Hobbys Yards.
3. That traffic monitoring data be provided to NSW Police for enforcement purposes, and Forestry Corporation NSW for necessary action.

(Reg Rendall / Michael Chooi)

Safety Concerns – Kentucky Road (Neville Cemetery)

The matter was deferred pending further advice from RMS on suitable cemetery signage.

20191011:06 – No Stopping to Ensure Access – Park Street**RECOMMENDATION:**

1. That parking be restricted, and No Stopping signs be installed across the driveway access to Redmond Oval and Millthorpe Rural Fire Station only, being 40 and 44 Park Street, Millthorpe.
2. That transverse pavement marking be installed on the driveway threshold to the Millthorpe Rural Fire Station only, as a further indication to motorists.

(Michael Chooi / Jackie Barry)

TRAFFIC COMMITTEE REGISTER

That the information be noted.

GENERAL BUSINESS**20191011:07 – Proposed Signage – Martha Street, Blayney**

Report noted.

INFORMAL MATTERS

20190809:08 – Monthly Road Safety Reports – August & September 2019.
That the information be noted.

20190809:09 – Chifley Local Area Command – Serious/Fatal Motor Vehicle Accidents Reports – August 2019.

That the information be noted.

FUTURE MEETING DATES - 2019

- Friday, 6 December 2019

MEETING CLOSED

The meeting closed at 10:57am.

COUNCIL ISSUES

Development of Policy and Guidelines for Advisory Signs.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

14) DRAFT LOCAL STRATEGIC PLANNING STATEMENT**Department:** Planning and Environmental Services**Author:** Town Planner**CSP Link:** 5. The Natural Environment**File No:** LP.PO.1**Recommendation:**

1. That Council endorse the draft Local Strategic Planning Statement attached to this report for public exhibition.
2. That the draft Local Strategic Planning Statement be exhibited for 28 days.
3. A report be prepared for Councils consideration, following exhibition of the draft Local Strategic Planning Statement addressing any submissions received.

Reason for Report:

This report presents the draft Blayney Shire Local Strategic Planning Statement (the draft Statement) to Council for endorsement for public exhibition. It identifies Council's 20 year vision for land use planning in Blayney Shire, setting out planning priorities and actions to achieve this vision and the means to monitor and report on the delivery of the actions identified. The draft Statement has been prepared in accordance with the Environmental Planning & Assessment Act 1979 (EP&A Act) and Environmental Planning & Assessment Regulations (2000) (EP&A Regulations) and is attached under separate cover. It must be placed on exhibition before 1 December 2019.

Report:

In March 2018, the NSW Government amended the EP&A Act in a major overhaul of the States planning legislation to, among other changes, recognise the importance of strategic planning and the need for alignment between the State Government regional plans and council local plans.

To ensure a link between regional plans, the finer grained planning at a local level and consistency in strategic planning approaches, all Councils in NSW are required to prepare a draft Statement that meets the requirements set out in section 3.9 of the EP&A Act.

The statement must include or identify (s.3.9 (2)):

- (a) the basis for strategic planning in the area, having regard to economic, social and environmental matters;
- (b) the planning priorities for the area that are consistent with any strategic plan applying to the area and (subject to any such strategic plan) any applicable community strategic plan under section 402 of the Local Government Act 1993;
- (c) the actions required to achieving those planning priorities;

(d) the basis on which the council is to monitor and report on the implementation of those actions.

This report presents the draft Statement to Council for endorsement for public exhibition. Following adoption for exhibition the draft Statement will be reformatted and have images inserted to be consistent with Councils planning documents.

Our draft Statement

The Blayney Shire draft Statement sets out a 20-year vision for land use planning in the Blayney Local Government Area (LGA), outlining how growth and change will be managed to maintain the environmental qualities and local character that shapes Blayney Shire.

This draft Statement builds on the communities aspirations expressed in the Blayney Shire Community Strategic Plan 2018 - 2028 and is consistent with the NSW Governments Central West and Orana Regional Plan 2036.

The draft Statement comprises four sections and an appendix:

1. Introduction – About the Statement, its purpose, policy context and consultation undertaken in its preparation.
2. Local Context – An overview of our history, community and place in Central West.
3. Blayney Shire - Our Vision – A land use planning vision for Blayney Shire addressing how growth and change over the next 20 years will be managed, recognising the special characteristics that contribute to our local identity and values to be maintained and enhanced.
4. Achieving Our Vision – Identifies 6 Planning Priorities, actions and the means to monitor and report on those actions to achieve a vision for Blayney Shire.
5. Appendix – Relationship with other plans and documents.

Our Consultation

Council prepared this Statement by building upon the results of engagement undertaken in developing Councils Community Strategic Plan 2018 – 2028, the Blayney Cabonne and Orange Rural and Industrial Lands Strategy and the Blayney Settlement Strategy Review.

The draft Statement must be exhibited for at least 28 days (the minimum period set out under Schedule 1 of the Act.) It is proposed to exhibit this draft Statement utilising Councils website, local newspaper and social media, as well as having hard copies available at the Council office.

