



11 November 2020

Dear Councillor,

Your attendance is requested at an Ordinary Council Meeting of the Blayney Shire Council to be held in the Chambers, Blayney Shire Community Centre on Monday, 16 November 2020 at 6.00pm for consideration of the following business -

- (1) Livestreaming Video and Audio Check
- (2) Acknowledgement of Country
- (3) Recording of Meeting Statement
- (4) Apologies for non-attendance
- (5) Disclosures of Interest
- (6) Public Forum
- (7) Mayoral Minute
- (8) Confirmation of Minutes - Ordinary Council Meeting held on 19.10.20
- (9) Matters arising from Minutes
- (10) Reports of Staff
 - (a) Executive Services
 - (b) Corporate Services
 - (c) Infrastructure Services
 - (d) Planning and Environmental Services
- (11) Closed Meeting

Yours faithfully

Rebecca Ryan
General Manager

Meeting Calendar 2020

November

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
2.30pm	13 November 2020	Upper Macquarie Country Council Meeting	Kelso
6.00pm	16 November 2020	Council Meeting	Community Centre
9.00am	18 November 2020	Audit, Risk and Improvement Committee	Community Centre
6.00pm	19 November 2020	Sports Council Meeting	Community Centre
6.00pm	24 November 2020	Tourism, Towns and Villages Committee Meeting	Community Centre
9.00am	27 November 2020	Mining and Energy Related Councils Meeting	Community Centre

December

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
9.00am	4 December 2020	Central NSW JO Board Meeting	Bathurst
10.00am	11 December 2020	Traffic Committee Meeting	Community Centre
5.00pm	21 December 2020	Council Meeting	Community Centre

January

Nil

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HELD ON MONDAY 16 NOVEMBER 2020

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LIVE STREAMING OF COUNCIL MEETINGS

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

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

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

01) MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 19 OCTOBER 2020**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 19 October 2020, being minute numbers 2010/001 to 2010/021 be confirmed.

MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE, ON 19 OCTOBER 2020, COMMENCING AT 6.00PM

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

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

ACKNOWLEDGEMENT OF COUNTRY**RECORDING OF MEETING STATEMENT****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	Pecuniary	10	55	Deeds of Lease – Cadia Pipeline Agreements	Employee of Newcrest Mining Ltd
Cr Ewin	Non Pecuniary (Less Than Significant)	16	92	Development Application 58/2020 – Erection of a Dwelling – 18 Piggott Place, Blayney	Applicant is an employee of Cr Ewin's daughter

PUBLIC FORUM

Kathleen Wilkens – Item 17 - Development Application 48/2020 – Erection of Five (5) Farm Stay Accommodation Units and Utilities Building

MAYORAL MINUTE**CENTRAL TABLELANDS LOCAL LAND SERVICES -
LIGHTING THE PATH****2010/001****RESOLVED:**

That Council accept the book from Central Tablelands Local Land Services entitled Lighting the Path and make available at the Blayney Library

(Ferguson/Ewin)

CARRIED

CONFIRMATION OF MINUTES**MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 21
SEPTEMBER 2020****2010/002****RESOLVED:**

That the Minutes of the Ordinary Council Meeting held on 21 September 2020, being minute numbers 2009/001 to 2009/002 be confirmed.

(Reynolds/Newstead)

CARRIED

MATTERS ARISING FROM THE MINUTES

Cr Reynolds asked if representations had been made to our Local Member regarding the IPART Rating Review Mining Rate. Mayor Scott Ferguson advised that both Local Member Paul Toole and President of Local Government NSW, Linda Scott, were supportive of this motion.

EXECUTIVE SERVICES REPORTS**COUNCIL RESOLUTION REPORT****2010/003****RESOLVED:**

That Council notes the Resolution Report to September 2020.

(Somerville/Newstead)

CARRIED

RISK, WORK HEALTH AND SAFETY QUARTERLY REPORT**2010/004****RESOLVED:**

That Council receive and note the Risk, Work Health and Safety Report for the quarter July to September 2020.

(Reynolds/Denton)

CARRIED

WESTERN REGIONAL PLANNING PANEL**2010/005 RESOLVED:**

1. That Council endorse and nominate Heather Nicholls – Deputy General Manager – Cabonne Services, Cabonne Council as one Blayney Shire Council member of the Western Regional Planning Panel.
2. That Council endorse and nominate Cr Somervaille as one Blayney Shire Council member of the Western Regional Planning Panel.
3. That Council endorse and nominate Cr Ferguson as an alternate Blayney Shire Council member of the Western Regional Planning Panel.

(Ewin/Newstead)

CARRIED**CORPORATE SERVICES REPORTS****REPORT OF COUNCIL INVESTMENTS AS AT 30 SEPTEMBER 2020****2010/006 RESOLVED:**

1. That the report indicating Council's investment position as at 30 September 2020 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

(Kingham/Reynolds)

CARRIED**INFORMATION TECHNOLOGY QUARTERLY REPORT****2010/007 RESOLVED:**

That Council receive and note the Information Technology report for the quarter July to September 2020.

(Newstead/Somervaille)

CARRIED**REVIEW OF COUNCIL POLICIES****2010/008 RESOLVED:**

That Council

1. endorse the Work, Health and Safety Policy and it be placed on public exhibition for a period of not less than 28 days;
2. adopt the Community Banner Usage policy and Code of Meeting Practice and they be included in Council's policy register.

(Ewin/Somervaille)

CARRIED

DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS

2010/009

RESOLVED:

That the “Disclosures by Councillors and Designated Persons” Returns for the period ending 30 June 2020, as tabled be received.

(Reynolds/Newstead)

CARRIED

The Deputy Mayor, Cr Ewin, having declared an interest left the meeting.

DEEDS OF LEASE - CADIA PIPELINE AGREEMENTS

2010/010

RESOLVED:

1. That the report on the Deeds of Lease – Cadia Pipeline agreement be received; and
2. That Council endorse execution of the Deeds of Lease – Cadia Pipeline agreements and associated documentation by the Mayor and General Manager under Council seal.

(Newstead/Reynolds)

CARRIED

The Deputy Mayor, Cr Ewin, returned to the meeting.

INFRASTRUCTURE SERVICES REPORTS**DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT**

2010/011

RESOLVED:

That the Director Infrastructure Services Monthly Report for October 2020 be received and noted.

(Kingham/Denton)

CARRIED**CENTRAL WEST JO - REGIONAL BITUMEN EMULSION CONTRACT**

2010/012

RESOLVED:

That Council endorse the Director Infrastructure Services signing the participation form in the Central NSW Joint Organisation Regional procurement for supply and delivery of bitumen emulsion, however recommends that the Central NSW Joint Organisation Contract Management Fee is replaced by an upfront Contract Management Fee that is determined by a transparent and accountable basis.

(Somerville/Newstead)

CARRIED

**MINUTES OF THE BLAYNEY SHIRE SPORTS COUNCIL
MEETING HELD THURSDAY 20 AUGUST 2020**

2010/013

RESOLVED:

1. That the minutes of the Blayney Shire Sports Council Meeting, held on Thursday 20 August 2020, be received and noted.
2. That Council accept the nomination of Olivia Bird as the new representative for Blayney Bears Senior Rugby League on the Blayney Shire Sports Council.
3. That Council accept the nomination of Ashley Clark as the new representative for Lyndhurst Cricket Club on the Blayney Shire Sports Council.
4. That Council review:-
 - a. part day usage charges for sporting grounds.
 - b. the seasonal hire charge for school use of sporting grounds.

(Kingham/Newstead)

CARRIED

**MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 9
OCTOBER 2020**

2010/014

RESOLVED:

1. That the minutes of the Blayney Traffic Committee Meeting, held on Friday 9 October 2020, be received and noted.
2. That Council:-
 - a. Support the request from WIRES in principle subject to the use of Transport for NSW (TfNSW) approved Injured Wildlife sign (G6-361-1),
 - b. The signage be installed in accordance with relevant standards,
 - c. Council provide a quote to WIRES for the installation of the signs, and,
 - d. Council refer the request for wildlife signage on the State classified network to TfNSW for consideration.
3. That Council endorse the Traffic Management Plan for the Bathurst Cycling Club – Trunkey Creek Loop event on Sunday 3 October 2021. The event shall be classified as a Class 2 event, and approved subject to the conditions detailed in the Director Infrastructure Services' Report.
4. That Council approve the installation of school bus route signage along Spring Hill Road to the Cabonne Council boundary in accordance with Australian Standards, subject to approval of the route.
5. That Council refuse the request to change Stop signs to Give Way signs at the Carcoar/Browns Creek Road intersection.
6. That parking be restricted, and No Stopping signs be installed across the driveway access to the Westside Petroleum Service Station, being 27 Orange Road, Blayney.

7. That Council:-
- a. Establish a 10t Load Limit across Vittoria Road from Park Street, Millthorpe to the Cabonne Local Government Area boundary, to mitigate any further deterioration to Vittoria Road, and provide a consistent message to residents/local landholders and transport operators.
 - b. Installation Truck Prohibited (R6-10-2) signage in accordance with Road Rule 104, and a supplementary 10t Gross Limit plate, at the Cabonne LGA boundary, at Park Street Millthorpe, and at side road interfaces in the rural area, beyond the Village of Millthorpe.
 - c. Write to landholders adjoining Vittoria Road, advising of its decision, and explaining that access remains available to service their property.

(Reynolds/Somervaille)
CARRIED

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

DEVELOPMENT APPLICATION 36/2020 - CUBBY HOUSE - 555 FOREST REEFS ROAD, FOREST REEFS

2010/015

RESOLVED:

That Council consents to Development Application DA36/2020 for the ongoing use of an Outbuilding (cubby house) at Lot 2 DP1254385 – 555 Forest Reefs Road, Forest Reefs, subject to the recommended conditions of consent.

(Somervaille/Reynolds)

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

FOR	AGAINST	
Councillor Ewin		
Councillor Ferguson		
Councillor Kingham		
Councillor Somervaille		
Councillor Reynolds		
Councillor Newstead		
Councillor Denton		
Total (7)	Total (0)	CARRIED

The Deputy Mayor, Cr Ewin, having declared an interest left the meeting.

DEVELOPMENT APPLICATION 58/2020 - ERECTION OF A DWELLING - 18 PIGGOTT PLACE, BLAYNEY

2010/016

RESOLVED:

That Council consents to Development Application DA58/2020 for the construction of a new Dwelling at Lot 101 DP1155582 – being 18 Piggott Place, Blayney subject to the recommended conditions of consent.

(Kingham/Somervaille)

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

FOR	AGAINST	
Councillor Ferguson		
Councillor Kingham		
Councillor Somervaille		
Councillor Reynolds		
Councillor Newstead		
Councillor Denton		
Total (6)	Total (0)	CARRIED

The Deputy Mayor, Cr Ewin, returned to the meeting.

DEVELOPMENT APPLICATION 48/2020 - ERECTION OF FIVE (5) FARM STAY ACCOMMODATION UNITS AND UTILITIES BUILDING

2010/017

RESOLVED:

1. That Council consents to Development Application DA48/2020 for Farm stay accommodation at Lot 1 DP131811 – being 760 Tallwood Road, Forest Reefs, subject to the recommended conditions of consent.
2. That Council add the following sentence to condition 55 being ‘the applicant is to keep a register of occupations by length of stay which is available for inspection by Council upon request.’

(Somerville/Reynolds)

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

FOR

AGAINST

Councillor Ewin
Councillor Ferguson
Councillor Kingham
Councillor Somerville
Councillor Reynolds
Councillor Newstead
Councillor Denton

Total (7)

Total (0)

CARRIED

DELEGATES REPORTS

REPORT OF THE CENTRAL NSW JOINT ORGANISATION MEETING HELD 27 AUGUST 2020

2010/018

RESOLVED:

That the Mayoral Report from the Central NSW Joint Organisation Meeting held 27 August 2020 be received and noted.

(Somerville/Newstead)

CARRIED

CLOSED MEETING**2010/019 RESOLVED:**

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

BLAYNEY NETBALL COURTS TENDER

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

(Reynolds/Ewin)

CARRIED

CONFIDENTIAL MEETING REPORTS**2010/020 BLAYNEY NETBALL COURTS TENDER****RESOLVED:**

That Council accept the tender from Activenergy (L-Don Sporting Areas) for the restoration of 6 netball courts, at the Stillingfleet Street netball complex, Blayney, under Contract No. 04/2020, for the value of \$322,100 (Inc GST), and subject to variations.

(Reynolds/Kingham)

CARRIED

2010/021 RESOLVED:

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

(Reynolds/Newstead)

CARRIED

AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBER 2010/020.

There being no further business, the meeting concluded at 7.12pm.

The Minute Numbers 2010/001 to 2010/021 were confirmed on 16 November 2020 and are a full and accurate record of proceedings of the Ordinary Meeting held on 19 October 2020.

Cr S Ferguson
MAYOR

Mrs R Ryan
GENERAL MANAGER

02) ADVERSE EVENTS PLAN**Department:** Executive Services**Author:** General Manager**CSP Link:** 2. Local Governance and Finance**File No:** GO.PO.1**Recommendation:**

That Council endorse the Blayney Shire Community Adverse Events Plan and submit to the Australian Government's Drought Communities Program 2019 with the final project report

Reason for Report:

For Council to endorse the Blayney Shire Community Adverse Events Plan.

Report:

Blayney Shire was eligible to access \$1m funding under the Australian Government's Drought Communities Program Extension 2019 for projects that provided an economic stimulus to drought-affected communities by investing in projects that support jobs and business income.

The revised guidelines (November 2019) included a requirement for Councils to submit an Adverse Event Plan with their final project report. An Adverse Event Plan has to meet the needs of the community, and give consideration to the following:

- natural resource management (i.e. managing water supply, ground cover, trees, erosion, biodiversity)
- economic diversification and community resilience (i.e. infrastructure planning, tourism investment, diversifying local industries, capacity building for local leadership)
- communication and coordination (i.e. how to let people know what's available – now, and in the future; how do you communicate in hard times and for recovery).

The development of an Adverse Events Plan was an eligible activity and may be included in the list of projects for funding under this program, however Council agreed to complete this in house utilising as the base, existing documents including the Local Emergency Management Plan, Business Continuity Plan, and Communication Engagement Strategy.

Risk/Policy/Legislation Considerations:

A requirement of the Federal Government's Drought Communities Program is for Council to endorse an Adverse Events Plan by 31 December 2020.

Budget Implications:

Nil

Enclosures (following report)

1 Adverse Events Plan

14 Pages

Attachments (separate document)

Nil



**Blayney Shire Community
Adverse Events Plan**

Policy	Strategic
Officer Responsible	General Manager
Last Review Date	

Community Adverse Events Plan

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CONTEXT

Blayney Shire Community Adverse Event Plan (the Plan) has been prepared by Council in response to the requirements of the Federal Government's Drought Communities Programme. This Plan has been designed to meet the needs of our community, with special consideration given to the following:

- natural resource management (i.e. managing water supply, ground cover, trees, erosion, biodiversity)
- economic diversification and community resilience (i.e. infrastructure planning, tourism investment, diversifying local industries, capacity building for local leadership)
- communication and coordination (i.e. how to let people know what's available – now, and in the future; how do you communicate in hard times and for recovery) and facilitating the involvement of local community support groups, Non Government and Not for Profit Organisations in delivering volunteers, charitable activities and distributing financial and other support.

The principles in this Plan are consistent with:

- The State Emergency and Rescue Management Act 1989 (SERM Act);
- The National Strategy for Disaster Resilience (NSDR);
- The Natural Disaster Relief and Recovery Arrangements (NDRRA); and
- The NSW State Emergency Management Plan (EMPLAN).

1. PURPOSE

The purpose of the Plan is to provide guidance for Council and the community to prepare for, and manage adverse events that directly and indirectly affect Blayney Shire.

2. SCOPE

The Plan describes the key strategies and actions at the local level to prevent, prepare for, respond to and recover from adverse events.

These events may be events for which Blayney Shire Council has full or partial responsibility or external events which are the responsibility of another agency (eg. Rural Fire Service, Area Health Service) that may involve a commitment from Council. Recovery needs vary according to the scope of the adverse event and will change and evolve over time. Therefore recovery activities will be directed by ongoing needs assessment with the community and supporting agencies.

This Plan shall be considered in conjunction with other relevant Blayney Shire Council plans and policies, including:

- 9D 'Incident Response Procedures and checklists'
- 9H 'Business Continuity Plan'
- 2I 'Enterprise Risk Management Policy and Plan'
- 3L 'Community Engagement Strategy'
- 9A 'Work Health and Safety Policy'
- Central West Regional Emergency Management Plan

3. DEFINITION

An adverse event is an incident, emergency or prolonged negative or harmful condition that have a negative impact on the wellbeing of the community.

Adverse events may include events such as fire, flood, drought, severe weather and pandemic disease and/or sudden and unforeseen trade or public health restrictions resulting from an adverse event.

Adverse events range from an individual, local, regional to nationwide level; with the degree of involvement of other government agencies dependent on the scale and impact.

The role that Council plays is subject to the particular adverse event.

4. OBJECTIVES

The objectives of this Plan are to:

- Plan for building community leadership capability and community resilience and capacity to adapt and cope with chronic stresses and acute shocks caused by adverse events.
- Identify key strategies and actions to be undertaken by Council and other relevant stakeholders, in order to prepare for and manage adverse events that affect Blayney Shire.
- Standardise the approach of Council to meet the needs of the community in dealing with adverse events.

5. PRINCIPLES

As the closest form of government to residents, Council as the representative body is the most suited to determining the recovery needs for the residents living and businesses operating in the shire. Council supports a collaborative approach with government agencies from both State and Federal Governments in returning businesses to normal and operations as quickly as possible, noting the new normal may be different.

Risk management lies with individuals, local communities, local government and industry; and these groups must take all reasonable steps to mitigate and manage risks. Blayney Shire Council's response to an event will vary with the type, nature, location, duration and scale of the incident.

Each adverse event will vary in terms of:

- Seriousness of the event
- Longevity of the negative or harmful conditions being experienced
- Numbers of people impacted and involved
- Risk exposure
- Financial impacts
- Media interest
- Need to involve other stakeholders

Response to each adverse event shall be a community-led recovery. Recovery activities will be directed by ongoing needs assessment with the community and supporting agencies.

Working with affected community members and assisting them to identify their needs, identifying the resources (including social capital) within the community, identifying gaps or additional resources required in collaboration with other agencies and relevant stakeholders.

Communication protocols concerning any Adverse Events will be firstly in accordance with the Blayney Shire Council Community Engagement Strategy and Council's media policy.

Council will use a variety of communication media to provide the community with relevant information in relation to adverse events including print, radio and social media. Where a lead agency has been nominated communication strategies will be in accordance with their protocols.

The following principles are applied when responding to an adverse event:

- a) Responsibility for preparation, response and recovery rests initially at the local level. If local agencies and available resources are not sufficient they are augmented by those at the state and federal level.
- b) Control of adverse event response and recovery operations is conducted at the lowest effective level.

Stage 1: Prevention and Preparedness

Risk assessment of the operating environment and prevention are the first step in effective adverse event management.

Risk assessments should:

- Identify the hazards
- Evaluate the likelihood of potential harm,
- Evaluate the potential impact of the harm
- Evaluate the number of people that might be affected.

Stage 2: Response

Identification and immediate actions following an adverse event

Summary of immediate actions:

- Ensure a safe and secure environment is re-established as soon as possible
- Any urgent actions that may reduce the harmful impact of the event or its recurrence must be carried out immediately
- Further containment actions should be identified and carried out in a timely fashion
- The needs of the people affected should be met and support provided
- Involve relevant levels of government, response authorities, community groups, Non-Government Organisations

Stage 3: Recovery

Initial reporting and notification

- Adverse events should be reported to any external agencies, government and Non Government Organisations, as required by legislation or regulations
- Effective communication should be established and maintained with stakeholders and customers
- Initial reporting must be completed as soon as possible after an adverse event and within one working day, unless there are exceptional reasons for delay, for example the event was identified retrospectively following a complaint. All adverse events should be reported, even if some time has passed since the event occurred.
- Adverse events should be categorised to support decision-making processes and to inform the level of review required. Every event should be reviewed, but the level of review will be determined from the category of the event, the associated risk score and the potential for learning. Adverse event reviews aim to establish the contributing factors of an adverse event, with a view to reducing the likelihood and/or impact of similar future events.

Stage 4: Review

The category of the event largely determines the level of review required. Information, communications, outcomes and associated actions from reviews will be stored within Councils electronic records system so that an audit trail is preserved.

Summary of improvement planning and monitoring actions:

- An agreed improvement plan should set out how each recommendation from the adverse event review will be monitored, implemented, measured and shared. The plan should include responsible owners, timescales for delivery and review dates.
- The outcome of the review and improvement plan should be shared with those who reported and were involved in the adverse event.
- Learning, improvements and best practice will be actively promoted and implemented

6. ROLES AND RESPONSIBILITIES**The Mayor**

The Mayor has a civic leadership role and is the public face during an adverse event to communicate to residents via interviews, social media and public relations campaigns.

The Mayor is the lead advocate to other levels of government to communicate the issues, impacts on the local community and intervention measures that may provide relief, short term support and long term solutions.

Councillors

An individual Councillor must exercise due diligence and provide support to the Mayor and General Manager responding to an Adverse Event

General Manager

The General Manager must provide leadership and exercise diligence to ensure that Council fulfils its obligations arising from any Acts imposed or in places as a result of the Adverse Event; ie Work Health and Safety Act 2011, Public Health Orders and Emergency Management Orders.

Directors

Directors must exercise due diligence in responding to an Adverse Event and ensure that Council complies with its WHS duties. Directors must;

- Support their staff in response to an Adverse Event,
- Maintain an understanding of Council operations, hazards and risks,
- Ensure that Council has available and uses appropriate resources and processes to minimise risks,
- Ensure Council has, and implements, processes for receiving, considering and responding to information regarding incidents, hazards and risks, and
- Ensure that Council complies with any duty or responsibility under the WHS Act 2011 or associated codes of practice and regulations.

Managers, Supervisors and Contractors of Council

The responsibilities of Managers and Supervisors of Blayney Shire Council, Contractors of Council, or other affiliated groups of Council, include, but are not limited to;

- Implementing and monitoring WHS policy and procedures within their work group,
- Ensure that any Adverse Events are reported,
- Investigate an Adverse Event where required,
- Identify and control workplace hazards and risks, and
- Respond appropriately to any Adverse Event.

Workers

Responsibilities of a Blayney Shire Council worker include, but are not limited to;

- Taking reasonable care for his or her own health and safety,
- Taking reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons,
- Complying so far as reasonably able with any reasonable instruction that is given by Council to allow Council to respond to an Adverse Event, and
- Reporting Adverse Events promptly within Council's prescribed guidelines.