Risk/Policy/Legislation Considerations:

Councils Draft Community Participation Plan (CPP) has been prepared in accordance with sections 3.9 of the EP&A Act 1979.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

1 Blayney Draft Local Strategic Planning Statement 18 Pages

15) DRAFT COMMUNITY PARTICIPATION PLAN**Department:** Planning and Environmental Services**Author:** Town Planner**CSP Link:** 5. The Natural Environment**File No:** LP.ME.5**Recommendation:**

1. That Council endorse the draft Community Participation Plan attached to this report for public exhibition.
2. That the draft Community Participation Plan be exhibited for 28 days.
3. A report be prepared for Councils consideration, following exhibition on the draft Community Participation Plan addressing any submissions received.

Reason for Report:

To seek Council endorsement to place the Draft Community Participation Plan (CPP) on public exhibition for a period of 28 days, which outlines how and when Blayney Shire Council will engage with the community across the planning functions it performs under the Environmental Planning and Assessment Act 1979 (EP&A Act 1979).

Report:

Under NSW planning reforms and amended planning legislation, Blayney Shire Council is required to prepare a CPP by 1 December 2019 and to place the Draft CPP on public exhibition for a period of 28 days.

Councils Draft CPP has been prepared in accordance with sections 2.21(2), 2.23(2) and Schedule 1 of the EP&A Act 1979 and is attached under separate cover. The Draft CPP sets out minimum public exhibition timeframes for planning projects, plans and applications. The minimum exhibition timeframes are set by the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000).

Councils Draft CPP has been guided by the NSW Department of Planning, Industry and Environment's (DPIE) Draft Community Participation Plan (2018), Blayney Shire Community Strategic Plan (CSP), Blayney Shire Community Engagement Strategy and Blayney Shire Development Control Plan 2018 (BDCP).

Part B of the BDCP currently sets out Councils requirements for public participation. This section will no longer be required upon adoption of Councils Draft CPP as it is contained within the Draft CPP. When the Draft CPP is reported to Council for adoption, it will also be recommended that this section of the DCP be repealed.

DPIE does not endorse or approve final CPPs. All final CPPs will be published on the NSW Planning Portal and will be considered valid if the CPP has not been challenged in proceedings commenced in the Land and Environment Court within three months of it being published on the NSW Planning Portal. To ensure compliance and consistency, DPIE will undertake a review and audit of all CPPs in 2020. Council is required to review its CPP periodically.

Under the Regulation, the minimum exhibition period for a Draft CPP is 28 days. It is proposed to exhibit this draft CPP utilising Councils website, local newspaper and social media, as well as having hard copies available at the Council office.

Following adoption for exhibition the draft CPP will be reformatted and have images inserted to be consistent with Council's planning documents.

Risk/Policy/Legislation Considerations:

Councils Draft CPP has been prepared in accordance with sections 2.21(2), 2.23(2) and Schedule 1 of the EP&A Act 1979 and the minimum exhibition timeframes are set by the EP&A Regulation 2000.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

1 Draft Community Participation Plan

18 Pages

16) DA60/2019 - ERECTION OF A DWELLING - 2624 HOBIBYS YARDS ROAD, BARRY

Department: Planning and Environmental Services

Author: Manager Planning

CSP Link: 5. The Natural Environment

File No: DB.AB.1400

Recommendation:

That Council consents to Development Application DA60/2019 for the erection of a dwelling 2624 Hobbys Yards Road, Barry being Lot 3 DP1056752, subject to the recommended conditions of consent.

Reason for Report:

For Council to consider and determine Development Application DA60/2019 for the construction of a dwelling at Lot 3 DP1056752– 2624 Hobbys Yards Road, Barry.

Report:**Executive Summary**

Council's consent is sought for the construction of a new dwelling at 2624 Hobbys Yards Road, Barry, being Lot 3 DP1056752 (the 'subject property').

The subject property is an irregularly shaped concessional lot comprising a total area in the order of 3.24ha.

The subject property is generally devoid of any significant features and appears to be being used for extensive agriculture (i.e. livestock grazing).

The proposed dwelling would be in the order of 48m from the Hobbys Yards Road frontage and 30m north of the southern boundary, which adjoins the rural property at 2574 Hobbys Yards Road. The proposed dwelling would be setback in the order of 80m from the adjoining concessional lot to the immediate east at 2626 Hobbys Yards Road.

Notably, the 30m southern boundary setback of the proposed dwelling does not meet the acceptable solution for rural dwelling setbacks from a side or rear boundary, being 50m. Notwithstanding, it is noted that the applicant has consulted with the adjoining property owner who has agreed not to make an objecting submission. This matter is discussed further in the body 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).

Proposed Development

Council's consent is sought for the construction of a new dwelling at 2624 Hobbys Yards Road, Barry.

The proposed dwelling would be located approximately 48m from Hobbys Yards Road, 30m north of the southern boundary which adjoins the rural property at 2574 Hobbys Yards Road, and 80m from the adjoining concessional lot to the immediate east.

The proposed dwelling would be constructed of brick with a Colourbond roof.