Others

Persons deemed to be other persons at a workplace must;

- Take reasonable care for his or her own safety,
- Take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons, and
- Comply as far as the person is reasonably able, with any reasonable instruction that is given by Council to allow Council to ensure the safety of all persons during an Adverse Event.

7. ADVERSE EVENTS RISKS SUMMARY

The Blayney Shire Adverse Events Plan identifies the following hazards as having risk of causing loss of life, property, utilities, services and/or the community's ability to function within its normal capacity.

These hazards have been identified as having the potential to create an emergency.

Hazard	Risk Description	Likelihood Rating	Consequence Rating	Risk Priority	Combat / Responsible Agency
Agricultural Disease (Animal/Animal)	An agriculture/horticulture incident that results, or has potential to result, in the spread of a communicable disease or infestation.	Likely	Major	Extreme	Department of Primary Industries
Communicable Disease (Human)	Pandemic illness that affects, or has potential to affect, large portions of the human population	Likely	Major	Extreme	NSW Department of Health
Earthquake	Earthquake of significant strength that results in localised or widespread damage.	Rare	Major	High	LEOCON
Drought	A prolonged serious or severe rainfall deficiency.	Likely	Major	High	Office of Drought Response (DPIE)
Fire (Bush or Grass)	Major fires in areas of bush or grasslands.	Likely	Major	Extreme	NSW RFS FRNSW
Fire (Industrial)	Serious industrial fire in manufacturing, construction complexes within industrial land.	Possible	Moderate	High	FRNSW NSW RFS
Fire (Urban & Residential)	Serious commercial fires in shopping centre, mainstreets and adjoining residential housing, aged persons units, nursing homes and hospital.	Possible	Major	Extreme	FRNSW NSW RFS
Hazardous Chemical Release	Hazardous material released as a result of an incident or accident.	Possible	Moderate	High	FRNSW

Hazard	Risk Description	Likelihood Rating	Consequence Rating	Risk Priority	Combat / Responsible Agency
Heatwave	A sequence of abnormally hot conditions having the potential to affect a community adversely.	Possible	Major	Extreme	SEOCN
Storm	Severe storm with accompanying lightning, hail, wind, and/or rain that causes severe damage and/or localised flooding. (includes tornado)	Likely	Major	Extreme	NSW SES
Transport Emergency (Air)	Aircraft crashes in LGA resulting in large number of fatalities, injuries and/or damage to property.	Possible	Major	Extreme	LEOCON
Transport Emergency (Road)	A major vehicle accident that disrupts one or more major transport routes that can result in risk to people trapped in traffic jams, restrict supply routes and/or protracted loss of access to or from the area.	Possible	Major	Extreme	LEOCON
Transport Emergency (Rail)	A major accident that results in environmental damage and may close rail routes for up to a week.	Possible	Major	High	LEOCON / ARTC
Utilities Failure	Major failure of essential utility for unreasonable periods of time as a result of a natural or man-made occurrence.	Possible	Major	Extreme	LEOCON

8. DELIVERY

The key strategies and actions within the Blayney Shire Community Adverse Events Plan respond to the objectives of the plan to build community leadership capability and community resilience and capacity to adapt and cope with chronic stresses and acute shocks caused by adverse events.

These adverse events impact upon the productivity and profitability of the agricultural sector which is the main source of employment within Blayney Shire. When farming experiences a downturn, local services and businesses suffer as less money is spent locally. This may lead to unemployment, some businesses closing, fewer new employment opportunities and some people leaving the community to access employment elsewhere.

Adverse events also have significant social and environmental impacts. Stress affects health and wellbeing of the whole community. Farmland and natural areas can become degraded as a result of adverse events.

This plan is intended to assist the Council and the community to prepare for adverse events.

The support of Federal and State Governments is essential to this process, as Local Councils do not have the capacity to respond to the full extent required to prepare their communities for future adverse events.

The outcome of responding to the key strategies and objectives is a stronger rural community and stronger local economy.

Key Strategies and Actions

Blayney Shire Council has identified the following key strategies and actions in order to prepare for and manage adverse events that affect Blayney Shire. The key strategies and actions are presented within the Federal Government's priorities framework.

Priority	Key Strategies and Actions
Council staff are trained and prepared to assist in managing the impacts of adverse events	<ul style="list-style-type: none"> • Council staff have received training relevant to their area of work to assist and protect the community in adverse events
Council owned resources are well maintained to manage the impacts of adverse events on facilities	<ul style="list-style-type: none"> • Continue to maintain Council facilities including roads and buildings in accordance with Council's maintenance schedules to manage impacts of minor adverse events, including minor storm events through drainage work maintenance • Respond to major repairs incidents in accordance with Council works procedures, including road and building repairs
Stewardship of important natural resources	<ul style="list-style-type: none"> • Continue to support Crown Reserves • Support and encourage workshops and seminars organised by Government agencies, including Local Land Services to assist farmer and farm businesses, including feed and pest management • Actively manage water assets within Blayney Shire, including use of recycled water for irrigation purposes
Informing farmers, communities and government	<ul style="list-style-type: none"> • Promote the delivery of local project, programs and services to the community through a range of media sources, particularly through social media

Priority	Key Strategies and Actions
Improving planning and decision making	<ul style="list-style-type: none"> • Support awareness of, and encourage access to, the Rural Financial Counselling Service • Connect local people to relevant services through the Blayney Interagency and provide contact details for relevant organisation and service details through Councils social media and website • Support awareness of available Government assistance • Promote communication with local businesses to provide advice and work cooperatively with clients during times of adverse events • Provision of Council policy that allows for deferral of Council rates with no penalty for those landholders experiencing genuine hardship as a result of an adverse event, who have a good rates payment history.
Building community resilience	<ul style="list-style-type: none"> • Support continued advocacy by Councillors and the General Manager towards Federal and State Government members of parliament in the interests of the Blayney Shire Community • Support a proactive Council that is innovative and progressive in responding to opportunities to diversify the local economy and improve the provision of local infrastructure, facilities and services • Support capacity and resilience of individuals to support others through mental health training and counselling services • Actively pursue grant opportunities that benefit the Blayney Shire Community in the long term • Support local contractors, and support local businesses • Recognise the important role local community groups, Non-Government and Not for Profit Organisations have in accessing volunteer support and charitable activities by facilitating their involvement to deliver community based resilience programs and funding.

9. LOCAL SUB PLANS, SUPPORTING PLANS AND POLICIES

The plans listed below are supplementary to this Plan, which shall be considered in conjunction with other relevant plans and policies, including:

Plan/Policy	Purpose	Combat / Responsible Agency
Blayney Local Emergency Management Plan	Details arrangements for, prevention of, preparation for, response to and recovery from emergencies	Blayney Local Emergency Management Committee (LEMC)
Canobolas Zone Bushfire Risk Management Plan	Bush & Grass Fire Response Plan (EOC support in a Section 44 level event)	NSW Rural Fire Service
Blayney Local Flood Plan	EM arrangements for flood operations	NSW State Emergency Service/Blayney Shire Council
Blayney Local Disaster Plan	Ensure the coordinated response to emergencies by all agencies	Blayney Local Emergency Management Committee (LEMC)
Blayney Risk Management Policy	Document Council's commitment to adopting risk management principles	Blayney Shire Council
Blayney Shire Disaster Workforce Recovery and Continuity Business Plan	Provide a systematic approach for the management of a disaster to re-establish services and operations	Blayney Shire Council
Blayney Shire Council Community Engagement Strategy		Blayney Shire Council
Blayney Shire Council Media and Social Media Policy		Blayney Shire Council
Adopted:	Date:	
Lasted Reviewed:	Date:	
Next Reviewed:	Date:..	

03) PLANNING AGREEMENT - MCPHILLAMYS GOLD PROJECT

Department: Executive Services

Author: General Manager

CSP Link: 2. Local Governance and Finance

File No: ED.PJ.1

Recommendation:

That Council endorse the Draft Planning Agreement between LFB Resources NL and Blayney Shire Council, and place it with the Explanatory Note on public exhibition inviting public comment for 28 days.

Reason for Report:

For Council to consider and endorse the Draft Planning Agreement between LFB Resources NL (Regis Resources) and Blayney Shire Council; and place it with the Explanatory Note on public exhibition for 28 days, in accordance with NSW Department of Planning, Industry and Environment (DPIE) Planning Agreements Practice Note.

Report:

At the November 2018 meeting, Council authorised the General Manager to commence discussions with the view to negotiate a Planning Agreement for the McPhillamy's Gold Project.

Early meetings were held in early 2019 between the General Manager, Blayney Shire Council; and the Manager – Special Projects, Regis Resources; however negotiations were suspended during the EIS Public Exhibition period. Discussions were reinitiated in mid-2020 and the draft Planning Agreement (dated 21 October 2020) is now agreed to by both parties and required to be placed on public exhibition with an Explanatory Note.

Council has reaffirmed its position that any Planning Agreement should be executed between 2 partners only; being Regis Resources and Blayney Shire Council. Regis Resources have supported this view and agreed to the draft Planning Agreement as presented to Blayney Shire Council.

A Planning Agreement, is a voluntary agreement entered into by a planning authority (such as the Minister for Planning or Council) and a Developer. The NSW Government encourages Councils and developers to work with the community to ensure that the Planning Agreement provides a public benefit that relates to the development. Being a State Significant Development, Council does not receive the Development Application fees nor local Developer Contributions. The preparation of a Planning Agreement is used widely to negotiate between a Council and a proponent to deliver flexible infrastructure and public benefit outcomes where there is a connection between the development proposed and the community of interest.

Should the project be approved there are conditions of consent which are not appropriate, nor necessary to be included in the Planning Agreement. The closure of Dungeon Road for example will be subject to a negotiated sale to compensate Council for this asset. Further, the construction and sealing of the first 550m of Dungeon Road, as committed to by Regis Resources would be one of many conditions placed on the project, if it is approved.

The draft Planning Agreement and Explanatory Note, which follows this report must be placed on public exhibition for 28 days, inviting comment prior to formal execution and noting on Council's Planning Agreement Register at www.blayney.nsw.gov.au/development/voluntary-planning-agreements

The proposed Planning Agreement is between LFB Resources NL (Regis Resources) and Blayney Shire Council. It comprises of a monetary contribution, being 1% of the estimated total capital cost of the project paid over 15 years. Payments are proposed as follows;

- an initial sum of \$1 million; and
- annual payments of \$212,222 (subject to CPI or 2% adjustment whichever is the greater after the first annual payment).

In addition, Regis Resources have agreed to pay 1% per additional capital expended above the original capital cost of the Project, that is associated with any future development requiring modification subject to a Planning Agreement.

The Planning Agreement is effected only when Development Consent is granted for the Project, subject to;

1. The exhaustion or expiry of any appeal or legal proceedings (if any commenced); and
2. The Board of Regis giving final approval for the capital expenditure required for project.

Each year, Blayney Shire Council will determine how the monetary contributions are allocated and identify projects in the annual Operational Plan and 4-year Delivery Program. Funding will be allocated to a specific project or projects that meet Public Benefit outcomes; and improve social, sporting/recreation, environmental, economic and public amenity which are consistent with the strategies of the Blayney Shire Community Strategic Plan.

An allocation may also be provided towards increasing Council's existing Financial Assistance Program (FAP) and a representative from Regis Resources will be invited to be a member of Council's Financial Assistance Committee.

Eligible community groups will then be provided the opportunity to access financial support via the FAP for their local projects in July and January each year.

Council is required to acknowledge Regis Resources and the purpose to which the contributions under the Planning Agreement are applied, in its Annual Report.

Risk/Policy/Legislation Considerations:

The Minister for Planning, gave a direction that when negotiating or preparing a Planning Agreement, local Councils must have regard to the Secretary's Practice Note. This Practice Note, exhibition draft dated April 2020, replaces the Practice Note issued in July 2005 and whilst not specific to Mining Projects, parts 1, 4 and 5 provide guidance on the use, process and governance which is appropriate for all planning agreements.

Planning Agreements are established under Part 7 Division 7.1 Subdivision 2 of the Environmental Planning and Assessment Act 1979 (EP&A Act) which provides the legislative framework; and Part 4 Division 1A of the Environmental Planning and Assessment Regulation 2000 (the EP&A Regulation) which has further requirements relating to the making, amending and revocation of planning agreements, giving public notice and other procedural arrangements.

The draft Planning Agreement has been prepared in accordance with Council's Voluntary Planning Agreements Policy, adopted in May 2019. It has neither hindered nor influenced Council's support or otherwise; concerns and its position on matters relating to the proposal.

The details as outlined in the Explanatory Note has been shared with the McPhillamy's Gold Project Community Consultative Committee at the meeting held on 3 November.

Budget Implications:

Nil

Enclosures (following report)

- | | | |
|---|--------------------------|----------|
| 1 | Draft Explanatory Note | 2 Pages |
| 2 | Draft Planning Agreement | 18 Pages |

Attachments (separate document)

Nil

**Explanatory Note
Draft Planning Agreement – McPhillamys Gold Project**

Introduction

The purpose of this Explanatory Note is to provide a plain English summary to support the exhibition of a proposed Planning Agreement (the Planning Agreement) prepared under sub division 2 section 7.4 of the Environmental Planning and Assessment Act 1979 (the Act) and the NSW Planning Agreements Practice Note (DPIE, April 2020).

Parties

The parties to the Planning Agreement are:

1. LFB Resources NL (ABN 90 073 478 574) and
2. Blayney Shire Council (ABN 47 619 651 511).

Description of Subject Land

The Planning Agreement applies to land described in Appendix A "Schedule of Lands" to the Environmental Impact Statement. This Planning Agreement is not to be registered on the subject land titles.

Description of the Development

The Proponent, LFB Resources NL (Regis Resources) is seeking development consent for the construction and operation of the McPhillamys Gold Project, a greenfield open cut gold mine and associated water supply pipeline, near Blayney, in Central NSW.

The project comprises of 2 key components; the mine site where the ore will be extracted and processed and an associated water pipeline, which will deliver the supply of water from near Lithgow to the mine site.

If Development Consent is granted, the mining and ore processing operations will be carried out on land 8km from Blayney, which is within the Blayney Shire Council (the Council) local government area.

Summary of the Development

LFB Resources NL has offered, and Blayney Shire Council have agreed, to enter into this Planning Agreement under which LFB Resources NL will pay monetary contributions comprising;

- an initial sum of \$1,000,000; and
- annual payments of \$212,222, which, over 15 years, equates to approximately 1% of the estimated establishment capital cost of the Project (subject to CPI or 2% adjustment whichever is the greater after the first annual payment).

In addition, it is agreed that LFB Resources NL will pay a sum of 1% per additional capital expended above the original capital cost of the Project, that is associated with any future development requiring modification subject to a Planning Agreement.

The contributions required by the planning agreement will be provided when Development Consent is granted; subject to the exhaustion or expiry of any appeal or legal proceedings or appeal commenced; and the board of Regis Resources having finally approved the capital expenditure to carry out the Project.

**Explanatory Note
Draft Planning Agreement – McPhillamys Gold Project**

Assessment of Merits of the Planning Agreement

The Planning Purpose of the Planning Agreement

The Planning Agreement will benefit the public by making contributions to improve social, sporting/recreation, environmental, economic and public amenity outcomes within the Blayney Shire.

How the Planning Agreement Promotes the Objects of the Act

The Planning Agreement promotes the objects of the Environmental Planning and Assessment Act 1979 (NSW) in particular Clause 1.3(a) and 1.3(c).

How the Planning Agreement Promotes the Public Interest

The Planning Agreement will have a positive impact upon the Blayney Shire community by supporting improved outcomes that are in the public interest and benefit.

The Planning Agreement promotes the public interest by committing the Proponent to make contributions towards the improvement of social, sporting/recreation, environmental, economic and public amenity consistent with the strategies of the Blayney Shire Community Strategic Plan.

Each year, Blayney Shire Council will determine how the monetary contributions are allocated and identify a project/or projects via the public exhibition of the annual Operational Plan and 4-year Delivery Program.

Council will prepare a budget that may be provided for a specific project or projects and/or provided as additional funding towards Council's existing Financial Assistance Program (FAP).

Council will invite a representative from LFB Resources NL to be a member of Council's Financial Assistance Committee.

Eligible community groups which meet the funding guidelines, will be provided the opportunity to access financial support via the FAP for their local projects in July and January each year, as recommended by the FAP Committee and approved by Council.

Council will maintain records and will acknowledge the Monetary Contributions from LFB Resources and the purpose to which the contributions under this Planning Agreement are applied, in its Annual Report.

Requirements Relating to Certificate, Occupation Certificate or Subdivision Certificate

The Planning Agreement does not specify requirements that must be complied with prior to the issue of a Construction or Occupation Certificate.

21 October 2020

Planning Agreement

LFB Resources NL

ABN 90 073 478 574

and

Blayney Shire Council

ABN 47 619 651 511

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McPhillamys Gold Project

2020

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THIS AGREEMENT is made on 2020

BETWEEN:

- (1) **LFB Resources NL** ABN 90 073 478 574 whose registered office is at Level 2, 516 Hay Street, Subiaco WA 6008 (**LFB Resources**); and
- (2) **Blayney Shire Council** ABN 47 619 651 511 of 91 Adelaide Street, Blayney NSW 2799 (the **Council**).

RECITALS:

- (A) LFB Resources has applied for Development Consent under the EP&A Act to carry out the Project.
- (B) If Development Consent is granted, a large part of the Project will be carried out on land within the local government area of the Council.
- (C) LFB Resources has offered, and the parties have agreed, to enter into this Agreement under which:
 - (1) LFB Resources is required to pay monetary contributions comprising:
 - (i) an initial sum of \$1,000,000; and
 - (ii) annual payments of \$212,222 (subject to CPI or 2% adjustment whichever is the greater after the first annual payment),

which, over 15 years, equates to approximately 1% of the estimated establishment capital cost of the Project (subject to the adjustments after the first annual payment); and
 - (iii) a sum of 1% per additional capital expended above the original capital cost of the Project, that is associated with any future development requiring modification subject to Planning Agreement.
 - (2) Council is required to use or apply the monetary contributions for or towards a public purpose,

in accordance with and subject to the terms of this Agreement.

THE PARTIES AGREE AS FOLLOWS:

1. **INTERPRETATION**

1.1 **Definitions**

The following definitions apply in this document.

Agreement means this document as executed by the parties.

Appeal Right means a right to appeal against, or commence judicial review proceedings in respect of, a decision to grant Development Consent, including to appellate courts in relation to any such decision made by a court.

Business Day means:

- (a) for determining when a notice, consent or other communication is given, a day that is not a Saturday, Sunday or public holiday in the place to which the notice, consent or other communication is sent; and
- (b) for any other purpose, a day (other than a Saturday, Sunday or public holiday) on which banks are open for general banking business in Sydney.

Development Application means the State significant development application for consent under the EP&A Act to carry out the Project, being application number SSD 9505.

Development Consent means consent granted under Part 4 of the EP&A Act to carry out the Project, as may be modified from time to time.

Dispute means any dispute or difference between the parties arising out of, relating to or in connection with this Agreement, including any dispute or difference as to the formation, validity, existence or termination of this Agreement.

CP Satisfaction Date means the date by which all conditions in clause 3.1 are satisfied.

EIS means the McPhillamys Gold Project: Environmental Impact Statement prepared by EMM Consulting Pty Ltd for LFB Resources dated 27 August 2019, including appendices.

EP&A Act means the *Environmental Planning and Assessment Act 1979* (NSW).

EP&A Regulation means the *Environmental Planning and Assessment Regulation 2000* (NSW).

Government Agency means:

- (a) a government or government department or other body, including the Independent Planning Commission of New South Wales;
- (b) a governmental, semi-governmental or judicial person including a statutory corporation; or
- (c) a person (whether autonomous or not) who is charged with the administration of a law.

Land means the land described in Appendix A "Schedule of Lands" to the EIS.

Mining Operations includes the removal of overburden, extraction, processing, treatment, handling and storage of ore, and transportation of product gold, and the construction, operation and decommissioning of associated works, including the rehabilitation of land affected by mining.

Monetary Contributions means the amounts of money paid by LFB Resources to the Council in accordance with clause 5.

Project means the McPhillamys Gold Project described in the EIS and as amended by any further document submitted by or on behalf of LFB Resources to any Government Agency in connection with the Development Application.

Public Purpose has the same meaning as in section 7.4(2) of the EP&A Act.

Tax means a tax, levy, duty, charge, deduction or withholding, however it is described, that is imposed by law or by a Government Agency, together with any related interest, penalty, fine or other charge.

1.2 Rules for interpreting this document

Headings are for convenience only, and do not affect interpretation of this document. The following rules also apply in interpreting this document, except where the context makes it clear that a rule is not intended to apply.

- (a) A reference to:
 - (i) a legislative provision or legislation (including subordinate legislation) is to that provision or legislation as amended, re-enacted or replaced, and includes any subordinate legislation issued under it;
 - (ii) a document (including this document) or agreement, or a provision of a document (including this document) or agreement, is to that document, agreement or provision as amended, supplemented, replaced or novated;
 - (iii) a party to this document or to any other document or agreement includes a successor in title, permitted substitute or a permitted assign of that party;
 - (iv) a person includes any type of entity or body of persons, whether or not it is incorporated or has a separate legal identity, and any executor, administrator or successor in law of the person; and
 - (v) anything (including a right, obligation or concept) includes each part of it.
- (b) A singular word includes the plural, and vice versa.
- (c) A word which suggests one gender includes the other genders.
- (d) If a word or phrase is defined, any other grammatical form of that word or phrase has a corresponding meaning.
- (e) If an example is given of anything (including a right, obligation or concept), such as by saying it includes something else, the example does not limit the scope of that thing.

1.3 **Non Business Days**

If the day on or by which a person must do something under this document is not a Business Day:

- (a) if the act involves a payment that is due on demand, the person must do it on or by the next Business Day; and
- (b) in any other case, the person must do it on or by the previous Business Day.

1.4 **The rule about "contra proferentem"**

This document is not to be interpreted against the interests of a party merely because that party proposed this document or some provision in it or because that party relies on a provision of this document to protect itself.

2. **NATURE OF THIS AGREEMENT AND APPLICATION OF THE EP&A ACT**

2.1 **Voluntary planning agreement**

- (a) This Agreement is a voluntary planning agreement made in accordance with and for the purpose of Part 7 of the EP&A Act, including as set out in Schedule 1.
- (b) This Agreement relates to and applies in respect of the Project and the Land.

2.2 Application of sections 7.11, 7.12 or 7.24 of the EP&A Act

- (a) This Agreement does not exclude the application of sections 7.11, 7.12 or 7.24 of the EP&A Act to the Project.
- (b) The consent authority must take into consideration the monetary benefits provided under this Agreement in determining a development contribution in respect of the Project under section 7.11 of the EP&A Act.
- (c) The consent authority must also, to the extent required or permitted by law, take into consideration the monetary benefits provided under this Agreement in determining any other development contribution or levy in respect of the Project.