The proposed dwelling will have a total floor area in the order of 99m², consisting of one bedroom; open plan kitchen and living area separate laundry and bathroom / ensuites.

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.



Figure 1: The subject property – development site in background



Figure 2: The subject property – development site in foreground

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: | RU1 Primary production |
| Lot size: | 100ha |
| Heritage: | N/A |
| Terrestrial biodiversity: | N/A |
| Groundwater vulnerability: | N/A |
| Drinking water catchment: | Yes |
| 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 RU1 Primary production.

The objectives of the RU1 Primary production zone seek to:

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.
- To enable function centres, restaurants and appropriate forms of tourist and visitor accommodation to be developed in conjunction with agricultural uses.

While the proposed development is not specifically consistent with the objectives of the zone, it is noted that the subject property is a 'concessional allotment', being a lot created under a former planning scheme for the purpose of a dwelling.

On the basis that the subject property has a dwelling entitlement, it is considered that the proposal is not inconsistent with the objectives of the zone.

Part 4 – Principal development standards**Clause 4.2A Erection of dwelling houses or dual occupancies on land in certain rural zones**

Clause 4.2A seeks to minimise unplanned rural residential development and enable the replacement of lawfully erected dwelling houses or dual occupancies in rural and environmental protection zones.

Generally, Clause 4.2A identifies that development consent must not be granted for the erection of a dwelling house or dual occupancy, and on which no dwelling house or dual occupancy has been erected, unless the land is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land.

However, Clause 4.2A provides that development consent for a Dwelling may be granted under some other circumstances, such as land identified as a concessional allotment (i.e. the land is a lot created under an environmental planning instrument before the Blayney Local Environmental Plan 2012 commenced and on which the erection of a dwelling house was permissible immediately before that commencement).

In this case, it is noted that Council staff have previously confirmed that the subject property is a concessional allotment and development consent may be granted for a dwelling (Refer OL/20809).

Part 6 – Additional local provisions**Clause 6.5 Drinking water catchments**

Clause 6.5 seeks to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.

An effluent management report was submitted with the development application. The report was assessed and accepted by Council's Senior Building Surveyor.

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 all necessary essential services are available to the subject property. In particular:

- The proposed development includes a rainwater tank of 90,000L;
- Effluent will be managed via an on-site effluent management system;
- Power is available within the Hobbys Yards Road reserve;
- Council's Infrastructure Services Department has recommended a condition of consent requiring construction of an all-weather 2 wheel drive access track.

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.

Based on an inspection of the subject property, it is considered that the site of the proposed dwelling is unlikely to be contaminated. In particular, it is noted that while the property has been used for extensive agriculture, there is no sign of a sheep dip or chemical mixing shed in the vicinity of the proposed dwelling.

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:

C4 Large Lot & Rural

C4.1 Building Setbacks

C4.1 Building Setbacks seeks to maximise residential amenity on larger lots with appropriate setbacks from road noise and/or dust and visual and acoustic privacy between adjacent dwellings.

The acceptable minimum setback for a dwelling on a lot zoned RU1 is 20m from a public road frontage and 50m from a side or rear boundary.

The proposed development is not consistent with the acceptable solution insofar as the rear, southern, setback of the dwelling is only 30m from the adjoining rural property at 2574 Hobbys Yards Road.

However, it is noted that 2574 Hobbys Yards Road incorporates a 20m wide unconstructed crown road which is currently leased by the owner. The unconstructed crown road is used in the same manner as the balance of the property (i.e. extensive agriculture such as grazing and cropping).

As such, while the proposed dwelling is not setback 50m from the practical agricultural use of the adjoining property, theoretically it achieves the minimum setback.

C4.2 Building Siting & Buffers

C4.2 seeks to minimise conflict between land uses within this zone and land uses within adjoining zones; minimise impacts on environmentally sensitive locations and scenic quality; ensure buildings are sited to avoid impacts from natural hazards or impact on environmentally sensitive areas; and protect and enhance residential amenity.

As noted above, the proposed development does not achieve the required rear setback for a dwelling located in the RU1 Zone.

Notably the 50m setback required under Clause 4.1 is not specifically required by Clause 4.2. However, it is evident that the purpose of a 50m setback is to achieve a suitable setback for typical extensive agricultural practices (i.e. grazing of livestock, non-irrigated cropping).

It is considered that this is reinforced by G2.8 Agriculture and Right to Farm which outlines that any sensitive land use or development that has a boundary with rural zoned land, should seek to incorporate buffers or setbacks to that rural land to enable rural land to be used for standard agricultural practices to the fullest agricultural potential of that land.

Notwithstanding, it is noted that the applicant has consulted with the adjoining property owner who has agreed not to make an objecting submission.

On the basis that the adjoining landowner has agreed to the siting of the dwelling, it is considered that it should be supported in this instance.

C4.3 Visual Impact

C4.3 seeks to ensure that the scale, footprint, height and materials of any building must seek to integrate any buildings into the landscape and protect important skyline views.

The proposed development is generally consistent with the relevant acceptable solutions.

Notwithstanding, it is recommended that a condition of consent be applied to ensure that the roof of the dwelling is not clad in zincalume and that the colour scheme integrate with the surrounding rural landscape and not detract from the rural amenity.

C3.6 Water Tanks, Pools & Spas

C3.6 seeks to ensure that water tanks, pools and spas are appropriately located and designed to minimise visual impacts from a street or public space and integrate with the residential development; minimise impacts on a heritage conservation area or nearby heritage items (if applicable); minimise noise impacts from associated machinery or the use of pools/spas near sensitive areas of adjacent development; and ensure that materials and colours are compatible with the surrounding character (if visible from a public area).

The location of the proposed tank has been nominated on the design plans submitted with the development application.

There are no specific design or siting requirements for a tank in a rural area.

C7 Access & Parking

C7.1 Vehicle Parking

C7.1 seeks to ensure that there is sufficient on-site car parking for the proposed use(s) so that there is not an unreasonable reliance on on-street or off-site parking that impacts on other users.

The proposed development is consistent with the relevant acceptable solutions.

While a garage has not been proposed, adequate space is available for parking.

C7.3 New Access, Entrances & Driveways (Rural Areas)

C7.3 seeks to ensure that all lots have a safe and effective access / entrance and any new driveway minimises impacts on public roads and adjacent dwellings.

Council's Infrastructure Services Department has recommended a condition of consent requiring that a 4 metre wide all-weather 2WD vehicular access is to be constructed from the proposed dwelling to the property boundary

C8 Site Planning, Earthworks & Utilities

C8.1 Site Planning

C8.1 seeks to ensure that the design of any significant new development is based on a site analysis of any relevant opportunities and constraints of the site and (taking into account any other relevant controls in BLEP 2012 and this DCP).

Aside from not achieving the acceptable solution for a minimum 50m setback, the proposed development is consistent with the relevant objectives.

C8.2 Water & Energy Efficiency

C8.2 seeks promote dwelling design that is water and energy efficient, thermally comfortable, and minimises the need for mechanical heating and cooling in accordance with NSW State Government requirements.

A BASIX Certificate was submitted with the Development Application. The proposed development is consistent with the acceptable solution.

C8.3 Design Principles (Advisory only)

No assessment required.

C8.4 Earthworks

C8.4 seeks to ensure that earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses, or cultural or heritage items; minimise cut and/or fill or site and potential erosion and sediment entering stormwater systems or watercourses or impacting on adjoining properties; and avoid contaminated fill being relocated or used on sites.

The proposed development is consistent with the relevant acceptable solutions.

C8.5 Buildings near Utilities / Easements

C8.5 seeks to ensure all buildings and structures must be located and designed so they do not obstruct access to, or impact on the safe operation of, existing or proposed utilities such as sewer, stormwater, water, electricity, gas, and telecommunications (whether they are above ground or underground).

The proposed development is consistent with the relevant acceptable solutions.

C8.6 Connection to Utilities

C8.6 seeks to ensure that new developments are appropriately serviced (the type or level of service depending on service availability and cost-effectiveness to connect), and to require development to connect to and support existing utility infrastructure in accordance with Council's Guidelines for Engineering Works (as amended).

As previously addressed under the heading Clause 6.8 Essential services:

- The proposed development includes a rainwater tank of 90,000L;
- Effluent will be managed via an on-site effluent management system;
- Power is available within the Hobbys Yards Road reserve;
- Council's Infrastructure Services Department has recommended a condition of consent requiring construction of an all-weather 2 wheel drive access track.

C8.7 Siting & Visibility of Utilities

C8.7 seeks to minimise the visual impact of any new utilities, connections, or associated structures if visible from public areas.

A condition of consent has been recommended requiring that all utilities must be located underground.

The proposed development is consistent with the relevant acceptable solutions.

C8.8 Water Tanks

C8.8 seeks to ensure that dwellings have sufficient potable water to cater for the number of people / likely consumption and any ancillary uses.

The proposed development is consistent with the relevant acceptable solutions.

C8.9 On-Site Sewage Management

C8.9 seeks ensure (where reticulated / centralised sewage management systems are not available) appropriate on-site systems will be suitably sized and able to operate on the lot without impacting on development on the subject lot, neighbouring lots or surface or ground water systems, and don't require excessive vegetation removal.

An on-site effluent management report was submitted with the Development Application. The effluent management report has been reviewed by Council's Building Surveyor.

The proposed development is consistent with the relevant acceptable solutions.

C8.10 Re-use of water

C8.10 identifies that re-use of water is encouraged but must be treated to the relevant NSW standards to ensure safety and environmental health.

Not applicable.

C8.11 Solid Waste Management

C8.11 seeks to ensure that all new development has an appropriate solid waste management system to protect the environment.

Given the location of the subject property it must be serviced as part of Council 'red and yellow bin' program.

It is recommended that a condition of consent be applied requiring that red and yellow bins be obtained prior to the issue of an occupation certificate.