2.3 Registration on title

This Agreement must not be lodged for registration or registered as provided for in section 7.6 of the EP&A Act.

2.4 No fetter

Nothing in this Agreement shall be construed as requiring the Council to do anything that would cause it to be in breach of any of its obligations at law and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty by Council.

2.5 Explanatory note

The explanatory note prepared and publicly exhibited in accordance with clause 25E of the EP&A Regulation must not be used to assist in construing this Agreement.

3. CONDITIONS PRECEDENT**3.1 Conditions**

Clauses 5 (Monetary Contributions), 6 (Use of Monetary Contributions) and 7 (Security) do not become binding unless and until:

- (a) Development Consent is granted, and remains in force;
- (b) all Appeal Rights in relation to the Development Consent have been exhausted, or have expired without any such proceedings or appeal being commenced; and
- (c) the board of Regis Resources Limited (ACN 009 174 761) has finally approved the capital expenditure to carry out the Project.

3.2 LFB Resources' obligations

LFB Resources must:

- (a) keep the Council informed of any circumstances which may result in any of the conditions in clause 3.1 not being satisfied in accordance with its terms; and
- (b) notify the Council in writing of the CP Satisfaction Date within 14 days after the CP Satisfaction Date.

4. TERM**4.1 Term of this agreement**

Subject to clause 3, the rights and obligations under this Agreement:

- (a) start on the date by which all parties have executed this document; and
 - (b) end on the earlier of:
 - (i) a termination date agreed in writing by the parties in accordance with clause 9;
- the date on which Mining Operations associated with the Project permanently cease (the **End Date**).

4.2 **Notification of early End Date**

If Mining Operations will permanently cease on a date earlier than 15 years from the CP Satisfaction Date, then LFB Resources must:

- (i) give the Council 30 days' written notice of the End Date under clause 0; and
- (ii) negotiate the payment of the total annual payments remaining unpaid to 15 years.

5. **MONETARY CONTRIBUTIONS**

5.1 **GST**

The monetary contributions are not subject to GST

5.2 **Definition of CPI**

In this clause, **CPI** means the Consumer Price Index (All Groups Index) for Sydney published by the Australian Bureau of Statistics. If the CPI no longer exists, it means an index that the President of the Law Society of New South Wales decides reflects changes in the cost of living in Australia.

5.3 **Initial contribution**

LFB Resources must pay \$1,000,000 to the Council within 30 days after the CP Satisfaction Date.

5.4 **Annual contribution**

- (a) LFB Resources must pay \$212,222 to the Council within 30 days before each anniversary of the CP Satisfaction Date, for the term of this Agreement.
- (b) Each payment made to the Council under this clause 5.4 after the first anniversary of the CP Satisfaction Date must be indexed annually by 2% or; in accordance with the percentage change to the CPI last published for the quarter prior to the relevant anniversary of the CP Satisfaction Date from the CPI last published for the quarter 12 months prior to the relevant anniversary of the CP Satisfaction Date; whichever is the greater.

5.5 **Review of annual contribution**

- (a) If Mining Operations associated with the Project are authorised to be carried out for a period that extends beyond 15 years from the CP Satisfaction Date, then the parties must review the annual amount payable under clause 5.4 and negotiate, in good faith, such further monetary or other contribution that the parties (in their absolute discretion) consider fair and reasonable in the circumstances.

- (b) Such further monetary or other contribution must be the subject of further written agreement between the parties or a variation to this agreement in accordance with clause 8 and the EP&A Act.

6. USE OF MONETARY CONTRIBUTIONS

6.1 Use of Monetary Contributions by the Council

The Council must use or apply the Monetary Contributions for or towards a Public Purpose, as determined by Council for local community infrastructure projects that benefit social, sporting/recreation, environmental, economic and public amenity that are consistent with the Blayney Shire Community Strategic Plan.

This may be via direct budget allocation in the Operational Plan for a specific project and/or providing additional funding towards Council's Financial Assistance Program.

6.2 Reporting on the use of Monetary Contributions

The Council must keep records regarding its use or application of the Monetary Contributions and, within 30 days of receiving a written request from LFB Resources, give LFB Resources a report:

- (a) setting out the Monetary Contributions received from LFB Resources; and
- (b) setting out and evidencing the purposes for or towards which any amount of the Monetary Contributions has been or is proposed to be used or applied; and
- (c) if any amount of the Monetary Contributions is used for or applied towards the monitoring of the planning impacts of the development or the conservation or enhancement of the natural environment, then explaining the findings and outcomes of such monitoring or conservation or enhancement initiative.

Council will acknowledge the Monetary Contributions from LFB Resources and the purpose to which the contributions under this Agreement are applied, in its Annual Report.

Council will invite a representative from LFB Resources to be a member of Council's Financial Assistance Committee.

7. SECURITY

7.1 Bank guarantee

Within 14 days after the CP Satisfaction Date, LFB Resources must give the Council a bank guarantee. The bank guarantee must:

- (a) be issued by a financial institution holding a then current authorisation under a law of the Commonwealth to carry on banking business in Australia;
- (b) contain an unconditional and irrevocable undertaking to pay the Council on demand;
- (c) be for the amount of up to \$212,222; and
- (d) not have an expiry date or not expire earlier than six months after the End Date.

7.2 Call on bank guarantee

If

- (a) LFB Resources breaches clause 5; and

- (b) the Council serves written notice of the breach on LFB Resources; and
- (c) LFB Resources does not rectify the breach within 30 days of receiving Council's notice,

then, after the expiration of that 30 days, Council may demand payment from the bank under the bank guarantee the amount of money then due and payable by LFB Resources under clause 5 in respect of which 30 days' written notice has been served on LFB Resources.

7.3 **Additional or replacement bank guarantee**

If

- (a) the Council calls on the bank guarantee in whole or in part in accordance with clause 7.2, or
- (b) without limiting clause 7.1(d), the bank guarantee is due to expire in less than six months,

then LFB Resources must give the Council an additional or replacement bank guarantee which complies with the requirements of clause 7.1 so that the Council holds one or more bank guarantees in an aggregate amount of not less than \$212,222.

7.4 **Return of bank guarantee**

- (a) The Council must return the bank guarantee and any additional or replacement bank guarantee to LFB Resources within the later of:
 - (i) 30 days after the End Date; or
 - (ii) 30 days after the date on which the last payment under clause 5 is made.
- (b) This clause 7.4 survives the expiry or termination of this Agreement.

8. **AMENDMENT AND ASSIGNMENT**

8.1 **Amendment**

This document can only be amended or replaced by another document executed by the parties.

8.2 **Assignment**

A party may only assign, encumber, declare a trust over or otherwise deal with its rights under this Agreement with the written consent of each other party.

9. **TERMINATION**

The parties may, by agreement in writing, terminate this document with effect from the date agreed by the parties.

10. **COVENANT ON SALE**

- (a) If LFB Resources sells, transfers or otherwise disposes of its interest in the Project during the term of this Agreement, LFB Resources must obtain from the proposed purchaser, transferee or donee a deed of covenant in favour of the Council that provides that:

- (i) the purchaser, transferee or disponee covenants to be bound by the terms of this Agreement, including this clause 10, as if the purchaser, transferee or disponee was LFB Resources and had executed this Agreement with the Council; and
 - (ii) contains a clause to the effect that such purchaser, transferee or disponee will require any purchaser, transferee or disponee from them and any subsequent purchaser, transferee or disponee to execute a similar deed of covenant in favour of the Council to ensure the continuance of this clause.
- (b) LFB Resources is released from its obligations to the Council under this Agreement when the purchaser, transferee or disponee executes the deed referred to in paragraph (a).

11. DISPUTE RESOLUTION

11.1 Definitions

The following definitions apply in this clause 11.

Claim means, in relation to a person, any claim, allegation, cause of action, proceeding, Liability, suit or demand made against the person concerned however it arises and whether it is present or future, fixed or unascertained, actual or contingent.

Dispute means any dispute, controversy or Claim arising out of, relating to or in connection with this document, including any question regarding its validity, existence or termination.

LFB Resources' Senior Management Representative means the General Manager Operations McPhillamys Gold Mine, or if that position does not exist, a position of equivalent seniority or higher.

The Council's Senior Management Representative means the General Manager of the Council, or if that position does not exist, a position of equivalent seniority or higher.

Senior Management Representatives means LFB Resources' Senior Management Representative and the Council's Senior Management Representative.

11.2 Application

Any Dispute must be determined in accordance with the procedure in this clause 11.

11.3 Negotiation

- (a) If any Dispute arises, a party may by giving notice to the other party to the Dispute (**Dispute Notice**) refer the Dispute to the Senior Management Representatives for resolution. The Dispute Notice must:
- (i) be in writing;
 - (ii) state that it is given pursuant to this clause 11.3;
 - (iii) include or be accompanied by reasonable particulars of the Dispute including:
 - (A) a brief description of the circumstances in which the Dispute arose;
 - (B) references to any:
 - (aa) provisions of this document;

- (bb) acts or omissions of any person,
relevant to the Dispute;
- (C) where applicable, the amount in dispute and if not precisely known,
the best estimate available.
- (b) Within 20 Business Days of the giving of the Dispute Notice (**Resolution Period**),
the Senior Management Representative from each of the parties must meet at least
once to attempt to resolve the Dispute. The parties must not delegate the function
of the Senior Management Representative to any other person.
- (c) The Senior Management Representatives may meet more than once to resolve a
Dispute. The Senior Management Representatives may meet in person, via
telephone, videoconference, internet-based instant messaging or any other agreed
means of instantaneous communication to effect the meeting.
- (d) Each party warrants that their Senior Management Representative has full authority
to resolve any Dispute.

11.4 **Mediation**

- (a) If the Dispute is not resolved during the Resolution Period, a party may by giving
notice to the other party (**Mediation Notice**) refer the Dispute to mediation for
resolution.
- (b) The Mediation Notice must:
 - (i) be in writing;
 - (ii) state that it is given pursuant to this clause 11.4;
 - (iii) include or be accompanied by reasonable particulars of the Dispute including:
 - (A) a brief description of the circumstances in which the Dispute arose;
 - (B) references to any:
 - (aa) provisions of this document;
 - (bb) acts or omissions of any person,
relevant to the Dispute;
 - (C) where applicable, the amount in dispute (whether monetary or any
other commodity) and if not precisely known, the best estimate
available; and
 - (D) the outcomes of the Resolution Period, including any narrowing of
issues in Dispute.
- (c) If a Mediation Notice is given, the parties must attempt to resolve the dispute by
engaging in mediation in accordance with, and subject to, the Resolution Institute
Mediation Rules and endeavour to settle the Dispute by mediation within 30 Business
Days of the giving of the Mediation Notice or such further period as the parties may
agree in writing (**Mediation Period**),
- (d) The mediation will be administered by the Resolution Institute.

- (e) The parties must enter into an agreement with the appointed mediator on such terms as the parties and the mediator may agree (**Mediation Agreement**), or failing agreement, on terms reasonably requested by the mediator, provided those terms do not conflict with this clause 11.4.
- (f) The parties must not withhold agreement to any reasonable fees and disbursements the mediator requests to be set out in the Mediation Agreement.
- (g) The mediation will take place at a location to be agreed by the parties acting reasonably.

11.5 **Condition precedent to litigation**

Subject to clause 11.7, a party must not commence legal proceedings in respect of a Dispute unless:

- (a) a Mediation Notice has been given; and
- (b) the Mediation Period has expired.

11.6 **Continuance of performance**

Despite the existence of a Dispute, the parties must continue to perform their respective obligations under this document.

11.7 **Summary or urgent relief**

Nothing in this clause 11 will prevent a party from instituting proceedings to seek urgent injunctive, interlocutory or declaratory relief in respect of a Dispute.

11.8 **Survive termination**

This clause 11 survives the expiry or termination of this document.

12. **NOTICES**

12.1 **Notices**

- (a) A notice, consent or other communication under this document is only effective if it is in writing, signed and either left at the addressee's address or sent to the addressee by mail, fax or email.
- (b) A notice, consent or other communication that complies with this clause is regarded as given and received:
 - (i) if it is delivered, when it has been left at the addressee's address;
 - (ii) if it is sent by mail, three Business Days after it is posted;
 - (iii) if it is sent by fax, when the addressee actually receives it in full and in legible form; and
 - (iv) if it is sent in electronic form when the sender receives confirmation on its server that the message has been transmitted
 - (A) if it is transmitted by 5.00 pm (Sydney time) on a Business Day – on that Business Day; or

(B) if it is transmitted after 5.00 pm (Sydney time) on the Business Day, or on a day that is not a Business Day – on the next Business Day.

(c) A person's addresses and fax number are those set out below, or as the person notifies the sender:

LFB Resources

Address: Level 2/516 Hay Street, Subiaco, WA 6008
 Email Address: nsw_enquiries@regisresources.com
 Attention: The General Manager Operations McPhillamys Gold Mine

The Council

Address: 91 Adelaide Street, Blayney NSW 2799
 Email Address: council@blayney.nsw.gov.au
 Attention: The General Manager

13. **PAYMENTS**

13.1 **How payments must be made**

- (a) LFB Resources must make each payment to the Council under this document by delivering an unendorsed bank cheque to the Council at the place, or by direct transfer of immediately available funds to the credit of the account, that the Council nominates at least one Business Day before the payment is made.
- (b) LFB Resources must make each payment to the Council under this document without any set-off or counterclaim or any other deduction and (to the extent permitted by law) free and clear of, and without deduction or withholding for or on account of, any Taxes or GST.

13.2 **Deductions and withholdings**

If at any time an applicable law obliges LFB Resources to make a deduction or withholding in respect of Taxes from a payment to the Council under this document, LFB Resources must:

- (a) notify the Council of the obligation promptly after LFB Resources becomes aware of it;
- (b) ensure that the deduction or withholding does not exceed the minimum amount required by law; and
- (c) pay to the relevant Government Agency on time the full amount of the deduction or withholding and promptly deliver to the Council a copy of any receipt, certificate or other proof of payment.

13.3 **Currency of payments**

LFB Resources must pay each amount required to be paid by it under this Agreement in Australian dollars.

14. **GOODS AND SERVICES TAX**

14.1 **Definitions**

(a) In this clause 14:

GST includes:

- (i) any additional tax, penalty, fine, interest or other charge relating to GST; and
- (ii) an amount an entity is notionally liable to pay as GST or an amount which is treated as GST under the GST Law.

GST Law means the same as "GST law" means in the *A New Tax System (Goods and Services Tax) Act 1999* (Cth).

- (b) Interpretation

Terms defined in the GST Law have the same meaning in this clause 14 unless the context otherwise requires.

14.2 **GST pass on**

If GST is or will be payable by the supplier or the representative member of the GST group of which the supplier is a member on a supply made under or in connection with this document, to the extent that the consideration otherwise provided for that supply under this document is not stated to include an amount in respect of GST on the supply:

- (a) the consideration otherwise provided for that supply under this document is increased by the amount of that GST; and
- (b) the recipient must make payment of the increase as and when the consideration otherwise provided for, or relevant part of it, must be paid or provided or, if the consideration has already been paid or provided, within seven days of receiving a written demand from the supplier.

14.3 **Later adjustment to price or GST**

If the amount of GST on a supply is or should be different from the amount in respect of GST already recovered by the supplier, as appropriate, the supplier:

- (a) may recover from the recipient the amount by which the amount of GST on the supply exceeds the amount already recovered by giving seven days written notice; or
- (b) must refund to the recipient the amount by which the amount already recovered exceeds the amount of GST on the supply; and
- (c) must issue an adjustment note or tax invoice reflecting any adjustment event in relation to the supply to the recipient within 28 days of the adjustment event except where the recipient is required to issue an adjustment note or tax invoice in relation to the supply.

14.4 **Tax invoices / adjustment notes**

The right of the supplier to recover any amount in respect of GST under this document on a supply is subject to the issuing of the relevant tax invoice or adjustment note to the recipient except where the recipient is required to issue the tax invoice or adjustment note.

14.5 **Change in the GST Law**

If the GST Law changes after the date of this document to change the amount of GST on a supply that would have applied at the date of this document, any consideration that expressly includes GST must be adjusted to reflect the change in the GST Law.

14.6 **Reimbursements / Indemnities**

- (a) Costs actually or estimated to be incurred or revenue actually or estimated to be earned or lost by a party that is required to be reimbursed or indemnified by another party or used as the basis for calculation of consideration for a supply under this document must exclude the amount of GST referable to the cost to the extent to which an entitlement arises or would arise to claim an input tax credit and in relation to revenue must exclude any amount in respect of GST referable to the revenue.
- (b) The parties each indemnify the other against all GST, and losses, liabilities and expenses (including legal liabilities on a full indemnity basis) that the other incurs (directly or indirectly) as a result of a breach of a warranty or other provision in this document relating to GST.

15. **GENERAL**

15.1 **Governing law**

- (a) This document and any dispute arising out of or in connection with the subject matter of this document is governed by the laws of the State of New South Wales.
- (b) Each party submits to the exclusive jurisdiction of the courts of that State and courts of appeal from them, in respect of any proceedings arising out of or in connection with the subject matter of this document.

15.2 **Operation of this Agreement**

- (a) This Agreement contains the entire agreement between the parties about its subject matter. Any previous understanding, agreement, representation or warranty relating to that subject matter is replaced by this Agreement and has no further effect.
- (b) Any provision of this document which is unenforceable or partly unenforceable is, where possible, to be severed to the extent necessary to make this document enforceable, unless this would materially change the intended effect of this document.

15.3 **Costs**

Each party is to bear its own costs of negotiating and entering this Agreement.

15.4 **Counterparts**

This document may be executed in counterparts. Delivery of a counterpart of this document by email attachment or fax constitutes an effective mode of delivery.

SCHEDULE 1**Compliance of this Agreement with the requirements of section 7.4(3) of the EP&A Act**

	Section	Requirement	Clause of this Agreement
1	7.4(3)(a)	A description of the land to which the agreement applies	Clause 1.1 definitions of Land and EIS Clause 2.1(b)
2	7.4(3)(b)(i)	A description of the change to the environmental planning instrument to which this agreement applies	Not applicable
3	7.4(3)(b)(ii)	A description of the development to which the agreement applies	Clause 1.1 definition of Project and EIS Clause 2.1(b)
4	7.4(3)(c)	The nature and extent of the provision to be made by the developer under the agreement, the time or times by which the provision is to be made and the manner by which the provision is to be made	Clauses 5 and 13
5	7.4(3)(d)	In the case of development, whether the agreement excludes (wholly or in part) or does not exclude the application of section 7.11, 7.12 or 7.24 to the development	Clause 2.2(a)
6	7.4(3)(e)	If the agreement does not exclude the application of section 7.11 to the development, whether benefits under the agreement are or are not to be taken into consideration in determining a development contribution under section 7.11	Clause 2.2(b)
7	7.4(3)(f)	A mechanism for the resolution of disputes under the agreement	Clause 11
8	7.4(3)(g)	The enforcement of the agreement by a suitable means, such as the provision of a bond or guarantee, in the event of a breach of the agreement by the developer	Clause 7

EXECUTED as an agreement.

Each person who executes this document on behalf of a party under a power of attorney declares that he or she is not aware of any fact or circumstance that might affect his or her authority to do so under that power of attorney.

EXECUTED by LFB RESOURCES NL:

Signature of director

Name

Signature of director/secretary

Name

EXECUTED by BLAYNEY SHIRE COUNCIL:

The Common Seal of Blayney Shire Council was here unto affixed in the presence of as per Council Resolution No: _____ Dated: _____

Signature of Mayor

Name

Signature of General Manager

Name

Signature of witness

Name

Signature of witness

Name

04) REPORT OF COUNCIL INVESTMENTS AS AT 31 OCTOBER 2020

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 31 October 2020 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

Reason for Report:

For Council to endorse the Report of Council Investments as at 31 October 2020.

Report:

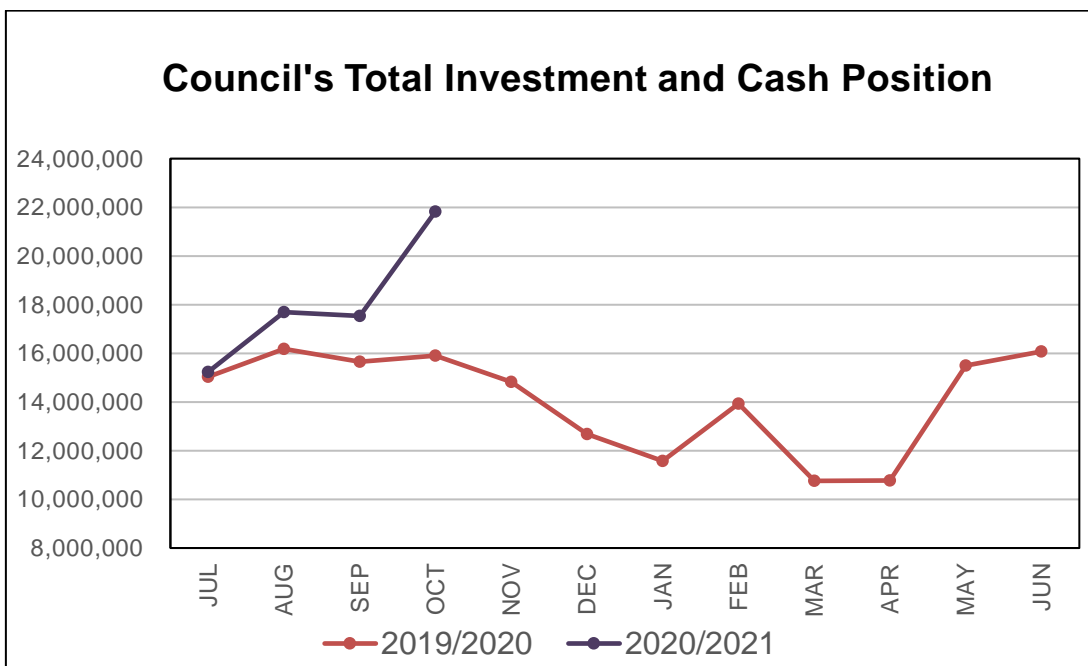
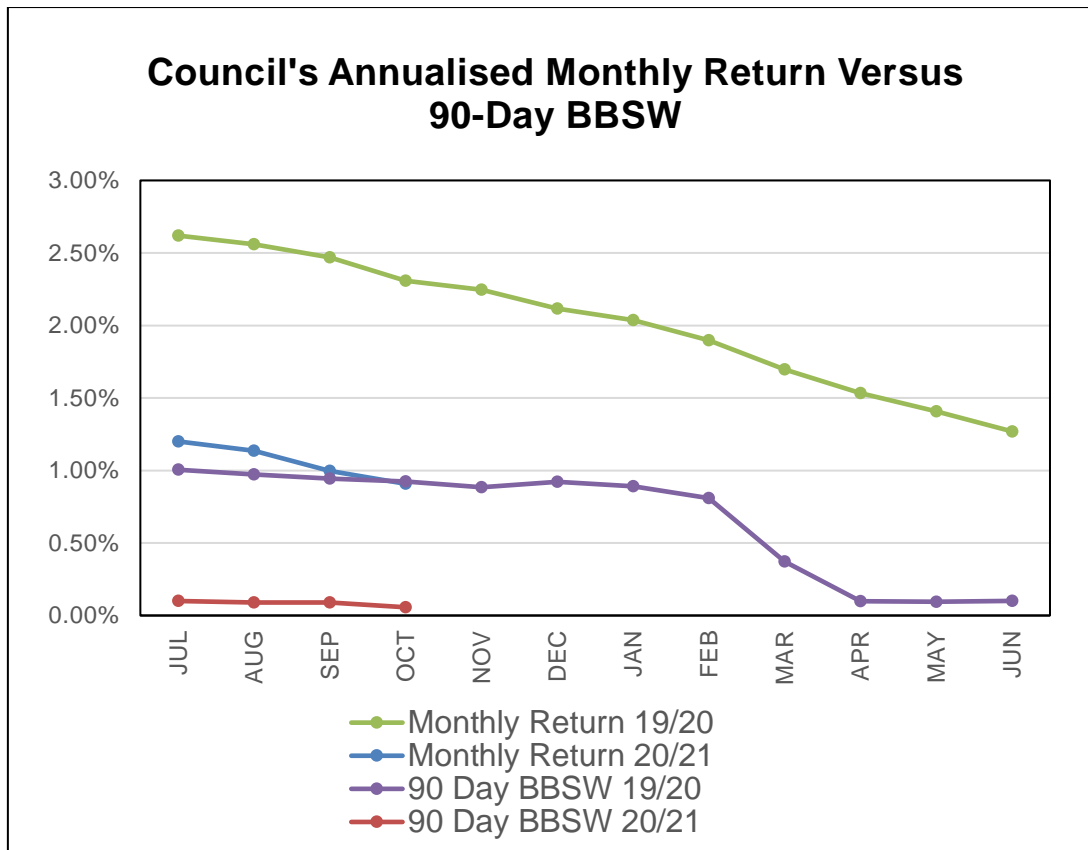
This report provides details of Council's Investment Portfolio as at 31 October 2020.