C8.12 Letterboxes

C8.12 seeks to ensure that letterboxes are provided for new dwellings. It is recommended that a condition of consent be applied requiring the erection of a mailbox prior to the issue of an occupation certificate. The mail box must be located where it is easily visible from road frontage and accessible to Australia Post employees and be clearly marked with correct house number.

It is recommended that a condition of consent be applied requiring that a letterbox be constructed in a suitable location.

C8.13 Street Numbering

C8.13 seeks to ensure that street numbers are provided for new buildings on vacant lots or new lots.

It is recommended that a condition of consent be applied requiring that appropriate street numbering is provided and clearly visible.

Part G – Environmental Management and Hazards

The relevant sections of Part G have been addressed in the body of this report.

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

Not applicable.

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

- **In the case of a development application for the demolition of a building, the provisions of AS 2601 (Clause 92)**
Not applicable.

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

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

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

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

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

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

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

In accordance with Part B of the DCP the proposed development was notified to 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 Proposed Conditions 6 Pages

Attachments (separate document)

2 Plans 30 Pages

This matter is considered to be confidential under Section 10A(2) (e) of the Local Government Act, as it deals with information that would, if disclosed, prejudice the maintenance of law.

Draft Conditions of Consent**Reasons for Conditions**

Statutory and legislative requirement and public interest.

Approved Plans**1. Development in accordance with approved plans & documentation**

Development is to take place in accordance with:

| Plan/Doc No. | Plan/Doc Title | Prepared by | Issue | Date |
|--------------|------------------------------------|---------------------------|-------|----------|
| - | Statement of Environmental Effects | Applicant | - | 08/07/19 |
| 01-2 | - | Hotondo Homes | C | 07/05/19 |
| 02 | Floor Plan | Hotondo Homes | C | 07/05/19 |
| 03 | Elevations | Hotondo Homes | C | 07/05/19 |
| 04 | Section | Hotondo Homes | C | 07/05/19 |
| 10011747S | Basix Certificate | Gregory J Coleman Pty Ltd | - | 08/05/19 |
| R10373e | On-site effluent management study | Envirowest Consulting | - | 20/12/19 |

as amended in accordance with any conditions of this consent.

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

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

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

3. Identification of Site

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

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

- e) Identification of Principal Certifying Authority, together with name, address & telephone number.

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

4. Home Building Act

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

- f) 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,
- g) in the case of work to be done by an owner-builder:
1. The name of the owner-builder, and
 2. The name of the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

Prior to Issue of a Construction Certificate

5. 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).

Prior to Works Commencing

6. SOIL & WATER MANAGEMENT PLAN

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

During Construction

7. ALL-WEATHER INTERNAL ROAD

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

8. ROAD AND INTERALLOTMENT DRAINAGE

All road and inter allotment drainage is to be conveyed to:

- (e) a legal point of discharge

9. RELOCATE UTILITY SERVICES

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

10. RURAL ADDRESS NUMBER

The rural address number must be displayed at the entrance of the property in a prominent position that is visible from the road, within fourteen (14) days of the number plate(s) being provided by Council.

11. Hours for Construction or Demolition

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

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

12. Rubbish and Debris

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

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

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

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

13. Toilet Facilities

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

Each toilet must:

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

14. BASIX Certificate

All the required commitments shown on BASIX Certificate and on the approved plans, are to be implemented prior to the issue of an Occupation Certificate.

15. Excavations and Backfilling

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

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

16. Erosion and Sediment Control

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

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

17. Rainwater Tank Overflow

The overflow for the rainwater tank is to be connected to a drainage line and conveyed to the street gutter, common drainage line or otherwise disposed of on site in accordance with Australian Standard 3500 in a manner that is not adversely affecting adjacent land.

Note 1: The rainwater tank should be maintained and protected against mosquito infestation.

18. Utilities

All new utilities must be located underground unless otherwise agreed by Council.

19. Cladding

All roof and wall finishes shall be comprised of low reflective surface materials which integrate with the surrounding rural landscape and not detract from the rural amenity

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

Optional note 2: Zinalume will be not accepted.

20. Connection to Electricity

The dwelling must be connected to grid electricity.

| |
|---|
| Prior to Issue of Occupation Certificate |
|---|

21. Solid Fuel Heating Appliances

The solid fuel heating appliance is to be installed, operated and maintained in accordance with the manufacturer's specifications, Building Code of Australia and relevant Australian Standards. Prior to the issue of the Final Occupation Certificate, a certificate from a licensed contractor responsible for installation for the woodheater, shall be submitted to Council.

22. Occupation Certificate

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

23. Garbage Bins

Prior to issue of an Occupation Certificate evidence must be provided to Blayney Shire Council to confirm the provision of waste collection services in accordance with Policy 18C – Waste Collection Services.

24. Letter boxes

Prior to issue of an Occupation Certificate a letter box must be constructed. The letter box must be located where it is clearly visible from the road frontage and accessible to Australia Post employees. The letter box must be clearly marked with the correct house number.

25. Street numbering

Prior to issue of an Occupation Certificate the property must have an appropriate street number which is clearly visible from Hobbys Yards Road.