Council's total investment and cash position as at 31 October 2020 is \$21,828,722. Investments earned interest of \$12,670 for the month of October 2020.

The total investment and cash position is at an inflated level when compared to the prior year due to the advance payment of the remaining 3 instalments by Council's largest ratepayer totalling \$3.4m at the end of October. These funds will be invested to coincide with the instalment due dates to ensure ongoing effective cash flow management.

Additionally Council received an advance payment of \$1.3m for the Carcoar Street Rehabilitation project. This project is only anticipated to be 50% completed by 30 June with \$373k anticipated to be a restricted unexpended grant at year end.

Council's monthly net return on Term Deposits annualised for October of 0.91% outperformed the 90 day Bank Bill Swap Rate of 0.06%.



REGISTER OF INVESTMENTS AND CASH AS AT 31 OCTOBER 2020				
Institution	Rating	Maturity	Amount \$	Interest Rate
CBA	A1+/AA-	11/11/2020	500,000	0.720%
NAB	A1+/AA-	17/11/2020	500,000	0.970%
Macquarie Bank	A1/A+	24/11/2020	500,000	1.550%
Macquarie Bank	A1/A+	01/12/2020	500,000	0.850%
NAB	A1+/AA-	08/12/2020	500,000	0.960%
NAB	A1+/AA-	12/01/2021	500,000	0.960%
NAB	A1+/AA-	26/01/2021	500,000	0.850%
NAB	A1+/AA-	09/02/2021	500,000	0.830%
NAB	A1+/AA-	23/02/2021	500,000	0.770%
MyState Bank Ltd	A2/BBB	02/03/2021	500,000	1.650%
AMP Bank	A2/BBB	16/03/2021	500,000	1.800%
Macquarie Bank	A1/A+	23/03/2021	500,000	0.850%
Bank of Queensland	A2/BBB+	30/03/2021	500,000	1.050%
CBA	A1+/AA-	13/04/2021	500,000	0.610%
CBA	A1+/AA-	27/04/2021	500,000	0.610%
NAB	A1+/AA-	11/05/2021	500,000	0.970%
NAB	A1+/AA-	25/05/2021	500,000	1.000%
Westpac	A1+/AA-	01/06/2021	500,000	0.940%
Westpac	A1+/AA-	08/06/2021	500,000	0.940%
Westpac	A1+/AA-	22/06/2021	500,000	0.980%
CBA	A1+/AA-	06/07/2021	500,000	0.680%
CBA	A1+/AA-	20/07/2021	500,000	0.680%
AMP Bank	A2/BBB	03/08/2021	500,000	0.800%
Westpac	A1+/AA-	17/08/2021	500,000	0.770%
NAB	A1+/AA-	31/08/2021	500,000	0.750%
CBA	A1+/AA-	14/09/2021	500,000	0.700%
CBA	A1+/AA-	28/09/2021	500,000	0.700%
CBA	A1+/AA-	12/10/2021	500,000	0.640%
CBA	A1+/AA-	19/10/2021	500,000	0.570%
NAB	A1+/AA-	26/10/2021	500,000	0.550%
CBA	A1+/AA-	02/11/2021	500,000	0.570%
Total Investments			15,500,000	0.880%
Commonwealth Bank - At Call Account ⁽¹⁾			5,505,891	0.450%
Commonwealth Bank Balance - General ⁽¹⁾			1,332,831	0.100%
TOTAL INVESTMENTS & CASH			17,538,916	
Benchmarks:	BBSW 90 Day Index ⁽¹⁾			0.057%
	RBA Cash Rate ⁽¹⁾			0.250%

1. % Interest rates as at end of reporting period

Summary of Investment Movements - October 2020		
Financial Institution	Investment/(Recall) Amount \$	Commentary
Auswide	(504,215)	Term Deposit Matured 01/09/2020
CBA	500,000	New Term Deposit 14/10/2020
NAB	(502,593)	Term Deposit Matured 27/10/2020
NAB	500,000	Term Deposit Reinvested 27/10/2020
CBA	500,000	New Term Deposit 29/10/2020
CBA	500,000	New Term Deposit 29/10/2020

Long Term Credit Rating (or Moody's, Fitch, S&P or Equivalent)	Policy Maximum	Current Holding %	Current Holding \$
TCorp IM Funds	100%	0%	-
AAA – AA Category	100%	77%	12,000,000
A- Category	40%	10%	1,500,000
BBB+ Category ⁽²⁾	30%	3%	500,000
BBB Category ⁽²⁾	10%	10%	1,500,000
BBB- Category and below: Local ⁽³⁾ ADI's	5%	0%	-
			15,500,000

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

3. ADI's located within the Local Government Area

Individual Institution Limit	Rating	Policy Maximum	Current Holding
AMP Bank	A2/BBB	500,000	1,000,000
Bank of Queensland	A2/BBB+	1,000,000	500,000
CBA	A1+/AA-	5,000,000	5,000,000
Macquarie Bank	A1/A+	3,000,000	1,500,000
MyState Bank Ltd	A2/BBB+	500,000	500,000
NAB	A1+/AA-	5,000,000	5,000,000
Westpac	A1+/AA-	5,000,000	2,000,000

RESTRICTED CASH, CASH EQUIVALENTS & INVESTMENTS			
	Actual 30/06/2019 \$ 000's	Forecast 30/06/2020 ⁽⁴⁾ \$ 000's	Forecast 30/06/2021 \$ 000's
External Restrictions	9,713	9,304	8,197
Internal Cash Restrictions	6,777	6,391	5,382
TOTAL RESTRICTED ASSETS	16,490	15,695	13,579

4. 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.

As indicated previously, AMP's credit rating has been downgraded from BBB+ to BBB. Council is within our policy limits for the BBB category, however Council is outside the Individual Institution limit for AMP until the next maturity in March. Council will transition to compliance as investments fall due.

Budget Implications:

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

Enclosures (following report)

Nil

Attachments (separate document)

Nil

05) QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2020

Department: Corporate Services

Author: Chief Financial Officer

CSP Link: 2. Local Governance and Finance

File No: FM.BU.1

Recommendation:

1. That the Quarterly Budget Review Statement for the quarter ending 30 September 2020 be received.
2. That the supplementary votes of \$1.25m (nett) proposed in the Quarterly Budget Review Statement be adopted, resulting in an increase to operating expenditure of \$702k, an increase of capital expenditure of \$2.32m and an increase in income of \$1.76m that includes capital income variations of \$1.92m.

Reason for Report:

For Council to endorse the Quarterly Budget Review Statement (QBRS) for the quarter ending 30 September 2020.

Report:

The budget review statement must show, by reference to the estimate of income and expenditure set out in the Operational Plan adopted by Council, a revised estimate of the income and expenditure for the year. The budget review statement must also be accompanied by a report as to whether or not the Responsible Accounting Officer believes that the financial position of the council is satisfactory, having regard to the original estimates of income and expenditure.

The NSW Office of Local Government (OLG) developed a set of minimum requirements for reporting the financial position of Council, to facilitate explanations and major variations and recommend changes to the budget for Council approval. The report as tabled satisfies this minimum disclosure.

The QBRS reports the Council Consolidated position combining General and Sewer Funds and is composed of, but not limited to, the following budget review components:

- A statement by the Responsible Accounting Officer on Council's financial position at the end of the year based on the information in the QBRS;
- Summary of Operational, Capital, Net and Restricted cash positions **(QBRS: Part 1)**
- Income and Expenses (Operational) Budget Review Statement in the following formats:
 - by income and expense type including capital grants and contributions **(QBRS: Part 2)**

- by function / activity to align with the operational plan including capital grants and contributions **(QBRs: Part 4)** and further detailed, excluding capital grants and contributions **(QBRs: Part 4A)**
- Capital Expenditure and Funding Budget Review **(QBRs: Part 3)** and further detailed **(QBRs: Part 5)**
- Recommended changes to revised budget with commentary for Operational Income and Expenditure **(QBRs: Part 6)** and Capital **(QBRs: Part 7)**
- Budget Review Cash and Investments position **(QBRs: Part 8)** and narrative **(QBRs: Part 9)**
- Budget Review Key Performance Indicators **(QBRs: Part 10)**
- Contracts Budget Review Statement **(QBRs: Part 11)** and narrative **(QBRs: Part 12)**
- Consultancy & Legal Expenses Overview **(QBRs: Part 13)**
- Loans summary **(QBRs: Part 14)**.

The purpose of the quarterly budget review is to act as a barometer of Council's financial health during the year and disclose Council's overall financial health position. It is also a means to ensure Council meets its objectives, targets and outcomes as set out in its Operational Plan.

The attached report provides a detailed review of Council's 2020/21 Budget Review covering the September 2020 quarter.

Risk/Policy/Legislation Considerations:

Clause 203 of the Local Government (General) Regulation 2005 requires that the Responsible Accounting Officer of a council prepare and submit to Council a budget review statement. The format as presented reports on an income and expense type, in a similar format to that included in the annual financial reports, as well as by Council activity and helps to inform Council on the anticipated Income Statement operating result for the financial year. Other information is also disclosed including budgeted capital income and expenditure; restricted cash movements and key performance indicators.

Whilst the sizeable increase in annual depreciation expense is largely masked by increased operational income resulting from Covid Stimulus funding this financial year, in future years Council will need to look at remediation strategies to address the ongoing impact on Council's financial sustainability.

Budget Implications:

Overall the net variations in Continuing Operations for the quarter of (\$869k) will decrease the projected Net Operating Result before Capital Items to (\$125k) forecast deficit.

There have been a number of factors contributing to a decrease in the Net Operating Result. Following a resolution at the June Council meeting to appoint YMCA to manage the operations of CentrePoint the operational income was reduced by (\$386k) and operational expenditure by (\$485k). Additionally the management fee payable to YMCA of \$130k and projected operational deficit of \$254k results in a net adjustment to operations of (\$285k).

Following the finalisation of the transportation revaluation undertaken during the 2019/20 financial statement audit and subsequent independent peer review from Morrison Low, a budget variation for annual depreciation of transportation assets in the amount of \$832k is required. This is a reduction from the previous estimate of \$1.5m with the review heavily focused on the application of remaining useful lives which have been more closely aligned with neighbouring Councils.

Variations to capital expenditure totalling \$2.32m include carryover works for SCCF Round 2 projects totalling \$330k, \$932k for the Carcoar Street Rehabilitation project which represents 50% of the project expenditure forecast to be completed by 30 June 2020, \$200k Storm Damage Repair funding for Errowanbang Road and \$650k allocated to Newbridge Rd funded from LRCl funding and s.7.11 contributions.

A \$324k variation for works on Hobbys Yards Road, of which \$244k is Repair funding from RMS and the remaining \$80k from a reduction in Heavy Patching works.

\$170k was received for the Gallymont Road Bridge Replacement under the Federal Government's Bridge Replacement Program.

Enclosures (following report)

1 September 2020 QBRS financial report

24 Pages

Attachments (separate document)

Nil



Quarterly Budget Review 2020-2021

**Period ending
30 September 2020**

Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/07/20 to 30/09/20

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Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/07/20 to 30/09/20

Report by Responsible Accounting Officer

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

30 September 2020

It is my opinion that the Quarterly Budget Review Statement for Blayney Shire Council for the quarter ended 30/09/20 indicates that Council's projected financial position at 30/06/21 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

Signed:



Tiffany Irlam
Responsible Accounting Officer

date: 9/11/2020

Blayney Shire Council

PART 1:

Income & Expenses Budget Summary

Quarterly Budget Review Statement

for the period 01/07/20 to 30/09/20

Budget review for the quarter ended 30 September 2020
Income & Expenses - Council Consolidated

(\$000's)

	Original Budget \$ 000	Carry Forwards \$ 000	Revised Budget 2020/21	Variations for this Sep Qtr	Projected Year End Result	Actual YTD figures
Total Income from Continuing Operations	22,354	-	22,354	1,757	24,111	13,680
Total Expenses from Continuing Operations	18,280	103	18,383	702	19,085	5,317
Net Operating Result from Continuing Operations	4,074	(103)	3,971	1,055	5,026	8,363
Total Capital Expenditure	9,421	882	10,088	2,316	12,404	723



Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/07/20 to 30/09/20

Income & Expenses Budget Review Statement (By Type)

Budget review for the quarter ended 30 September 2020

Income & Expenses - Council Consolidated

(\$000's)	Original Budget 2020/21	Carry Forwards	Revised Budget 2020/21	Variations for Sep Qtr	Notes	Projected Year End Result	Actual YTD figures *
Income							
Rates and Annual Charges	11,505		11,505			11,505	11,363
User Charges and Fees	1,872		1,872	(386)	c	1,486	497
Interest and Investment Revenues	287		287			287	42
Other Revenues	294		294	18	b	312	52
Grants & Contributions - Operating	5,097		5,097	201	c,d,g	5,298	521
Grants & Contributions - Capital	3,227		3,227	1,924	h,i,j,k,l	5,151	1,183
Net gain from disposal of assets	47		47			47	22
Share of Interests in Joint Ventures	25		25			25	-
Total Income from Continuing Operations	22,354	-	22,354	1,757		24,111	13,680
Expenses							
Employee Costs	7,000	41	7,041	(488)	c	6,553	1,898
Borrowing Costs	278		278			278	39
Materials & Contracts	1,918	18	1,936	382	c	2,318	600
Depreciation	5,721		5,721	833	a	6,554	1,652
Legal Costs	53		53	30	e	83	5
Consultants	255	14	269	(19)	e	250	44
Other Expenses	3,055	30	3,085	(36)	d	3,049	1,079
Total Expenses from Continuing Operations	18,280	103	18,383	702		19,085	5,317
Net Operating Result from Continuing Operation	4,074	(103)	3,971	1,055		5,026	8,363
Discontinued Operations - Surplus/(Deficit)			-			-	
Net Operating Result from All Operations	4,074	(103)	3,971	1,055		5,026	8,363
Net Operating Result before Capital Items	847	(103)	744	(869)		(125)	7,180

* Rates and annual charges are levied in full in July with minor variations made throughout the year. There are other income and expenditure items that vary in timing when paid or received (e.g. weekly, monthly or annually).

Blayney Shire Council

Quarterly Budget Review Statement
 for the period 01/07/20 to 30/09/20

Income & Expenses Budget Review Statement (By Function/Activity)

Budget review for the quarter ended 30 September 2020

Income & Expenses - Council Consolidated

(\$000's)	Original Budget 2020/21	Carry Forwards	Revised Budget 2020/21	Variations for Sep Qtr	Notes	Projected Year End Result	Actual YTD figures
Income							
Governance	18		18			18	-
Administration	545		545	18	b	563	43
Public Order & Safety	59		59	50	f	109	8
Health	12		12			12	2
Environment	1,470		1,470			1,470	1,245
Community Services & Education	3		3			3	-
Housing & Community Amenities	230		230			230	49
Sewer Supplies	2,328		2,328			2,328	1,482
Recreation & Culture	2,193		2,193	139	c,d,k,l	2,332	555
Manufacturing & Construction	513		513			513	111
Transport & Communication	3,634		3,634	1,546	g,h,l,j	5,180	834
Economic Affairs	235		235	4		239	60
General Purpose Revenue	11,114		11,114			11,114	9,291
Total Income from Continuing Operations	22,354	-	22,354	1,757		24,111	13,680
Expenses							
Governance	524		524			524	141
Administration	4,548	59	4,607	1	m	4,608	1,506
Public Order & Safety	515		515	4	m	519	48
Health	24		24			24	8
Environment	1,775		1,775	90	a	1,865	434
Community Services & Education	22	5	27			27	12
Housing & Community Amenities	590	14	604	10	e	614	156
Sewer Supplies	1,318		1,318			1,318	336
Recreation & Culture	3,406		3,406	(146)	c	3,260	718
Manufacturing & Construction	485		485			485	68
Transport & Communication	4,626		4,626	739	a	5,365	1,731
Economic Affairs	447	25	472	4	m	476	159
Total Expenses from Continuing Operations	18,280	103	18,383	702		19,085	5,317
Net Operating Result from Continuing Operation	4,074	(103)	3,971	1,055		5,026	8,363
Discontinued Operations - Surplus/(Deficit)			-			-	
Net Operating Result from All Operations	4,074	(103)	3,971	1,055		5,026	8,363
Net Operating Result before Capital Items	847	(103)	744	(869)		(125)	7,180

Quarterly Budget Review Statement
for the period 01/07/20 to 30/09/20

Blayney Shire Council
PART 3A:
Operating Income & Expenses Budget Review Statement (By Function/Activity - Detailed)

Budget review for the quarter ended 30 September 2020

Operating Income & Expenses - Council Consolidated (Excludes Capital Grants and Contributions)

(\$000's)	Operating Income						Operating Expenditure									
	Original Budget \$'000	Carry Forwards \$'000	Revised Budget \$'000	Other than Variations by GBRS for Sep-20	Notes	Projected Year End Result	Actual YTD figures	%	Original Budget \$'000	Carry Forwards \$'000	Revised Budget \$'000	Other than Variations by GBRS for Sep-20	Notes	Projected Year End Result	Actual YTD figures	%
Governance Council	18	-	18	-	-	18	-	0.0%	524	-	524	-	-	524	141	26.9%
Administration	229	-	229	-	-	229	13	5.7%	2,820	59	2,879	1	m	2,880	828	28.8%
Corporate Services	313	-	313	18	b	331	29	8.8%	1,402	-	1,402	-	-	1,402	602	42.9%
Engineering & Works	3	-	3	-	-	3	1	33.3%	326	-	326	-	-	326	76	23.3%
Environmental	545	-	545	18	-	563	43	7.6%	4,548	59	4,607	1	-	4,608	1,506	32.7%
Public Order & Safety	46	-	46	-	-	46	-	0.0%	360	-	360	-	-	360	13	3.6%
Rural Fire Service	9	-	9	-	-	9	3	33.3%	111	-	111	4	m	115	25	21.7%
Animal Control	4	-	4	-	-	4	5	125.0%	39	-	39	-	-	39	10	25.6%
Emergency Services	4	-	4	-	-	4	-	0.0%	5	-	5	-	-	5	-	0.0%
Other Public Order & Safety	59	-	59	-	-	59	8	13.8%	515	-	515	4	-	519	48	9.2%
Health	12	-	12	-	-	12	2	16.7%	24	-	24	-	-	24	8	33.3%
Administration/Food Control	12	-	12	-	-	12	2	16.7%	24	-	24	-	-	24	8	33.3%
Environment	981	-	981	-	-	981	-	0.0%	108	-	108	-	-	108	88	81.5%
Noxious Plants	349	-	349	-	-	349	290	83.1%	850	-	850	-	-	850	153	18.0%
Domestic Waste Management	349	-	349	-	-	349	290	83.1%	358	-	358	-	-	358	56	15.6%
Other Waste Management	-	-	-	-	-	-	-	0.0%	170	-	170	-	-	170	54	31.8%
Street Cleaning	140	-	140	-	-	140	-	0.0%	289	-	289	89	a	378	83	22.0%
Urban Stormwater Drainage	1,470	-	1,470	-	-	1,470	1,245	84.7%	1,775	-	1,775	89	-	1,864	434	23.3%
Community Services & Education	-	-	-	-	-	-	-	0.0%	10	-	10	-	-	10	10	100.0%
Child Care	-	-	-	-	-	-	-	0.0%	5	-	5	-	-	5	1	100.0%
Aged & Disabled	3	-	3	-	-	3	-	0.0%	7	-	7	-	-	7	1	14.3%
Youth Services	3	-	3	-	-	3	-	0.0%	22	5	27	-	-	27	12	44.4%
Community Services Administration	3	-	3	-	-	3	-	0.0%	22	5	27	-	-	27	12	44.4%

Blayney Shire Council
PART 3A:
Quarterly Budget Review Statement
for the period 01/07/20 to 30/09/20

Operating Income & Expenses Budget Review Statement (By Function/Activity - Detailed)

Budget review for the quarter ended 30 September 2020

Operating Income & Expenses - Council Consolidated (Excludes Capital Grants and Contributions)