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|------------------------|
| Ongoing Matters |
|------------------------|

26. Approved Use

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

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|--------------------------------|
| Section 68 Requirements |
|--------------------------------|

27. House Drainage Fall

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

28. Licensed Plumber

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.

29. Notice of Plumbing Works

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

30. Septic Tank General

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

24. Geotechnical Report

The on-site sewage management system chosen shall be installed and maintained in accordance with the recommendations of the Geotechnical Report by Envirowest Consulting Pty Ltd, Ref:R10373e, dated: 20 December 2018.

25. Disposal Area

Vehicular traffic and livestock are also to be excluded from the disposal area.

26. Surface Water

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

27. Inspections

Forty – eight (48) hours notice shall be given to Council for inspection of the following:

- a) Internal and external drainage lines, septic tank 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 AWTS septic system and disposal area before use.

28. Prior to the Issue of an Occupation Certificate

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.

Advisory Notes**Compliance with the Building Code of Australia (Volume 2)**

AN1. The following is required to ensure that the dwelling complies with the Building Code of Australia (Volume 2) Housing Provisions:-

- a. The dwelling frame and roof must be designed for a snow load in accordance with AS/NZS 1170.4-2003 in Part 1.4; and
- b. The WC door must be fitted with lift-off hinges in accordance with Clause 3.8.3.3.

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. Internal and external sanitary drainage, including septic tank and absorption trenches.
- b. Slab/footing inspection when steel is laid prior to the pouring of concrete.
- c. Frame inspection
- d. Hot and cold water prior to internal lining.
- e. Waterproofing prior to tiling.
- 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.

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.

17) **DA82/2019 - ERECTION OF A SHED - 3 MANDURAMA STREET, NEVILLE**

Department: Planning and Environmental Services

Author: Manager Planning

CSP Link: 5. The Natural Environment

File No: DB.AB.1422

Recommendation:

That Council consents to Development Application 82/2019 for the construction of a shed at Lot 12 DP786004 - 3 Mandurama Street, Neville, subject to the recommended conditions of consent.

Reason for Report:

For Council to consider and determine Development Application DA82/2019 for the construction of a shed at Lot 12 DP786004, 3 Mandurama Street, Neville.

Report:

Executive Summary

Councils consent is sought for the construction of a shed at Lot 12 DP786004, 3 Mandurama Street, Neville.

The subject property is a residential property that contains an existing single storey dwelling, sheds, carport and water tanks with the surrounding development being similar village type developments.

The applicant proposes to construct a colorbond shed 7m wide by 10.5m long set back approximately 30 metres from the Mandurama Street frontage and approximately 12 metres from the side boundaries.

The surrounding land use is predominately residential, with dwelling houses located to the north and east and west of the subject property.

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

In particular, the proposed shed exceeds the cumulative floor area of 128m² of garages/sheds on the subject property. As such, the applicant has sought Councils approval for a variation to the acceptable solution with a cumulative floor area of 205m².

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

Proposed Development

Councils consent is sought for the construction of a shed at Lot 12 DP786004, being 3 Mandurama Street, Neville

The proposed shed has a total floor area of 75m² (7.50m x 10.00m) with a colorbond finish. The shed will be used for storage purposes.

Section 4.15 Evaluation

Matters for Consideration – General

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

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

Blayney Local Environmental Plan 2012 (BLEP2012)

What is the Zoning of the Land (Clause 2.2): RU5 Village

Is the development permissible in the zone (Clause 2.3(1)): Yes

Is the development is consistent with the following objectives of the zone (Clause 2.3(2)): Yes

- 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.

Any other relevant provisions:

Clause 6.5 Drinking Water Catchments

The subject property is within a drinking water catchment. Clause 6.5 states:-

- (1) The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering drinking water storages.

- (2) This clause applies to land identified as “Drinking water catchment” on the Drinking Water Catchment Map.
- (3) Before determining a development application for development on land to which this clause applies, the consent authority must consider the following:
 - (a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering the drinking water storage, having regard to the following:
 - (i) the distance between the development and any waterway that feeds into the drinking water storage,
 - (ii) the on-site use, storage and disposal of any chemicals on the land,
 - (iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development,
 - (b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.
- (4) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that:
 - (a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

Having regard to the above matters, it is considered that the proposed shed will not have an adverse impact on the quality and quantity of water entering water storages.

State Environmental Planning Policies

Are there any relevant state planning policies?

No

SECTION 4.15(1)(A)(II) – 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

Not applicable.

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

Not applicable.