(\$000's)	Operating Income					Operating Expenditure					Actual YTD figures	Actual %					
	Original Budget \$ 000	Carry Forwards \$ 000	Revised Budget \$ 000	Other than Variations by GBRS for Sep-20	Notes	Projected Year End Result	Actual YTD figures	%	Original Budget \$ 000	Carry Forwards \$ 000			Revised Budget \$ 000	Other than Variations by GBRS for Sep-20	Notes	Projected Year End Result	Actual YTD figures
Housing & Community Amenities																	
Housing																	
Town Planning	121	-	121	-		121	32	26.4%	302	14	316	10	e	326	53	16.3%	
Public Cemeteries	60	-	60	-		60	15	25.0%	81	-	81	-		81	31	38.3%	
Public Conveniences	49	-	49	-		49	2	4.1%	207	-	207	-		207	72	34.8%	
	230	-	230	-		230	49	21.3%	590	14	604	10		614	156	25.4%	
Recreation & Culture																	
Public Libraries	80	-	80	(1)	d	79	-	0.0%	254	-	254	(37)	d	217	12	5.5%	
Public Halls	16	-	16	-		16	4	25.0%	143	-	143	-		143	42	29.4%	
Centrepont Sport & Leisure	435	-	435	(386)	e	49	49	100.0%	1,334	-	1,334	(109)	e	1,225	269	22.0%	
Sporting Grounds	(45)	-	(45)	-		(45)	8	-17.8%	296	-	296	-		296	56	18.9%	
Parks & Gardens	53	-	53	-		53	1	1.9%	1,188	-	1,188	-		1,188	276	23.2%	
Blayney Showground	7	-	7	-		7	7	100.0%	167	-	167	-		167	58	34.7%	
Other Cultural Services	-	-	-	(387)		-	-	0.0%	24	-	24	-		24	5	20.8%	
	546	-	546	(387)		159	69	43.4%	3,406	-	3,406	(146)		3,260	718	22.0%	
Mining Manufacturing & Construction																	
Building Control	141	-	141	-		141	70	49.6%	134	-	134	-		134	50	37.3%	
Quarries & Pits	372	-	372	-		372	41	11.0%	351	-	351	-		351	18	5.1%	
	513	-	513	-		513	111	21.6%	485	-	485	-		485	68	14.0%	
Transport & Communication																	
Local Roads	2,240	-	2,240	200		2,440	107	4.4%	3,618	-	3,618	545	a	4,163	1,456	35.0%	
Regional Roads	335	-	335	-		335	168	50.1%	126	-	126	-		126	36	28.6%	
State Roads	7	-	7	-		7	60	0.0%	447	-	447	38	a	485	1	0.0%	
Bridges - Local	-	-	-	-		-	-	0.0%	-	-	-	-		-	-	-	
Bridges - Regional	-	-	-	-		-	-	0.0%	105	-	105	29	a	134	39	29.1%	
Footpaths	-	-	-	-		-	-	0.0%	92	-	92	76	a	168	41	24.4%	
Kerb and Gutter	-	-	-	-		-	-	0.0%	139	-	139	-		139	23	16.5%	
Street Lighting	23	-	23	-		23	-	0.0%	99	-	99	52	a	151	38	25.2%	
Other Transport and Communication	-	-	-	200		-	-	0.0%	4,626	-	4,626	-		5,366	1,731	32.3%	
	2,605	-	2,605	200		2,805	335	11.9%	4,626	-	4,626	740		5,366	1,731	32.3%	

Quarterly Budget Review Statement
for the period 01/07/20 to 30/09/20

Blayney Shire Council
PART 3A:

Operating Income & Expenses Budget Review Statement (By Function/Activity - Detailed)

Budget review for the quarter ended 30 September 2020

Operating Income & Expenses - Council Consolidated (Excludes Capital Grants and Contributions)

(\$000's)	Operating Income						Operating Expenditure										
	Original Budget \$'000	Carry Forwards \$'000	Revised Budget \$'000	Other than Variations by GBRS for Sep-20	Notes	Projected Year End Result	Actual YTD figures	%	Original Budget \$'000	Carry Forwards \$'000	Revised Budget \$'000	Other than Variations by GBRS for Sep-20	Notes	Projected Year End Result	Actual YTD figures	%	
Economic Affairs																	
Tourism & Area Promotion	81	-	81	2	m	83	7	8.4%	347	25	372	3	m	375	135	36.0%	
Industrial Development & Promotion	39	-	39	-	-	39	19	0.0%	19	19	19	-	-	19	2	10.5%	
Real Estate	41	-	41	-	-	41	35	85.4%	24	24	24	1	m	25	6	24.0%	
Other Business - Private Works	74	-	74	-	-	74	18	24.3%	57	57	57	-	-	57	16	28.1%	
	235	-	235	2		237	60	25.3%	447	25	472	4		476	159	33.4%	
General Purpose Revenue																	
General Purpose Revenues	11,114	-	11,114	-	-	11,114	9,291	83.6%	-	-	-	-	-	-	-	0.0%	
Sewerage Services	1,777	-	1,777	-	-	1,777	1,284	72.3%	1,318	-	1,318	-	-	1,318	336	25.5%	
Surplus/(Deficit) From Ordinary Activities Before Capital Grants & Contributions	19,127	-	19,127	(167)		18,960	12,497	65.9%	18,280	103	18,383	702		19,085	5,317	27.9%	

*Note expense figures include depreciation

Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/07/20 to 30/09/20

Income & Expenses Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes Details	Variations to:	
	Income \$000	Expenditure \$000
a Increased depreciation expense following Transportation Revaluation		
- Stormwater		89
- Local Roads		548
- Bridges - Local		38
- Footpaths		29
- Kerb & Gutter		76
- Other Transport & Communication		52
	-	832
b Insurance claim for Leica Viva GS15 Equipment (stolen item of plant)	18	
	18	-
c CentrePoint budget adjustments due to YMCA taking over Management of centre		
- Income	(386)	
- YMCA Management costs for CentrePoint		130
- Operational deficit for CentrePoint		254
- Salaries & Employee Benefits		(461)
- Training		(18)
- CentrePoint Annual Open Day		(6)
	(386)	(101)
d Funding set aside from Library Priority Grant for Capital Projects		(36)
Adjustment for Library funding for 2020/21	(1)	(1)
	(1)	(37)
e Town Planning - Increase in Legal expenses. Partially offset by:		30
- Reduction in Consultancy for Town Planning		(10)
- Reduction in Consultancy for Strategic Planning Studies - Town Planning		(10)
	-	10
f RFS funding for Barry RFS Shed Amenities	50	
	50	-
g Errowanbang Road, Storm damage funding	200	
	200	-
h Carcoar St Rehabilitation - Fixing Local Roads Round One Funding		
- Portion of funding to be spent in 2020/21	932	
	932	-
i Regional Roads - Hobbys Yards Road - Rehabilitation 20/21 - RMS funding	244	
	244	-
j Gallymont Road Bridge Replacement. Bridge Replacement Program Federal funding	170	
	170	-
k Blayney Showground - NSW Showgrounds Stimulus Program	192	
	192	-
l SCCF Round 2 - Remaining funding for Projects		
- Sports Facility Masterplan	290	
- Carcoar Sportsground Amenities Block	41	
	331	-
m Minor budget adjustments	7	(2)
	7	(2)
	1,757	702
Net adjustment to operating result		1,055

Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/07/20 to 30/09/20

Capital Budget Review Statement

Budget review for the quarter ended 30 September 2020

Capital Budget - Council Consolidated

(\$000's)	Original Budget 2020/21	Carry Forwards	Other than by QBRS	Revised Budget 2020/21	Variations for this Sep Qtr	Notes	Projected Year End Result	Actual YTD figures
Capital Expenditure								
New Assets								
- Plant & Equipment	1,171			1,171	59	10,11,12,13	1,230	118
- Land & Buildings	175	62		237	6	1,3	243	4
- Sewer	750	88		838	-		838	2
- Roads, Bridges, Footpaths	762	101		863	(248)	1,5	615	59
- Other	562	146	-	708	4	15	712	145
Renewal Assets (Replacement)								
- Plant & Equipment	-	-		-	-		-	-
- Land & Buildings	644	152		796	35	1,2,11,14	831	74
- Sewer	110	52	(215)	(53)	-		(53)	6
- Roads, Bridges, Footpaths	4,038	21		4,059	2,200	1,4,6,7,8,9,15	6,259	122
- Other	632	260		892	260	1,2,15	1,152	32
Loan Repayments (Principal)	577			577	-		577	142
Total Capital Expenditure	9,421	882	(215)	10,088	2,316		12,404	704
Capital Funding								
Rates & Other Untied Funding	2,787			2,787	117		2,904	268
Capital Grants & Contributions	3,227	-		3,227	2,331		5,558	246
Reserves:								
- External Restrictions/Reserves		548	(215)	333	(113)		220	72
- Internal Restrictions/Reserves	1,167	334		1,501	(19)		1,482	118
New Loans	500			500	-		500	
Receipts from Sale of Assets								
- Plant & Equipment	943			943	-		943	
- Land & Buildings	797			797	-		797	-
Total Capital Funding	9,421	882	(215)	10,088	2,316		12,404	704
Net Capital Funding - Surplus/(Deficit)	-	-	-	-	-		-	-

Blayney Shire Council
PART 4A:

Quarterly Budget Review Statement
for the period 01/07/20 to 30/09/20

Capital Budget Review Statement

Budget review for the quarter ended 30 September 2020
Capital Budget - Council Consolidated

(\$000's)	Original Budget 2020/21	Carry Forwards	Other than by QBRS	Revised Budget 2020/21	Variations for Sep Qtr	Notes	Projected Year End Result	Actual YTD figures	%
LAND & BUILDINGS									
Blayney Library	R	34		34			34	-	0%
Blayney Library - Other Works	R			-			-	-	0%
Blayney Library Design Services & Additions	N			-			-	-	0%
LDS - Blayney Library - Refurbishment Project	R	175	43	218	(43)	1	175	-	0%
Blayney Library - Exterior Painting	R	14		14			14	-	0%
Blayney Community Centre - Minor Assets	R			-			-	-	0%
Blayney Community Centre - Internal Painting	R	18		18	6	11	24	24	100%
CCTV Cameras - Council Office	N			-	3	11	3	-	0%
Event Display Boards - Community Centre	N			-	5	11	5	-	0%
Carcoar Dam Amenities	R	7		7			7	-	0%
Blayney Tennis Centre - Amenities	R	136		136			136	-	0%
Council Administration Office - Carpet Renewal	R	11		11			11	-	0%
Depot Workshop - Pit Extension & Hydraulic Lift	R	100		100			100	-	0%
Blayney Community Centre- Minor Assets	R	6		6			6	-	0%
CWA/Meals on Wheels - Roofing Improvements	R	14		14			14	-	0%
LDS - Dakers Oval Amenities	N	175	44	219	(44)	1	175	-	0%
Newbridge Rec Ground - Brian Bennett Pavilion	R	181		181			181	-	0%
Blayney Showground - CWELC	N		62	62			62	10	16%
SCCF2 Carcoar Sportsground Amenities Block	R			-	43	2	43	33	0%
Blayney Showground - Commentator Box Repairs	R	5		5			5	5	100%
Barry Hall Shelter - Repairs	R	8		8			8	-	0%
RFS Amenities - Barry	N			-	50	3	50	4	0%
CentrePoint Building & Pool Upgrade	R			-			-	-	0%
CentrePoint Building & Pool Upgrade Electrical & Fire Compliance	R			-	1		1	1	0%
CentrePoint Major Upgrade Stage 2	R			-	1		1	1	0%
TOTAL LAND & BUILDINGS		819	214	-	1,033	22	1,055	78	7%
OTHER STRUCTURES									
Public Cemeteries - Infrastructure Renewals	R	11		11			11	-	0%
SCCF Round 2 - Sports Facility Masterplan - Napier Oval	R			-	287	2	287	19	0%
Lyndhurst Recreation Ground Grandstand and Cricket Pitch	R	26		26			26	-	0%
LDS - Lyndhurst Recreation Ground Cricket Nets	R	90	23	113	(23)	1	90	-	0%
Dakers Oval Perimeter Fence	N	77		77			77	-	0%
KGO Recycled Water	N	205	65	270			270	55	20%
Redmond Oval Community Recreation Shelter	R	70		70			70	5	7%
Redmond Oval Junior Skate Park	N	180		180			180	-	0%
Stillingfleet Netball Courts - Resurface	R	301		301			301	-	0%
Neville Multipurpose Court	N	100		100			100	-	0%
Pipe Renewal & Water Meters - Industrial Land (Gerty Street)	R	7		7			7	-	0%
Showground - Eastern Internal Access Road	N		81	81	4	15	85	85	100%
Blayney Showground - Boundary Fencing & Signage	R		111	111	(4)	15	107	-	0%
VEP Blayney	R	9	17	26			26	2	8%
VEP Carcoar	R	25		25			25	-	0%
VEP Lyndhurst	R	15	30	45			45	-	0%
VEP Mandurama	R	15		15			15	-	0%
VEP Millthorpe	R	32	45	77			77	5	6%
VEP Neville	R	8	3	11			11	-	0%
VEP Barry & Hobbys Yards	R	8	5	13			13	6	46%
VEP Newbridge	R	15	26	41			41	-	0%
TOTAL OTHER STRUCTURES		1,194	406	-	1,600	264	1,864	177	9%

Blayney Shire Council
PART 4A:

Quarterly Budget Review Statement
for the period 01/07/20 to 30/09/20

Capital Budget Review Statement

Budget review for the quarter ended 30 September 2020
Capital Budget - Council Consolidated

(\$000's)	Original Budget 2020/21	Carry Forwards	Other than by QBRs	Revised Budget 2020/21	Variations for Sep Qtr	Notes	Projected Year End Result	Actual YTD figures	%
INFRASTRUCTURE									
Local Roads - Construction									
R				-			-	-	0%
N				-			-	-	0%
R	1,101			1,101	932	4	2,033	30	1%
N	87			87	(87)	5	-	-	0%
N	81			81	(81)	5	-	-	0%
N	104			104			104	12	12%
R				-	200	6	200	15	0%
R				-	650	7	650	-	0%
R	504			504	(80)	8	424	-	0%
R	370			370			370	-	0%
	2,247	-	-	2,247	1,534		3,781	57	2%
TOTAL LOCAL ROADS CONSTRUCTION									
Local Roads - Reseal Program									
R	400	-	-	400			400	-	0%
	400	-	-	400	0		400	-	0%
TOTAL RESEAL PROGRAM									
Regional Roads									
R				-	10	8	10	10	0%
R	174			174	314	8	488	55	11%
	174	-	-	174	324		498	65	
TOTAL REGIONAL ROADS									
Bridges									
R	-	6	-	6	4	15	10	10	100%
R	-	-	-	-			-	-	0%
R	170	-	-	170	170	9	340	-	0%
R	150	-	-	150			150	-	0%
R	500	-	-	500			500	-	0%
	820	6	-	826	174		1,000	10	1%
TOTAL BRIDGES									
Footpaths									
R	46	5	-	51			51	2	4%
N	92	-	-	92			92	2	2%
N	72	18	-	90	(18)	1	72	-	0%
N	50	12	-	62	(12)	1	50	-	0%
N	23	-	-	23			23	-	0%
N	200	50	-	250	(50)	1	200	-	0%
N	53	-	-	53			53	22	42%
N		21	-	21			21	23	110%
	536	106	-	642	(80)		562	49	9%
TOTAL FOOTPATHS									
Stormwater									
R	63	-	-	63			63	-	0%
R		10	-	10			10	-	0%
R		-	-	-			-	-	0%
N	500	-	-	500			500	-	0%
	563	10	-	573	0		573	-	0%
TOTAL STORMWATER									
Kerb & Gutter									
	60	-	-	60			60	-	0%
	60	-	-	60	0		60	-	0%
TOTAL - RENEWALS									
	4,800	122	-	4,922	1,952		6,874	181	3%
TOTAL INFRASTRUCTURE									

Blayney Shire Council
PART 4A:

Quarterly Budget Review Statement
for the period 01/07/20 to 30/09/20

Capital Budget Review Statement

Budget review for the quarter ended 30 September 2020
Capital Budget - Council Consolidated

(\$000's)	Original Budget 2020/21	Carry Forwards	Other than by QBRS	Revised Budget 2020/21	Variations for Sep Qtr	Notes	Projected Year End Result	Actual YTD figures	%
PLANT & EQUIPMENT									
Light Vehicle				-					
Light Vehicle Replacement	N 357	-	-	357			357	59	17%
TOTAL LIGHT VEHICLE	357	-	-	357	0		357	59	17%
Minor Plant									
Trailer - Skid Steer	N 15	-	-	15			15	-	0%
Small Plant & Tools	N 32	-	-	32			32	3	9%
Leica Viva GS15 Equipment	N -	-	-	-	28	10	28	28	0%
TOTAL MINOR PLANT	47	-	-	47	28		75	31	41%
Major Plant									
P31 - Kenworth Tipper	N 318	-	-	318			318	-	0%
Vehicle Tracking	N 60	-	-	60			60	-	0%
Kubota Ride-on Mower x 2	N 51	-	-	51			51	18	35%
P44 - Isuzu NPR55-155 Tipper	N 82	-	-	82	(10)	10	72	-	0%
P48 - Isuzu NPR55-155 MWB	N 87	-	-	87			87	-	0%
P171 - Dog Trailer	N 92	-	-	92			92	-	0%
TOTAL MAJOR PLANT	690	-	-	690	(10)		680	18	3%
Information Technology									
Lorawan	N 5	-	-	5			5	-	0%
Mimecast Email Filtering	N 2	-	-	2			2	-	100%
IPad/Tablet Replacements	N 5	-	-	5			5	-	0%
Mobile Phone Replacements	N 5	-	-	5			5	2	40%
Server Replacement	N 40	-	-	40	(15)	11	25	-	0%
Rack Mounted Monitor / KVM Keyboard (DR Site)	N -	-	-	-	2	11	2	-	0%
Councillors - IPad Replacement/Accessories	N 2	-	-	2			2	-	0%
TOTAL INFORMATION TECHNOLOGY	59	-	-	59	(13)		46	4	9%
Other Plant & Equipment Purchases									
Minor Asset Purchases - Corporate Services	N 3	-	-	3			3	-	0%
Minor Assets Purchases - CentrePoint	N 11	-	-	11	18	13	29	6	21%
Microfilm reader - Blayney Library	N -	-	-	-	14	12	14	-	0%
Library Fit out	N -	-	-	-	22	12	22	-	0%
Minor Assets Purchases - Library	N 4	-	-	4			4	-	0%
TOTAL OTHER PLANT & EQUIPMENT PURCHASES	18	-	-	18	54		72	6	8%
TOTAL PLANT & EQUIPMENT	1,171	-	-	1,171	59		1,230	118	10%
Sewerage Services									
Compliance for CVO Pump Station	R 52	-	-	52			52	-	0%
Renewable Energy Project	N 75	-	-	75			75	2	3%
Chemical & Storage Shed	N 13	-	-	13			13	-	0%
Lining/Replacement Sewer Mains	R 110	-	-	110			110	-	0%
Recycled Water Treatment Plant	N 750	(215)	-	535			535	6	1%
TOTAL SEWERAGE SERVICES	860	140	(215)	785	0		785	8	1%
Principal Loan Repayments									
Bridge Replacement Program	239	-	-	239			239	59	25%
Works Depot	85	-	-	85			85	21	25%
Millthorpe Sewer	51	-	-	51			51	12	24%
Residential Land Development	122	-	-	122			122	30	25%
CentrePoint Major Upgrade	80	-	-	80			80	20	25%
	577	-	-	577	0		577	142	25%
Other Business Undertakings									
Streatfeild Close Land Development	N -	-	-	-	19	14	19	19	0%
	-	-	-	-	19		19	19	0%
Total Capital Expenditure	9,421	882	(215)	10,088	2,316		12,404	723	

Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/07/20 to 30/09/20

Capital Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details	Variations to: Expenditure \$000
1	Local Drought Stimulus Funding - Payment received in 2019/20 and therefore had to be carried forward. The entire budget was already included in the budget for 2020/21. A budget adjustment is required so the income is not double counted. LDS - Blayney Library - Refurbishment Project LDS - Dakers Oval Amenities LDS - Lyndhurst Recreation Ground Cricket Nets LDS - Eulamore St - FP - Naylor St - Retirement Village LDS - Boomerang St - FP - Victoria St - Redmond Oval (AMP 3A) LDS - Victoria St - Improve access under railway - Construction - Elliot St - Glenorie Road	(43) (44) (23) (18) (12) (50)
		(190)
2	SCCF Round 2 - Remaining budget for projects - Carcoar Sportsground Amenities Block - Sports Facility Masterplan - Napier Oval	43 287
		330
3	RFS Amenities - Barry. Offset by funding from RFS	50
		50
4	Carcoar St Blayney - Church to Martha St - Rehabilitation. Fixing Local Roads Round One Funding Recognise 50% of total grant funding of \$1.864m, with a total project cost of \$2.965m.	932
		932
5	Funding not received for projects: Initial Sealing - Mendham Lane Barry Initial Sealing - Hay/Leabeater Street	(87) (81)
		(168)
6	Errowanbang Rd - Storm Damage Repairs, offset by Capital Funding	200
		200
7	Newbridge Road Repair/Construction 2020/21. Local Roads and Community Infrastructure Program funding Funding from Developer Contributions - General Fund	537 113
		650
8	Regional Roads - Hobbys Yards Road - Rehabilitation 20/21 - McKellars Lane - \$244k funding from RMS, \$70k from Heavy Patching Regional Roads - Hobbys Yards Road 2019/20 from Heavy Patching Reduction in Heavy Patching to Regional Roads	314 10 (80)
		244
9	Gallymont Road Bridge Replacement. Funded by Bridge Replacement Program Federal funding	170
		170
10	Leica Viva GS15 Equipment, replacement for stolen equipment. Total cost of \$28k Excess on Insurance, funded by reduction in Major Plant expenditure	28 (10)
		18
11	Blayney Community Centre - Internal Painting CCTV Cameras - Council Office Event Display Boards - Community Centre Server Replacement Rack Mounted Monitor / KVM Keyboard (DR Site)	6 3 5 (15) 2
		1
12	Microfilm reader - Blayney Library (Library Priority Grant) Library Fit out (Library Priority Grant)	14 22
		36

Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/07/20 to 30/09/20

Capital Budget Review Statement
Recommended changes to revised budget

Budget Variations being recommended include the following material items:

Notes	Details	Variations to: Expenditure \$000
13	Dry Courts Curtain for CentrePoint. Total cost is \$23k	18
		18
14	Selling costs for Streatfeild Close lots	19
		19
15	Minor budget adjustments	6
		6
	TOTAL	2,316

Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/07/20 to 30/09/20

Cash & Investments Budget Review Statement

Budget review for the quarter ended 30 September 2020
Cash & Investments - Council Consolidated

(\$000's)	Opening Balance 1/07/2020	Carry Forwards	Other than by QBRS	Projected Result Pre QBRS	Variations for Sep Qtr	Notes	Projected Year End Result
Externally Restricted ⁽¹⁾							
Developer Contributions - General	683			683	(113)	i	570
Developer Contributions - Sewer	860			860			860
Unexpended Grants	907	(907)		-			-
Sewerage Services	5,343	(140)	215	5,418			5,418
Domestic Waste Management	1,171			1,171			1,171
Voluntary Planning Agreement - Mining	195			195			195
Rates Special Variation - Mining	145			145			145
Total Externally Restricted	9,304	(1,047)	215	8,472	(113)		8,359
<small>(1) Funds that must be spent for a specific purpose</small>							
Internally Restricted ⁽²⁾							
Plant and Vehicle Replacement	372			372			372
Employees Leave Entitlement	957			957			957
Asset Reserve - Transport	302			302			302
Asset Reserve - Buildings	9			9			9
Asset Reserve - Parks & Recreation	81			81			81
Asset Reserve - Stormwater	52			52			52
Blayney Sports Facility Master Plans	12			12			12
CentrePoint	-			-			-
Election Reserve	77			77			77
Environmental Projects – Belubula River	53			53			53
I.T Reserve	184			184			184
King George Oval	258	(65)		193			193
Property Account	2,121	(14)		2,107	(19)	ii	2,088
Quarry	200			200			200
Village Enhancement Program	126	(126)		-			-
Financial Assistance Grant	1,417			1,417	(1,417)	iii	-
Carryover Works	170	(170)		-			-
Total Internally Restricted	6,391	(375)	-	6,016	(1,436)		4,580
<small>(2) Funds that Council has earmarked for a specific purpose</small>							

Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/07/20 to 30/09/20

Cash & Investments Budget Review Statement

Investments

Investments have been invested in accordance with Council's Investment Policy.