Blayney Development Control Plan 2012

Part C3 Garages, Carports, Sheds, Outbuildings and Pools/Spas

| Guideline | Objectives | Compliance |
|-------------------------------------|--|--|
| C3.1 Use | Garages, carports, sheds, outbuildings and pools/spas are not to be used as a dwelling, habitable room or home business/industry (without approval). | The proposed shed will be used as a non-habitable structure, ancillary to the use of the existing dwelling on the property. The property owner is a vintage car enthusiast and will be using the shed for hobby purposes. A condition is included in the Consent to ensure that the shed is not used for commercial or industrial purposes. |
| C3.2 Visual Impact / Amenity | To ensure that outbuildings and garages/carports: a) Will not dominate views from the street or key public places; b) Will be in keeping with the scale and setting of the relevant land use zone, streets and locality character; c) Will integrate with the dwelling design and surrounding landscaping and buildings; d) Will not significantly impact on the amenity of neighbouring properties. | The proposed shed will be approximately 30 metres from Mandurama Street and therefore will not dominate the street. The shed will be single storey, in keeping with the existing dwelling on the property and being approximately 12 metres from the side boundaries, will not impact significantly on the amenity of the adjoining properties. A condition will be included in the Consent to require the walls and |

| | | |
|--|---|---|
| | | roofing of the proposed building to be low-reflectivity/factory pre-colour coated sheeting. |
| C3.3 Garages, Carports, Outbuildings & Sheds in Urban Areas | <p>2) Detached Garages/Carports/Sheds/Shipping Containers:</p> <p>a) Should generally be located behind any existing or proposed dwelling or towards the rear of any property;</p> <p>b) Must not exceed a ridge height of 4.8m from existing ground level;</p> <p>c) Must not exceed a cumulative floor area (detached from the dwelling): i) If the lot is < 900m² in size – maximum of 96m² ; ii) If the lot is ≥ 900m² in size – maximum of 128m².</p> | <p>The proposed shed will be erected behind the building line of the existing dwelling and therefore it will not adversely impact on the streetscape. The proposed shed height is 4.538 metres to the top of the ridge, which is less than the allowable height of 4.8 metres. The floor area of the shed will be 73.5m² and with the existing sheds and carport will add up to a total of 204m². Whilst this is in excess of the 128m², the area of the property is 4097m², also well in excess of 900m² and with the generous setbacks proposed, it is considered that the shed will not adversely affect the amenity of the adjoining properties.</p> |
| C3.4 Garages, Carports, Outbuildings & Sheds in Large Lot Residential | See objectives for visual impact/amenity above. | N/A |
| C3.5 Rural Sheds | No objectives, see acceptable solution. | N/A |

| | | |
|--|--|-----|
| C3.6 Shipping Containers | To minimise the visual impact of shipping containers and ensure that where visible they are modified to appear as a shed. | N/A |
| C3.7 Water Tanks Pools & Spas | To ensure that water tanks, pool and spas are appropriately located and designed: a) To minimise visual impacts from a street or public space and integrate with the residential development; b) To minimise impacts on a heritage conservation area or nearby heritage item; c) To minimise noise impacts from associated machinery or the use of pools/spas near sensitive areas of adjacent development; d) To ensure that materials and colours are compatible with the surrounding character. | N/A |

In summary, it is considered that the proposed shed complies with the relevant provisions of the Blayney Development Control Plan 2012 .

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

Not applicable

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

Matters prescribed by the Environmental Planning & Assessment Regulation 2000 have been satisfied.

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

The likely impacts of the development have been considered and are deemed satisfactory.

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

Matters relating to the suitability of the site for this development have been considered and the site is deemed suitable for the development.

Does the proposal fit in the locality? Yes

Are the site attributes conducive to the development? Yes

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

Have there been any objections to the development? No – the proposed development was notified to adjoining land owners.

If yes, are the objections well founded? N/A

4.15 (1) (e) The public interest

Is the proposal within the Public Interest? Yes

Conclusion

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

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

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

| | | |
|---|---------------------|---------|
| 1 | Proposed Conditions | 4 Pages |
| 2 | Plans | 2 Pages |

Attachments (separate document)

Nil

REASONS FOR CONDITIONS

The conditions in Schedule A have been imposed for the following reasons:

- To ensure compliance with the terms of the relevant Planning Instruments
- To ensure no injury is caused to the existing and likely future amenity of the neighbourhood
- Due to the circumstances of the case and the public interest.
- To ensure the structural integrity of the development.
- To ensure the protection of the health and safety of the occupants of the development.
- To protect the environment.
- To prevent, minimise, and/or offset adverse environmental impacts.

Prescribed Conditions**BUILDING CODE OF AUSTRALIA**

1. 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

2. 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.

HOME BUILDING ACT

3. Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - a) in the case of work for which a principal contractor is required to be appointed:
 1. The name of the licence number of the principal contractor, and
 2. The name of the insurer by which the work is insured under Part 6 of that Act,
 - b) in the case of work to be done by an owner-builder:
 1. The name of the owner-builder, and
 2. The name of the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information under this condition

becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

Prior to Issue of a Construction Certificate

Nil

Prior to Works Commencing

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).

During Construction

DEVELOPMENT IN ACCORDANCE WITH APPROVED PLANS & DOCUMENTATION

5. Development is to take place in accordance with the attached stamped plans (DA NO.82/2019), documentation submitted with the application and subject to the conditions, to ensure the development is consistent with Council's Consent.

EXCAVATION WORK

6. 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.

EROSION AND SEDIMENT CONTROL

7. 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

8. 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

9. 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.

CLADDING

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

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

Note 2: Zinalume will be not accepted.

Prior to Issue of Occupation Certificate**OCCUPATION CERTIFICATE**

11. 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**APPROVED USE**

12. The approved building must not be used for any other purpose other than the approved use ie a shed. The shed shall only be used for domestic purposes and shall not be used for any industrial or commercial activities. 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.

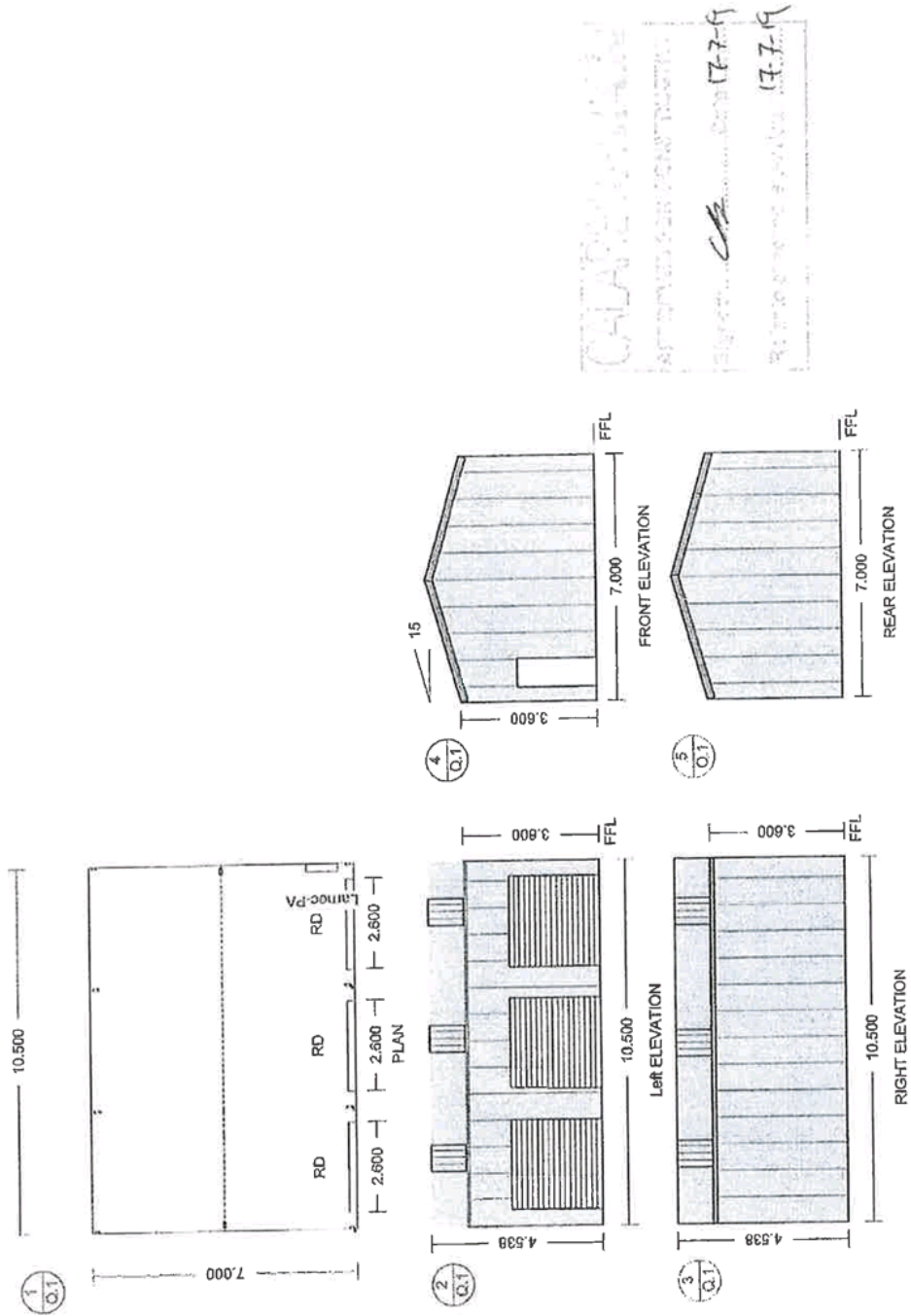
As the Principal Certifying Authority, Council must be contacted to undertake inspections of the various stages of construction as follows:

- 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.





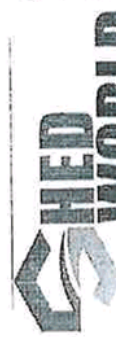
CHA...
 APPROVED FOR...
 Signature: *CA* Date: 17-7-19
 The... 17-7-19

CLIENT

Proposed Shed 7,000 x 10,500 x 3,600 NS
 At 3 Manduama Street Neville
 For Tony Shelton

DRAWING

DWGQP1 Ref: 29071016 Scale: 150:1
ARCHITECTURAL DRAWINGS



Matters to be dealt with in closed committee

In accordance with the Local Government Act (1993) and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in Section 10(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

18) PROVISION OF TRAFFIC CONTROL SERVICES

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.