Cash

The Cash at Bank figure included in the Cash & Investment Statement totals \$17,539

This Cash at Bank amount has been reconciled to Council's physical Bank Statements. The date of completion of this bank reconciliation is 30/09/20

Reconciliation Status

The YTD Cash & Investment figure reconciles to the actual balances held as follows:

		\$ 000's
Cash at Bank (as per bank statements) - General Fund		534
Cash at Bank (as per bank statements) - Online Saver		2,505
Investments on Hand		14,500
less: Unpresented Cheques	(Timing Difference)	-
add: Undeposited Funds	(Timing Difference)	-
less: Identified Deposits (not yet accounted in Ledger)	(Require Actioning)	-
add: Identified Outflows (not yet accounted in Ledger)	(Require Actioning)	-
less: Unidentified Deposits (not yet actioned)	(Require Investigation)	-
add: Unidentified Outflows (not yet actioned)	(Require Investigation)	-
Reconciled Cash at Bank & Investments		17,539
Balance as per Review Statement:		17,539
Difference:		-

Recommended changes to revised budget - Restricted Cash

Budget Variations being recommended include the following material items:

Notes Details

		Variations \$000
i	Newbridge Road Repair/Construction 2020/21	(113)
		(113)
ii	Selling costs for Streatfeild Close lots	(19)
		(19)
iii	2020/21 advance payment of Financial Assistance Grant paid in 2019/20	(1,417)
		(1,417)
	TOTAL	(1,549)

Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/07/20 to 30/09/20

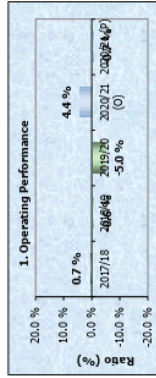
Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)

Budget review for the quarter ended 30 September 2020

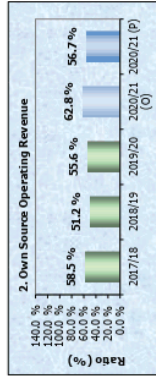
(\$000's)	Current Projection Amounts 20/21	Indicator 20/21	Original Budget 20/21	Actuals Prior Periods 19/20 18/19
-----------	--	--------------------	-----------------------------	---

NSW Local Government Industry Key Performance Indicators (OLG):

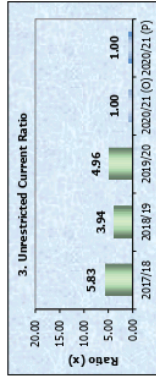
1. Operating Performance				
Operating Revenue (excl. Capital)- Operating Expenses	-125	-0.7 %	4.4 %	-5.0 %
Operating Revenue (excl. Capital Grants & Contributions)	18960	#	#	-0.6 %
This ratio measures Council's achievement of containing operating expenditure within operating revenue.				



2. Own Source Operating Revenue				
Operating Revenue (excl. ALL Grants & Contributions)	13662	56.7 %	62.8 %	55.6 %
Total Operating Revenue (incl. Capital Grants & Cont)	24111	#	#	51.2 %
This ratio measures fiscal flexibility. It is the degree of reliance on external funding sources such as operating grants & contributions.				



3. Unrestricted Current Ratio				
Current Assets less all External Restrictions	1	1.00	1.00	4.96
Current Liabilities less Specific Purpose Liabilities	1			3.94
To assess the adequacy of working capital and its ability to satisfy obligations in the short term for the unrestricted activities of Council.				



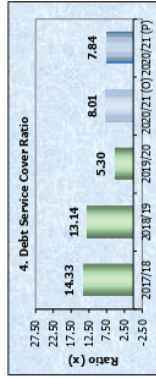
Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/07/20 to 30/09/20

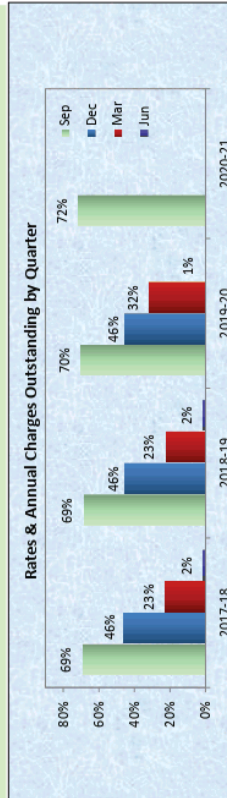
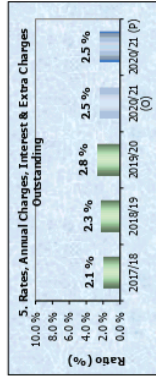
Key Performance Indicators Budget Review Statement - Industry KPI's (OLG)

Budget review for the quarter ended 30 September 2020

(\$000's)	Current Projection Amounts 20/21	Indicator 20/21	Original Budget 20/21	Actuals Prior Periods 19/20 - 18/19
NSW Local Government Industry Key Performance Indicators (OLG):				
4. Debt Service Cover Ratio	6707	7.84	# 8.01	5.30 13.14
Operating Result before Interest & Dep. exp.(EBITDA)	855			
Principal Repayments + Borrowing Interest Costs				
This ratio measures the availability of operating cash to service debt including interest, principal and lease payments.				



5. Rates, Annual Charges, Interest & Extra Charges Outstanding	2.5	2.5 %	2.5 %	2.8 % 2.3 %
Rates, Annual & Extra Charges Collectible	100			
To assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts.				



Blayney Shire Council
Quarterly Budget Review Statement
 for the period 01/07/20 to 30/09/20

Contracts Budget Review Statement

Budget review for the quarter ended 30 September 2020
Part A - Contracts Listing - contracts entered into during the quarter

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)	Notes
Contracts Entered > 50,000						
Contracts Paid > \$50,000						
Boral Construction Materials	Supply of Road Construction Materials	49,734		Ongoing	Y	
CPB Excavations	Road Construction - Showground Internal Access Road Earthworks to Napier Oval	109,420		Ongoing	Y	
	Remove old equipment from CVO Pump Station	4,978		Ongoing	Y	
	Microsoft Licence Renewal	5,632		Ongoing	Y	
Data#3 Limited	Supply of Electricity	50,502		Ongoing	Y	
Energy Australia	Waste Facilities Management Contract	50,727		Ongoing	Y	
Hadlow Earthmoving	Excavator and Float Hire	96,155		Ongoing	Y	
Hanson Construction Materials	Supply & delivery of road construction material	4,582		Ongoing	Y	
IT Vision	Annual License Renewal	58,128		Ongoing	Y	
JR Richards & Sons	Waste Contract	58,396		Ongoing	Y	
Origin Energy	Supply of Electricity	91,420		Ongoing	Y	
Statewide Mutual	Insurance	62,412		Ongoing	Y	
Orange Regional Tourism	Drought Stimulus Funding	340,872		Ongoing	Y	
Upper Macquarie County Council	Orange360 Funding Agreement	55,000		Ongoing	Y	
Statewide Mutual	Contribution 2020/21 Insurance	33,000		Ongoing	Y	
		96,648		Ongoing	Y	
		340,872		Ongoing	Y	

Notes:

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts for employment are not required to be included.

Blayney Shire Council

Quarterly Budget Review Statement

for the period 01/07/20 to 30/09/20

Contracts Budget Review Statement

Comments & Explanations relating to Contractors Listing

Notes Details

Nil

Blayney Shire Council

Quarterly Budget Review Statement
for the period 01/07/20 to 30/09/20

Consultancy & Legal Expenses Budget Review Statement

Consultancy & Legal Expenses Overview

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	54,827	Y
Legal Fees	10,225	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Comments

Expenditure included in the above YTD figure but not budgeted includes:

Details	\$000

Quarterly Budget Review Statement
for the period 01/07/20 to 30/09/20

Blayney Shire Council
PART 8:

Loans Summary

Budget review for the quarter ended 30 September 2020

(A) External Loans

	LOAN DETAILS	Original Principal	Int %	Opening Balance 1/07/20	Interest Year to date	Repayments Year to date	Closing Balance 31/03/20	Scheduled completion date
3	Millthorpe Sewer	900,000	8.05%	520,390	10,559	22,737	508,212	26-Feb-28
4	Blayney Works Depot	600,000	6.73%	169,690	2,878	13,708	158,860	04-Dec-23
5	Blayney Works Depot	600,000	6.00%	202,730	3,033	12,933	192,829	21-Dec-24
7	Blayney Bridges Program (LIRS)	1,000,000	5.73%	442,955	6,337	33,015	416,277	22-Jan-24
8	Bridge Replacement Program	3,000,000	3.97%	2,768,306	27,475	54,514	2,741,268	15-Feb-38
9	Residential Land Development	1,320,000	2.09%	1,200,034	6,270	36,654	1,169,650	28-Jun-29
10A	CentrePoint	2,000,000	2.36%	1,980,365	11,684	31,435	1,960,615	13-Feb-40
10B	Cowriga Creek Bridge	500,000	2.36%	495,091	2,921	7,859	490,154	13-Feb-40
		9,920,000	4.66%	7,779,560	71,158	212,854	7,637,865	

06) 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 November 2020 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****Institute of Public Works NSW and ACT (IPWEA)**

Councillors may be familiar with the Institute, the work it undertakes and the activities it provides on behalf of its members. Its mission is to enhance the quality of life of NSW and ACT communities through excellence in public works and services.

More specifically its purpose is to advance public works excellence in Australia, particularly in NSW and ACT by:-

- conducting and publishing research into improvements to the processes used in public works and services to enhance NSW & ACT Communities
- working with government at all levels to ensure that the interests of the community is represented in regard to the public decision-making process relating to public works and services, and
- providing a forum to inspire, educate and encourage people engaged in the public works to discuss best practice and enhancing the future of NSW & ACT Communities

IPWEA is also involved in a joint initiative with Local Government NSW (LGNSW) in the Roads and Transport Directorate (RTD) that IPWEA is responsible for the governance of. The Directorate acts as a focus for research activities, provides technical advice to assist member councils and makes submissions on behalf of its members.

Some Councillors may recall attending the RTD annual Local Roads Congress, held annually at NSW Parliament House, with presentations from Government agencies, Members of Parliament and other various speakers. The purpose of the Congress is aimed at Mayors / Councillors / Directors of Engineering and is intended to address policy issues rather than technical issues.

Council currently has three members of staff who are members of IPWEA, with one being the Secretary of the local Central West Group. The Director Infrastructure Services has also previously served on the Board of Directors of IPWEA NSW from 2014 to 2017.

At the Annual General Meeting of IPWEA NSW held earlier in November, the Director was elected back onto the Board as President for the 2020 to 2023 term.

Major Works

Hobbys Yards Road

The majority of the works on the Hobbys Yards Road project are complete. The only items remaining are line marking and installation of guide posts.

Carcoar Street

Non destructive excavation has been completed to safely uncover gas & electrical utilities. The majority of works are currently taking place between Quamby Place and Stillingfleet Street. The main drainage crossing under Carcoar Street has been completed and custom stormwater pits are currently being constructed. A drainage line will then be installed on the western side of Carcoar Street, extending up to Quamby Place.

Newbridge Road

Project scoping has been completed and a geotechnical engineer has been engaged for investigation and pavement design. Council is currently awaiting the final pavement design in order to progress the project.

Drainage works are due to commence in early November, once the drainage is finished the bulk of the road works will commence. It is expected completion will be in the week commencing 7 December.

Victoria Street Underpass Footpath

Design work is currently underway. Old streetlights have been removed and a contractor has been selected for the new street light installations. Once the design is complete, quotations will be sought for the construction works.

Recycled Water Pipeline

The pipeline installation is now complete and the pump station works are well underway with the concrete slab completed and electrical conduits installed, ready for the new power supply.

Central West Equestrian and Livestock Centre (CWELC)

The storage shed has now been completed with the 4 containers in place within the shed.

Power upgrade works have been scheduled for the week commencing 7 December. This will require power to be turned off to the site to enable changeover of the main switchboard and the installation of the new transformer. The power will be reinstated by end of the day on 12 December.

This schedule has been worked out with the contractors and Essential Energy to limit the impact on the users of the Showground.

Boondaroo Road Bridge

Council has engaged suitably qualified contractors to commence the investigation works for the geotechnical investigation, survey and hydraulic data collection to inform a future Design and Construct Contract. Council is waiting for these investigation works to be completed before the project can progress.

Road Maintenance Works

Road maintenance works including pot hole patching, vegetation management and signage have been undertaken on Hobbys Yards Road, Blayney Street, Millthorpe streets, Vittoria, Guyong and Garland Roads.

Tallwood Road

Geotechnical investigation has commenced for the heavy patch pavement design. This design is yet to be completed.

Errowanbang Road Culvert

With the dryer conditions, the Errowanbang Road washout reconstruction is underway. The bulk of the drainage has now been installed. The road construction is due to commence in the coming weeks. The scope of the road works will also include the repair of approximately 1km of road which was damaged due to the high volume of trucks required to haul material to site.

Footpaths

The Charles Street footpath has been completed.

The next project planned is on Plumb Street from Carcoar Street to Piggot Place, as well as some footpath renewals in Carcoar Street.

An RFQ has been issued for the shared path in Boomerang Street, Millthorpe (Stage 3A of the Active Movement Strategy). The majority of this work will be completed with subcontractors as required under the funding provided through the NSW Government Drought Stimulus Program.

Assets

Council staff have finalised changes to the Transportation Revaluation following the Morrison Low review and these have been provided to Council's Auditors.

Condition assessments and data cleansing continue for the Parks and Recreation Asset Class.

Parks and Recreation

Spring growth across the Shire continues to keep the Parks and Recreation team busy, whilst also maintaining sporting facilities and other public open space.

Showground Eastern Access Road

The eastern access road at the Blayney Showground is complete, however the final trim cannot be undertaken until the ground dries back.

The boundary fence and signage is continuing and has been delayed due to the ongoing wet weather. It is expected these works will be completed by the end of November. A further extension of time has been approved under the NSW Government Showground Stimulus Program for these projects due to the wet weather.

Newbridge Showground Pavilion Refurbishment

Demolition of the existing building is now complete and a contractor has been engaged for the construction of the new pavilion. This building is required to be constructed in two stages in order to be completed within the allowable budget. The Construction Certificate has been received. This project is funded under the Australian Government Drought Communities Program.

Dakers Oval Cricket Fence

Fencing material has been manufactured and is due for delivery in the week commencing 16 November. Works on the installation are expected to commence by the end of November.

Dakers Oval Amenities Building

An RFQ has been issued to construct the new amenities building. A contract for these works is expected to be awarded before the end of November. It is expected the construction works will commence later this year and be completed mid 2021 using funding from the NSW Government Drought Stimulus Package.

Lyndhurst Recreation Grandstand and Cricket Pitch

Both the cricket pitch and shelter have been completed. The contractor is scheduled to place the crushed granite on the base of the shelter in the coming week, which will see the project completed. This project is funded under the Australian Government Drought Communities Program.

Belubula River Heritage Walk Stage 2 – Environmental Works.

Council is currently reviewing quotations for the removal of willows and other noxious weeds from the area known as "the island". This project is funded under the NSW Government Drought Stimulus Package.

Community Recreation Shelter at Redmond Oval

Due to the difficulties in trying to re-use the old timbers from the Browns Creek Road Bridge, Council have decided the shelter will now be constructed from steel. This will ensure the funding time frame can still be achieved and a durable long term outcome achieved.

Works to relocate an existing shelter and table unit to a new location and remove old seating are now complete. The new tables and seating which will be installed under the new shelter will be fabricated from natural timber to retain the heritage appeal.

This project is funded under the Australian Government Drought Communities Program.

Blayney Tennis Club Amenities Building

The amenities block is progressing well with the ground plumbing and slab, wall framing, roof and cladding complete. Painting of the trusses is now underway. The project is still expected to be completed by the end of the year.

This project is funded under the Australian Government Drought Communities Program.

Stillingfleet Netball Court Resurfacing

Council engaged a contractor at the October meeting, and delivery of the project is scheduled to start in the week commencing 7 December. The project is expected to be completed in mid January 2021.

Wastewater

The additional 33kW solar system at the sewerage treatment plant is due for commissioning in the week commencing 9 November.

The new chemical storage shed is complete and staff are now looking to fit it out with shelving, safety shower and eye wash.

Fleet and Plant

Council has commenced procurement for the 2020/21 plant replacement program.

Requests for Tender for the replacement of a Truck (P31) and Dog Trailer (P171) have been assessed and a tenderer selected.

Requests for Quotations have been awarded for the:

- replacement of 2 Kubota mowers; and
- purchase of a Plant Implement Trailer which is being fabricated.

Discussions are underway with various companies to determine the best suited to provide vehicle tracking services of Council's plant and light vehicles.

Risk/Policy/Legislation Considerations:

Information report only

Budget Implications:

Information report only

Enclosures (following report)

Nil

Attachments (separate document)

Nil

07) CEMETERIES MANAGEMENT PLAN

Department: Infrastructure Services

Author: Director Infrastructure Services

CSP Link: 1. Public Infrastructure and Services

File No: PH.CE.1

Recommendation:

1. That the draft Cemeteries Management Plan be endorsed for the purpose of public exhibition for 28 days.
2. That a further report, detailing any submissions received, be presented to Council following the conclusion of the exhibition period.

Reason for Report:

The draft Cemeteries Management Plan for all Blayney Shire Cemeteries is presented to Council for its consideration and endorsement of a 28 day public exhibition period. The document has been prepared by Rachael Young Consulting and Council.

Report:**Executive Summary**

Blayney Shire Council has been a member of the Central West Councils Environment & Waterways Alliance (the Alliance), since its initial formation as the Salinity Action Alliance in 2000, and then in collaboration with the Central West Catchment Management Authority to become the Salinity and Water Quality Alliance.

In 2018 Council engaged Rachael Young Consulting utilising funding from the Alliance to develop a Management Plan for all Blayney Shire Cemeteries.

The project is considered a pilot project with many local Councils monitoring the project prior to development of their own Management Plans.

The aim of the project was to develop a strategic guide that provides guidance on strategic planning, the sustainable management of, and to improve the conservation and public amenity of the Shire's cemeteries.

Blayney Shire Council was well placed to undertake this pilot project, with well preserved grass land communities and/or tree and shrub elements amongst many of its cemeteries. Council's Parks and Recreation Supervisor is also experienced and well recognised amongst his peers and has taken a proactive approach throughout his career to the management of remnant vegetation in the Blayney Shire.

The development of the Cemeteries Management Plan has included the assessment of all Blayney Shire Cemeteries (Carcoar, Lyndhurst, Millthorpe, Neville, Newbridge, Blayney and Hobbys Yards). The consultant in conjunction with Council's Parks and Recreation Supervisor, gathered information on each of the cemeteries and their surrounding reserves, prior to developing a long term management program for them.

Community Engagement

The Blayney Shire Cemetery Forum were provided with a copy of the Blayney Shire Council draft Cemeteries Management Plan at the February 2019 meeting, with feedback sought from members. Council has received no feedback.

At its February 2020 meeting, the Blayney Cemetery Forum recommended that Council endorse the Draft Cemeteries Management Plan for Public Exhibition.

It is therefore recommended that Council endorse the draft Cemeteries Management Plan, and it be placed on public exhibition for 28 days.

Risk/Policy/Legislation Considerations:

Asset Management

Council manages the Blayney Shire Cemeteries across various Crown Land Reserves.

Councillors will note publication in recent months of a Cemeteries Works Guide, to offer funeral directors, visitors and other users an easy reference to each cemetery, including a general description, the ecosystem, and mapping with a description on the levels of service provided.

Policy

The strategic future actions and goals have been prioritised and offer Council and the Community clear advice on each activity. The most notable actions are:-

- Future extensions to the Blayney Cemetery for when all village cemeteries are full.
- Exploring legal instruments available under the *NSW Biodiversity Conservation Act 2016* and other relevant legislation to access government funding, to aid the cost of maintaining the land.

These actions are proposed in recognition of the high conservation value of various parts of the existing cemeteries and their adjoining lands, and seek to protect them from further conversion to Active Areas by recognising them as Conservation Areas.

Crown Land Management Act 2016

Blayney Shire Cemeteries are situated on Crown Land and subject to provisions of the *Crown Land Management Act 2016*. As a statutory requirement, Crown Land Plans of Management shall be prepared for Carcoar, Lyndhurst, Millthorpe, Neville and Newbridge Cemeteries. It is intended that the Cemeteries Management Plan shall be incorporated in the above mentioned Plans of Management and referenced as the Crown Land Plans of Management's primary source for common provisions.

Using authorisations granted within the Crown Land Management Act, Council intends to alter the reserve purpose for Carcoar, Lyndhurst, Millthorpe, Neville and Newbridge Cemeteries; extending their original purpose of 'Cemetery' and/or 'Plantation' to also encompass the purpose of 'Natural Area'. By adding the additional purpose of 'Natural Area' to these parcels of Crown Land Council is preserving future use of the active areas of the cemetery as well as ensuring the long term protection of the conservation areas.

Native Title Act 1993

The advent of the Crown Land Management Act has introduced changes to Native Title requirements for Councils under the Native Title Act.

The Crown Reserves in the Cemeteries Management Plan are in areas traditionally occupied by the Wiradjuri Aboriginal people and lie within the area of the Wiradjuri Regional Aboriginal Land Council.

The 'Conservation Significance' section of the Cemeteries Management Plan indicates Aboriginal communities have an association and connection with the conservation areas of Carcoar, Lyndhurst, Millthorpe, Neville and Newbridge Cemeteries.

Whilst it is intrinsic in Council policy to recognise the rights and interests that Indigenous Australians hold over the land, Council as Crown Land Managers have a legal obligation under the Native Title Act to manage the land in synchronicity with Native Australian use of the land. The management actions within the Cemeteries Management Plan are conducive to the compliance of Native Title legislation.

Additional measures such as declaring conservation areas identified as areas of Cultural Significance could be taken to further solidify the conservation ethos captured within the Cemeteries Management Plan.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

1 Cemeteries Management Plan

102 Pages

08) 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 for 2020/21.

Reason for Report:

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

Report:

The location of reseals and heavy patching, has been determined for the 2020/21 financial year within funding allocations.

Resealing

The resealing budget for 2020/21 is \$400,192. Following the completion of the sealed road condition assessment by ARRB in September 2019, Council currently has 2.9 km of seal in very poor condition (condition 5), with a further 8.6 km 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 utilise our patching truck to undertake cost effective reseals on these sections.

The reseals planned on Carcoar, Hobbys Yards and Forest Reefs Roads will be placed on top of the primary seal laid during construction, as we were unable to place a final seal on these projects, due to the time of year the works were completed.

Road	From	To	Length	Cost
Forest Reefs Road	Burtons Lane -300m	Burtons Lane +900m	1.2km	\$45,000
Carcoar Road	Kinghams Lane +1.8km south	Tallwood Road Intersection +0.3km	2.1km	\$80,000
Hobbys Yards Road	Tooheys Lane -700m	Tooheys Lane +200m	1.0km	\$35,000
Water Street	Adelaide Street	Osman Street	0.25km	\$20,000

Osman Street	Water Street	Church Street	0.25km	\$18,000
Water Street	Adelaide Street	Osman Street	0.25km	\$18,000
Belubula Street	Icely Street	Collins Street	0.2km	\$15,000
Newbridge Road	300 m either side of Sealink entrance		0.6km	\$25,000
Marshalls Lane	Lowe Street	Lawson Street +150m	0.6km	\$25,000
Lawson Street	Marshalls Lane	Marshalls Lane	0.8km	\$35,000
Total			7.3km	\$316,000

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. With any remaining funds, additional reseals will be planned following the completion of the above.

Heavy Patching

The heavy patching budget for 2020/21 is \$504,300.

Road	From	To	Length	Cost
Tallwood Road	Carcoar Road	Souths Lane +150m	0.8 km	\$130,000
Neville Road	Various Patches		1.2 km	\$160,000
Barry Road	Various Patches		1.1 km	\$150,000
Total			~3.1km	\$440,000

Exact patch locations on Neville Road & Barry Road have not been confirmed or had geotechnical investigation. Following the confirmed pavement design, prices can vary between -10%/+20%.

Risk/Policy/Legislation Considerations:

The heavy patching works are identified as at 2 November 2020, and could change into the future dependant on the prevailing weather conditions. Council Officers will re-prioritise works within the budget as needed.

Budget Implications:

All works scheduled are within Council's budget allocation for 2020/21.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

09) RENEWABLE ENERGY ACTION PLAN 2020**Department:** Infrastructure Services**Author:** Manager Water and Wastewater**CSP Link:** 2. Local Governance and Finance**File No:** ET.LI.2**Recommendation:**

That Council nominate 2 Councillors to contribute on a Council Working Group to progress the implementation of the Renewable Energy Action Plan.

Reason for Report:

Council endorsed the revised Renewable Energy Action Plan 2020 (REAP) at the July meeting, and requested a report be brought back to provide the community with an update on progress of the recommendations implemented (**Resolution No 2007/014**).

This report provides an update on the REAP, and seeks input from Councillors to work with staff to assess and review recommendations.

Report:

The 2020 REAP identified a number of short and medium term projects, which included;

- Installation of smart metering and load control across all Council energy consumption sites
- Investigation, site assessment and business case development of a potential medium scale solar array
- Investigate opportunities for behind the meter (BtM) solar and battery installation
- Implement energy efficiency as a factor into Council's procurement process'
- Commence renegotiations for energy contracts 3-6 months prior to existing contract expiry
- Develop Business Case for a Village Microgrid
- Installation of EV Chargers and investment in EV Fleet

The status of each recommendation follows this report for information purposes.

Work continues to progress in the Renewable Energy and Sustainability areas for Council, with the following particular works undertaken or underway.

Since the REAP was reviewed, Constructive Energy have completed further analysis on the CentrePoint energy numbers and Council have received a formal update on the status of the proposed Blayney Solar Farm project.

In October, a project funded by NSW Department of Planning, Industry and Environment (DPIE) with the Central NSW Joint Organisation (JO) commenced which will progress the investigation of renewable energy opportunities for member Councils. The work of the DPIE on this project is expected to provide a report to Councils through the Central NSW JO to identify specific projects for consideration at a Local Government level as well as regional strategies.

An initial meeting was held with the BCO Alliance members on 26 October, to consider the opportunities for regional and shared renewable projects with the DPIE program, leverage Council funding with grants, fast track business cases for energy and utility saving projects and carbon reduction programs. The Manager Water & Wastewater/Projects is taking the lead on this item for the BCO. It is envisaged the DPIE report to the Central NSW JO may also be considered with the Councils review of the REAP.

It is proposed that a Council working group be established consisting of 2 Councillors and 2 staff members to review and consider the REAP Action Plan. The working group could also consider the report from the DPIE project when received and how this could align with the Councils REAP. It is anticipated this working group could be established, to commence the review early in the new year.

The objective of the working group is to provide oversight to the REAP 2020, and report back to Council with recommendations and projects for consideration and progression.

Risk/Policy/Legislation Considerations:

The working group has not been given delegation beyond investigating renewable energy options and report back to Council when any financial commitment is required or decision making necessary. The working group will review the recommendations and activities identified in the REAP 2020, and prioritise the action plan.

Budget Implications:

Nil

Enclosures (following report)

1 REAP Report Summary

1 Page

Attachments (separate document)

Nil

Projects identified in Section 5.0 & 5.1 of REAP 2020

Project Number	Time Frame (Yrs)	Project	Actions/Recommendations	Status
1	1 - 3	SMART metering and load control installations across all Council's energy consumption sites	Budget is allocated in FY20 to be undertaken in 2021.	Constructive Energy have provided information on a Smart meter / Gateway. No Load control devices have yet been considered.
2	1 - 3	Medium scale solar (1MW) with Council as retailer mechanism	Full site assessments, preliminary network investigations and business case preparation.	Additional 70kW provision for CentrePoint, awaiting confirmation on Funding success to proceed. DPIE to consider feasibility and business case for regional Solar farm.
3	1 - 3	BM Solar and battery installations for Virtual Net Metering	Prioritise the sites best suitable for BM solar installation and prepare the costings for each individual site installation.	Additional 33kW being installed at the STP. Battery business case likely to be developed in the next 1 – 2 years.
4	1 - 3	Energy Efficiency measures implemented across Council locations	BSC's procurement processes specify/preference high efficiency devices for new and replacement devices and, engage a third-party audit/assessment specialist to develop and list of costed savings measures.	Noted. Smart metering will assist with identifying usage patterns to model potential efficiency gains. Use of solar lighting is now being used at various locations.
5	1 - 3	Energy Contract negotiations. Renegotiating with existing providers and/or engaging with novel retail approaches.	Commence negotiations with retailers in 2022, 3-6 months prior to existing contract expiry.	Noted. New Gas Contract has been negotiated and signed. Sites to be transferred to new retailer in November 2020.
6	3 + Years	Microgrids for BSC villages – special case study on a village	Business case development in 2020 – 2025.	Noted. Would not be considered short term priority.
7	3 + Years	Electrical Vehicle (EV) Fleet and Electrical Vehicle charge stations	Install fast charging infrastructure and prepare for the transition to an EV fleet in 2020's on an 'as-needs' basis. Begin a trial with a vehicle and charging station linked to a solar project with export. Implement changes to procurement processes to ensure a smooth transition commences.	Current program to fund 4 EV chargers in Village businesses in Millthorpe (x2), Carcoar and Mandurama. Education on EV Fleet and the transition is continuing.

10) WAIVER OF 2020/21 PRIMARY FOOD SHOP INSPECTION FEES AND CHARGES

Department: Planning and Environmental Services

Author: Senior Environmental Services Officer

CSP Link: 3. The Local and Visitor Economy

File No: GO.ME.1

Recommendation:

That Council waive the primary inspection fee for all food premises for the 2020/2021 financial year.

Reason for Report:

To seek council approval to waive the primary inspection fee associated with regulatory compliance auditing of retail food premises within the Blayney Shire Council Local Government Area as a direct result of the COVID-19 virus and its impacts on small business.

Report:

The Food Regulation Partnership was introduced in NSW in 2003. The Partnership defines the responsibilities of the New South Wales Food Authority and NSW Councils in relation to food safety issues.

Blayney Shire Council is a Category B Council and is required to conduct inspections of retail food businesses to ensure compliance with the Food Act 2003 and Food Safety Standards 3.2.2 and 3.2.3. The Partnership also allows Council to recover the cost of food regulation enforcement.

Continuing actions taken by Federal and State governments have seen unprecedented changes to the way communities behave as measures and restrictions have been implemented to slow and trace the spread of COVID-19. These measures and restrictions are continuing to have an effect on the food services industry.

The proposal is to not charge food businesses the primary inspection fee, being; \$83 for low risk premise and \$172 for medium and high premises mainly because COVID, restricted Council's ability to undertake detailed food inspections in 2019/20.

Another factor is the 2020/21 inspections will be brought forward from the traditional period of April/May to December/January and food businesses are considered to still be rebuilding from the impact of COVID.

Whilst it is proposed to waive primary inspections, businesses that require a reinspection will incur a fee of \$83 per reinspection.

Council's Senior Environmental Services Officer will be conducting routine primary compliance inspections to ensure the health and safety of the community is not compromised by any unsafe food handling practices.

Risk/Policy/Legislation Considerations:

By continuing to conduct routine food inspections Council will meet its obligation to the NSW Food Authority in regard to the Food Regulation Partnership. At the time of the report no formal decision had been made in regards to modification to the Food Regulation Partnership expectations.

The Office of Local Government have advised in Circular 20-12 that Councils may immediately waive or reduce fees under a new "COVID-19" category of s.610E of the Local Government Act. Council can immediately apply the waiver or reduction without establishing a new category or going through the normal public notice requirements of s.610E(2) for adding new categories under s.610E of the Local Government Act.

Budget Implications:

Income of \$6,000 from retail food business regulatory primary inspections was budgeted for the 2020/21 financial year.

A reduction of income would need to be adjusted at the December Quarterly Budget Review.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

**11) DEVELOPMENT APPLICATION 50/2020 - FOURTEEN LOT
SUBDIVISION - 741 FOREST REEFS ROAD, FOREST REEFS**

Department: Planning and Environmental Services

Author: Manager Planning

CSP Link: 5. The Natural Environment

File No: IAPPD/56489

Recommendation:

That Council consent to Development Application 50/2020 for a fourteen lot subdivision of Lot 102 DP1263877 – being 741 Forest Reefs Road, Forest Reefs, subject to the recommended conditions of consent.

Reason for Report:

For Council to consider and determine Development Application 50/2020 for a fourteen lot subdivision of Lot 102 DP1263877 – being 741 Forest Reefs Road, Forest Reefs.

Key issues for consideration includes, two (2) submissions received during the notification period, as required by the *Blayney Community Participation Plan 2020*. The submissions are addressed in the body of this report.

Executive Summary:

Council's consent is sought for a fourteen lot subdivision of 741 Forest Reefs Road, Forest Reefs, being Lot 102 DP1263877 (the 'subject property').

The proposed development will create fourteen regularly and irregularly shaped lots in the order of 2 – 2.4ha. The proposed lots will generally be accessed from an internal public road with the exception of proposed Lot 102. Proposed Lot 102 will have direct frontage to Forest Reefs Road.

The plans submitted with the Development Application also identify the location of a community groundwater bore and associated exclusion area for effluent disposal. Notably, approval for the installation of a groundwater bore is not the responsibility of Council.

The subject property is vacant and devoid of any significant features with the exception of a row of mature exotic trees, multiple small dams and two intermittent water courses. With regard to the watercourses and dams, it is noted that a substantial portion of the subject property is relatively low lying and was observed to be waterlogged during the assessment process. This matter is addressed in further detail in the body of this report.

The subject property forms the western extent of the R5 Large lot residential zone, which extends for 7km (approx.) to the west of Millthorpe along Forest Reefs Road.

The southern and western boundaries of the subject property adjoin three operational farms which are zoned RU1 Primary production, being 86 Burtons Lane, 75 Burtons Lane and 75 Gartholme Road.

The eastern boundary of the subject property adjoins four properties which are zoned R5 Large lot residential, being 737 Forest Reefs Road, 715 Forest Reefs Road, 64 Eucalyptus Close and 66 Eucalyptus Close. These properties have generally been created as large lot residential properties under the current R5 Large lot residential zone.

Given that the proposed development would create more than five lots, the Development Application was notified to the adjoining and proximate landowners in accordance with Council's Community Participation Plan. Following the notification period two submissions were received. The matters raised in the submissions are addressed in detail 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 (BLEP 2012) and the Blayney Development Control Plan 2018 (Blayney DCP 2018).

Proposed Development:

Council's consent is sought for a fourteen lot subdivision of the subject property. The proposed development is illustrated in Figure 1, below.



Figure 1: The proposed development

Existing Conditions:

The existing conditions of the subject property are shown in Figures 2 and 3, below.



Figure 2: The subject property – Existing Conditions

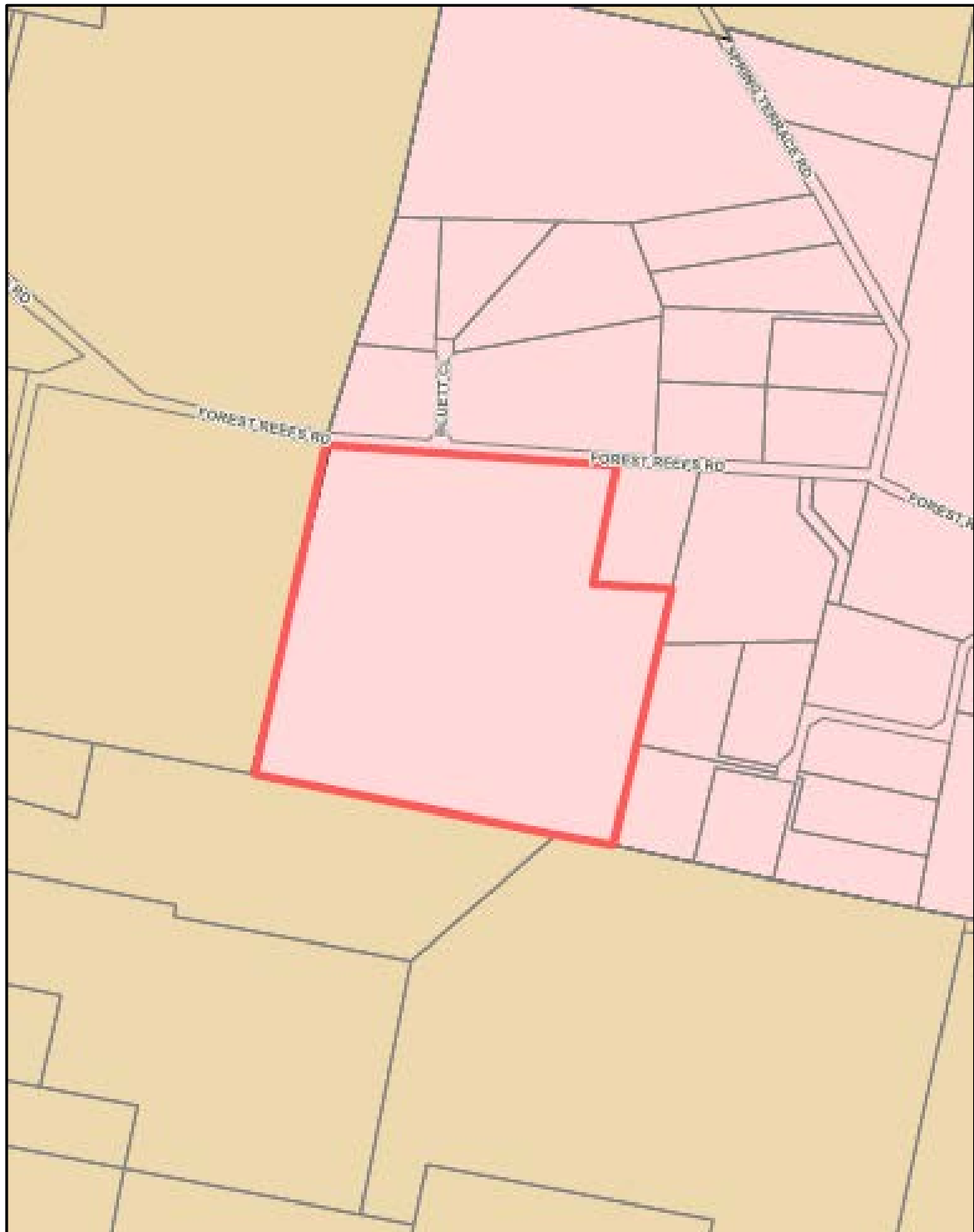


Figure 3: The subject property – Zone Context Plan (Pink area is zoned R5 Large lot residential, Brown area is zoned RU1 Primary production)

Assessment

In determining a Development Application, a Consent Authority is to take into consideration the following matters, as are of relevant to the development that that is the subject of the Development Application.

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

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

Clause 1.7 Maps

Land zoning:	R5 Large Lot Residential
Lot size:	2ha
Heritage:	N/A
Terrestrial biodiversity:	N/A
Groundwater vulnerability:	Yes
Drinking water catchment:	N/A
Watercourse:	N/A
Flood:	N/A

Clause 1.9A – Suspension of Covenants, Agreements and Instruments

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

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

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

It is noted that the subject property is affected by an easement for the purpose of overhead power lines (Figure 4).

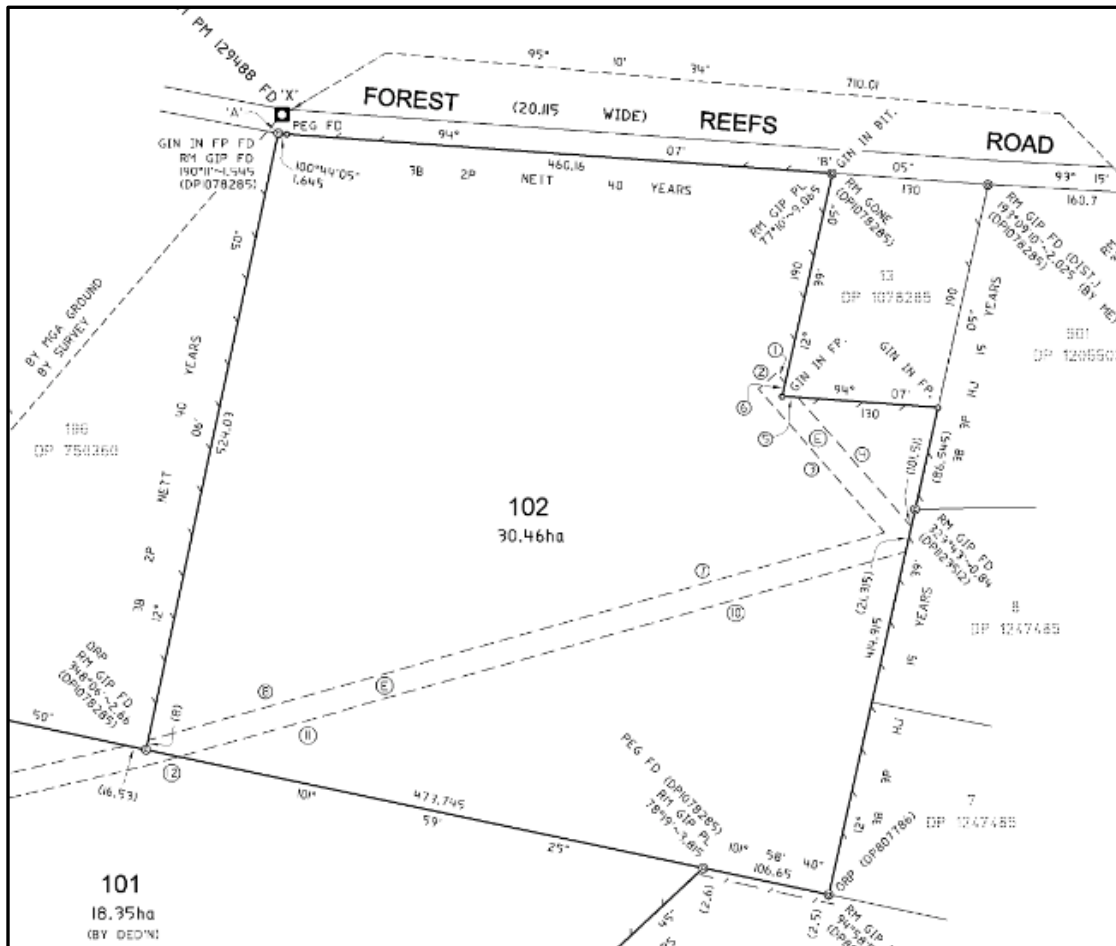


Figure 4: Extract of DP1263877 – Easement for powerlines shown by dashed black lines

Part 2 – Permitted or Prohibited Development

Clause 2.6 Subdivision – Consent Requirements

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

Clause 4.1 Minimum Subdivision Lot Size

Clause 4.1 seeks to minimise the cost to the community of fragmented and isolated development of rural land, and providing, extending and maintaining public amenities and services; ensure that the character and landscape setting of an area is protected and enhanced by any development; to ensure that development is undertaken on appropriately sized parcels of land commensurate with available services (including any associated sewerage

system) and responds to any topographic, physical or environmental constraints; and to protect drinking water catchments from over-development that may impact on water quality and quantity in the catchment and drinking water systems.

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

The subject property is affected by a Minimum Lot Size of 2ha. In this regard, it is noted that the proposed subdivision will comprise lots of 2 – 2.4ha.

Part 5 – Miscellaneous Provisions

Clause 5.16 Subdivision of, or dwellings on, land in certain rural, residential or environmental protection zones

Clause 5.16 seeks to minimise potential land use conflict between existing and proposed development on land in rural, residential, or environmental protection zones, particularly between residential land uses and other rural land uses.

The following matters must be taken into consideration in determining whether to grant development consent for subdivision:

- a) The existing uses and approved uses of land in the vicinity of the development;
- b) Whether or not the development is likely to have a significant impact on land uses that, in the opinion of the consent authority, are likely to be preferred and the predominant land uses in the vicinity of the development;
- c) Whether or not the development is likely to be incompatible with a use referred to in paragraph (a) or (b); and
- d) Any measures proposed by the applicant to avoid or minimise any incompatibility referred to in paragraph (c).

With regard to the foregoing matters, it is considered that the proposed development is unlikely to cause significant land use conflict with surrounding rural properties.

In particular, it is noted that the proposed subdivision has been designed to incorporate building envelopes with a minimum setback of 50m from the adjoining rural properties at 86 Burtons Lane, 75 Burtons Lane and 75 Gartholme Road.

A 50m setback is consistent with the requirements of the *Blayney Development Control Plan 2018* (Blayney DCP 2018) for a dwelling in the RU1 Primary production zone.

Further, it is noted that the proposed development is similar to many other large lot residential developments that have occurred within the area zoned R5 Large lot residential between Millthorpe and Forest Reefs.

Notwithstanding, it is noted that a small rural property located at 73 Burtons Lane contains nine dog kennels which are used to house greyhounds (Figure 5). The keeping of greyhounds in this instance is considered to be agriculture, as opposed to *animal boarding or training establishment*.

In this regard, it is considered that a condition of consent should be applied to mitigate any potential impact associated with noise generated by barking greyhounds.

Specifically, it is recommend that the building envelopes for proposed Lots 105, 106 and 107 are amended to achieve a minimum setback of 400m from 73 Burtons Lane.

Further, it is recommended that a restriction be placed on the Section 88B Instrument of proposed Lots 105, 106 and 107 requiring that any dwelling must include noise attenuation measures appropriate to mitigate noise from nearby agricultural activities, including barking dogs.



Figure 5: Location of dog kennels at 73 Burtons Lane (Subject property identified by heavy red line)

Part 6 – Additional Local Provisions

Clause 6.4 Groundwater

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

Given that the subject property is located in an area identified as being of groundwater vulnerability, Council staff sought further clarification regarding the adequacy of on-site effluent management studies submitted with the Development Application.

Council's Senior Building Surveyor has subsequently confirmed that the proposed effluent management systems are adequate.

Notwithstanding, on the basis that the Development Application has foreshadowed the installation of a community bore, the Senior Building Surveyor has recommended that a condition of consent be applied requiring that a restriction be imposed on the Section 88B instrument restricting the use of bore water to non-potable uses.

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.

Council's Infrastructure Services Department and Senior Building Surveyor have recommended that conditions of consent be applied to ensure that the subject property is serviced by all relevant essential services.

Essential services such as supply of water and disposal and management of sewage will be dealt with specifically at the time an application is lodged for the construction of a dwelling.

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.

While the subject property was historically used for the purpose of extensive agriculture, no evidence of contamination or a potentially contaminating land use was identified on-site. In this regard, it is considered that the subject property is unlikely to be contaminated and is suitable for residential land use.

State Environmental Planning Policy (Infrastructure) 2007

The proposed development was referred to Essential Energy under Clause 45 of the *State Environmental Planning Policy (Infrastructure) 2007*.

Essential Energy made the following general comments:

Strictly based on the documents submitted, Essential Energy has no comments to make as to potential safety risks arising from the proposed development.

Essential Energy makes the following general comments:

- *As part of the subdivision, an easement/s are/is created for any existing electrical infrastructure. The easement/s is/are to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision;*
- *If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment;*
- *Any existing encumbrances in favour of Essential Energy (or its predecessors) noted on the title of the above property should be complied with; and*
- *Council should ensure that a Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) is issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.*
- *In addition, Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.*
- *Prior to carrying out any works, a "Dial Before You Dig" enquiry should be undertaken in accordance with the requirements of Part 5E (Protection of Underground Electricity Power Lines) of the Electricity Supply Act 1995 (NSW).*

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

The comments have been incorporated into the recommended conditions of consent.

State Environmental Planning Policy – Koala Habitat Protection

State Environmental Planning Policy – Koala Habitat Protection applies to the subject property.

Given that the subject property is substantially cleared and that the proposed development will not result in the loss of any native tree species, it is considered that there will be no impact on koala habitat.

State Environmental Planning Policy – (Mining, Petroleum Production and Extractive Industries) 2007

Clause 13 of the *State Environmental Planning Policy – (Mining, Petroleum Production and Extractive Industries) 2007* applies to an application for development consent on land that is identified as being the location of State or regionally significant resources of minerals, petroleum or extractive materials.

Before determining an application, the following must be addressed:

- a) consider—
 - i. the existing uses and approved uses of land in the vicinity of the development, and
 - ii. whether or not the development is likely to have a significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials (including by limiting access to, or impeding assessment of, those resources), and
 - iii. any ways in which the development may be incompatible with any of those existing or approved uses or that current or future extraction or recovery, and
- b) evaluate and compare the respective public benefits of the development and the uses, extraction and recovery referred to in paragraph (a)(i) and (ii), and
- c) evaluate any measures proposed by the applicant to avoid or minimise any incompatibility, as referred to in paragraph (a)(iii).

Notably, the applicant submitted an extract of the Mineral Resources Audit map which shows the subject property to be located at the periphery of a potential resource area.

However, Council staff note that the State Governments mapping tool for minerals and extractive resources does not apply to the subject property.

Notwithstanding, Council staff contacted NSW Mining, Exploration and Geoscience who advised verbally that the proposed development is unlikely to have any significant impact on current or future extraction or recovery of minerals, petroleum or extractive materials.

As previously discussed, other approved uses surrounding or in close proximity to the subject property are either extensive agriculture (i.e. cropping and grazing) or large lot residential.

As such, it is considered unnecessary to undertake a detailed evaluation with regard to the requirements set out in point b and c, above.

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

Not applicable.

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

Blayney Shire Development Control Plan 2018

Part F: Subdivision & Roads

Part F2 Site Planning and General Subdivision

F2.1 Site Planning

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

While the report submitted with the Development Application indicated that the subject property naturally drains to existing water courses, Council staff observed the subject property to be water logged following rainfall on 25 - 26 July 2020.

As such, Council staff sought further clarification from the applicant to demonstrate how the proposed building envelopes could be designed to be free of constraint and accessible under average rainfall conditions.

The applicant subsequently provided two further preliminary engineering designs to demonstrate how the proposed lots could be drained, with stormwater being discharged to the table drain along Forest Reefs Road.

Council's Infrastructure Services Department commented that the first additional preliminary engineering design was inadequate on the basis that it did not achieve a suitable grade for stormwater to discharge to Forest Reefs Road.

The Infrastructure Services Department has subsequently confirmed that the final preliminary engineering design is adequate and should ensure that surface water drains freely.

However, given that the site is relatively flat and prone to waterlogging, it is also considered appropriate to apply a restriction on the Section 88B Instrument of each lot requiring that any dwelling must have a Finished Floor Level 500mm above the 1% AEP storm event.

The proposed development is otherwise considered to be consistent with the objectives and performance criteria.

F2.2 Topography & Earthworks

F2.2 sets out the objectives with regard to ensuring the subdivision & road design responds to the site opportunities & constraints by minimising cut and fill and to ensure that earthworks will not have a detrimental impact on nearby watercourses or stormwater systems or neighbouring uses.

Information submitted with the Development Application indicates that earthworks will generally only include construction of the public road, installation of utilities and fencing, having minimal impact.

It is accepted that the proposed development will require relatively minor cut and fill across the subject property. Further, it is considered that any potential off-site impact can be adequately managed through sediment and erosion control measures.

F2.3 Lot Size & Arrangement

F2.3 sets out the objectives to enable the size and dimensions of lots to respond to the site constraints and proposed land use requirements.

The proposed development is consistent with the acceptable solutions.

F2.4 On-site Effluent Management

F2.4 seeks to ensure that on-site effluent management can be accommodated on any proposed lot without affecting adjacent properties or the natural environment.

An effluent management report has been submitted for each proposed lot.

Council's Senior Building Surveyor has confirmed that the proposed effluent management systems are adequate.

Notwithstanding, on the basis that the Development Application has foreshadowed the installation of a community bore, the Senior Building Surveyor has recommended that a condition of consent be applied requiring that a restriction be imposed on the Section 88B instrument restricting the use of bore water to non-potable uses.

F2.5 Access & Entrances

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

Council's Infrastructure Services Department has recommended specific conditions of consent regarding the proposed public road and access to each proposed lot.

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

F2.6 seeks to minimise the number of lots created that do not have a substantial frontage to a public road; and ensure any access ways are of sufficient width and driveway construction to minimise impacts on neighbouring lots and provide suitable vehicle access.

Not applicable.

F2.7 Utilities / Easement

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

As noted above, conditions of consent have been recommended regarding the provision of all relevant essential services.

Essential services such as supply of water and disposal and management of sewage will be dealt with specifically at the time an application is lodged for the construction of a dwelling.

F2.8 Staging

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

Information submitted with the Development Application indicates that lots may be released in a staged manner, however this could not yet be confirmed.

As a result, the proposed development is recommended for approval as one stage only. If the applicant wishes to undertake a staged development in the future, they will need to apply to Council for a modification of the development so that it can be conditioned accordingly.

Part F4 Large Lot Residential & Rural Subdivision

F4.1 Access and Road Design

F4.1 seeks to provide safe and efficient access points to/from proposed lots to rural roads.

As previously noted, Council's Infrastructure Services Department has recommended specific conditions of consent regarding the proposed public road and access to each proposed lot.

Part F7 New or Upgraded Public Roads

F7.1 Engineering Guidelines

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

As previously noted, Council's Infrastructure Services Department has recommended specific conditions of consent regarding the proposed public road and access to each proposed lot.

F7.2 Surrounding Road Pattern and Access & F7.3 Road Hierarchy and Design

F7.2 identifies that any subdivision design that includes new public road(s) must integrate with the surrounding road network and other pedestrian/bicycle and open space connections and be sympathetic to settlements with strong grid pattern road systems, and provide a subdivision pattern and road layout that enables adjacent lands to be developed as urban growth occurs.

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

The proposed public road has been assessed by Council's Infrastructure Services Department. No issues have been raised regarding the suitability of the proposed road with regard to the surrounding road pattern.

F7.4 Terminating Roads (cul-de-sac)

F7.4 seeks to minimise the use of cul-de-sacs, their length and number of lots serviced and ensure they cater for waste collection services.

Not applicable. The provision only applies where proposed lots are below 1ha.

F7.5 Crown Roads

F7.5 seeks to ensure that Crown roads are appropriately dedicated and upgraded to service new development.

Not applicable.

F7.6 Safety & Surveillance

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

The proposed public road has been assessed by Council's Infrastructure Services Department. No issues have been raised regarding safety and surveillance.

F7.7 Public Domain, Landscaping & Trees

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

In this instance, Council does not require street tree planting.

F7.8 Naming of New Roads

F7.8 states that the naming of new roads is addressed in Council Policy entitled *Guidelines for the naming of public roads and streets* (2010 as amended).

Completion of the road naming process, including gazettal of the new road names in the NSW Government Gazette, is the responsibility of the relevant roads authority (Council for local roads / Roads & Maritime Services for classified roads).

Council will need to make a resolution for the decision to rename and/or the determination of a new name after community consultation (see the Development Guide). The procedures for naming roads is regulated by Clause 162 of the Roads Act 1993 and Part 2, Division 2 of the Roads Regulation 2008 and also requires consideration by the Geographical Names Board.

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

Not applicable.

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

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

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

The likely impacts of the proposed subdividing are addressed in the body of this report.

Further, having regard to the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* it is considered that proposed development has a low probability of impacting on any Aboriginal objects.

Notwithstanding, it recommended that a condition of consent be imposed in the event that there is an unexpected find during construction.

Contributions are to be paid to Council towards the provision or improvement of amenities or services (residential subdivision/works) under the Blayney Local Infrastructure Contributions Plan 2013 (see Council's web site). The contributions to be paid are currently \$6,563 per new lot created.

The amount payable would be recalculated on the basis of the contribution rates that are applicable at the time of payment.

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

Two submissions were received following notification of the proposed development. The relevant matters are addressed below.

Submission 1

The first submission was received from an adjoining landowner who runs a 'closed herd' beef property which supplies directly to the European Union, grass fed and restocking markets. The land adjoining the proposed development is also used for growing crops and pastures associated with beef production.

Submitter comment:

The landowner identified that they were concerned by the absence of a vegetation screen, or buffer, along their common boundary with the proposed development.

In particular, the landowner highlighted the importance of biosecurity to their business, stating that they are currently pest and disease free.

Further to these matters, the landowner indicated that a vegetative screen would have the added benefit of creating a visual barrier and protecting the proposed development from cold south westerly winds while also minimising the impacts of noise from livestock and machinery.

Specifically, the submitter has requested that a condition of consent be imposed requiring that a landscape buffer be established along the length of the common boundary with the proposed subdivision with the buffer to consist of five rows of native trees with a spacing of 3 metres between each row and 4 metres between each tree.

Staff comment:

It is noted that Council has not approved a substantial large lot residential subdivision adjoining an operational farm which is zoned RU1 Primary production since the introduction of the Blayney Development Control Plan 2018 in June 2018.

In this regard, there is no precedent on which Council can rely regarding a requirement for landscape buffers between a large lot residential development and an operational farm which is zoned RU1 Primary production.

Notwithstanding, it is noted that Council has historically requested landscape buffers between large lot residential development and operational farms, with a recent example being a five lot subdivision at 569 Forest Reefs Road, Forest Reefs which was approved in June 2016.

Having regard to the matters raised in the submission and taking into consideration that the properties to the immediate south and west of the subject property will remain as operational farms, it is considered appropriate to apply a condition of consent requiring that a landscape buffer be established.

However, it is considered that the buffer need only consist of three rows of trees. As the subject property has been zoned for large lot residential development for in excess of a decade, it is considered that the adjoining operational farms have had adequate time to establish landscape buffers to assist in managing the impact of any potential future development of the subject property.

As such, if the adjoining landowners require 5 rows of trees to achieve a suitable landscape buffer, they should also carry some responsibility. It is open to those landowners to establish a further two rows of trees if considered necessary.

Submission 2

The second submission was received from an adjoining land owner. In summary, the landowner identified the following issues:

Submitter comment:

The southern end of the subject property is low lying and can become waterlogged. It is not suitable for houses or effluent management systems.

Staff comment:

Noted. Council's Infrastructure Services Department has worked with the applicant to ensure that the subject property can be adequately drained to ensure that the proposed building envelopes are free of constraint.

Submitter comment:

In the event that run off from poorly sited rubble drains track downhill and into the intermittent water course, it will be reported to the Health Department.

Staff comment:

The effluent management plans submitted with the Development Application require surface or subsurface irrigation over an area of 444m² in association with a secondary waste water treatment system.

Submitter comment:

A boundary fence needs to be erected along the correctly surveyed boundary. The fence needs to be dog proof (8/90/15 profile).

Staff comment:

It is recommended that conditions of consent should be applied requiring confirmation that all boundary fencing is located on the surveyed common boundary of the properties surrounding the subject property.

Further, it is recommended that a condition of consent be applied requiring that all boundary fencing comprise two top barbed wires and 3 plain “tie easy” or high tensile wires with rabbit netting, hinge joint or ring lock of “sheep and lamb” pattern that provides a sufficient stock proof barrier, unless otherwise agreed by Council’s Department of Planning and Environmental Services.

Submitter comment:

Trees should be planted in the buffer zone. They will need to be frost hardy and tolerate wet conditions.

Staff comment:

As noted above, it is recommended that a condition of consent be applied requiring that a landscape buffer be established and maintained in perpetuity along the operational farming properties at 86 Burtons Lane, 75 Burtons Lane and 75 Gartholme Road.

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:

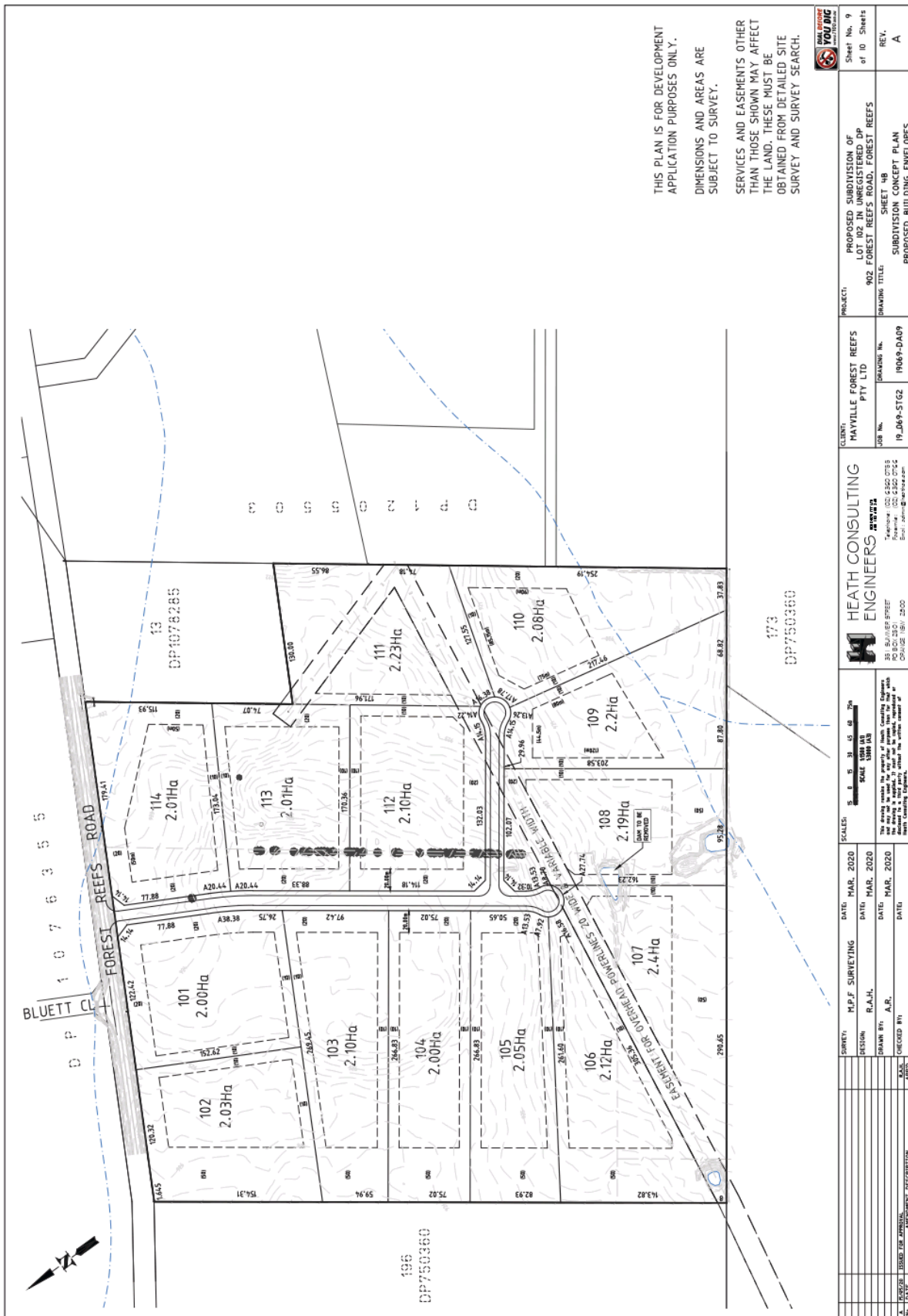
Nil

Enclosures (following report)

1	Subdivision Plan	1 Page
2	Submissions	3 Pages
3	Draft Conditions	8 Pages

Attachments (separate document)

Nil



THIS PLAN IS FOR DEVELOPMENT APPLICATION PURPOSES ONLY.
 DIMENSIONS AND AREAS ARE SUBJECT TO SURVEY.
 SERVICES AND EASEMENTS OTHER THAN THOSE SHOWN MAY AFFECT THE LAND. THESE MUST BE OBTAINED FROM DETAILED SITE SURVEY AND SURVEY SEARCH.

		SHEET No. 9 of 10 Sheets	
CLIENT: MAYVILLE FOREST REEFS PTY LTD		PROJECT: PROPOSED SUBDIVISION OF LOT 02 IN UNREGISTERED DP 902 FOREST REEFS ROAD, FOREST REEFS	
JOB No. 19_069-ST02		DRAWING TITLE: SHEET 08 SUBDIVISION CONCEPT PLAN PROPOSED BUILDING ENVELOPES	
JOB No. 19_069-DA09		DRAWING No. 19_069-DA09	
HEALTH CONSULTING ENGINEERS		31 SAUNDERS STREET PO BOX 200 OSWALD 181 2200 Telephone: 08 6500 0755 Fax: 08 6500 0754 Email: admin@healthconsulting.com.au	
SCALES: 1 2 5 10 20 50 100 200 500 1000 1500 3000 6000 12000		DATE: MAR, 2020	
SURVEY: M.P.F. SURVEYING		DATE: MAR, 2020	
DESIGN: R.A.H.		DATE: MAR, 2020	
DRAWN BY: A.R.		DATE:	
CHECKED BY:		DATE:	
APP'D:		DATE:	
REVISIONS:			
No.	DATE	FOR APPROVAL	DESCRIPTION



Begin forwarded message:

From:
Date: 23 July 2020 at 4:55:34 pm AEST
To: Daniel Drum <DDrum@blayney.nsw.gov.au>
Subject: Submission re Mayville subdivision DA 50/2020

Hi Dan,

In your role as Assessing Officer I hope you will get out in the field, don gumboots and take a walk thro the southern end low lying wet blocks that are currently waterlogged. Houses should not be built in this area.

Septic effluent systems should not be sited in this area.

Any run off from poorly sited septic rubble drains seen tracking downhill into the intermittent watercourse will this time be reported to the Health Dept.

Last time that occurred along Forest Reefs Rd we reported it to Council. It needs to be a serious consideration.

The boundary fence needs to be erected along the correctly surveyed line ,it looks to be under way at the eastern end so I assume the fencer will continue along that line in keeping with the pink survey ribbons as a matter of course. The cost of this needs to be funded solely by the developer as I have already incurred significant expenses in that area when the fence was derelict in parts and not stock proof, but [REDACTED] declined to do anything to rectify this or contribute. I was told by a member of the May family that "pursuing the matter might get me run over". LOL i guess.

The fence needs to be dogproof profile to protect the security of my stock eg 8/90/15.

I expect trees to be planted in the buffer Zone [REDACTED] , it is a very wet area , they will need to be frost hardy and tolerate wet conditions.

That's it.

Thanks Dan,

Best Wishes,

20 July 2020

Your Reference: IAPPD/56489

Blayney Shire Council
91 Adelaide Street
Blayney NSW 2799

Attention Daniel Drum

Dear Sir,

APPLICANT: Mayfield Forest Reefs Pty Ltd
DA NO : 50/2020
PROPERTY: Lot 102, DP1078285-741 Forest Reefs Road,
Forest Reefs
DEVELOPMENT: Fourteen (14) Lot Subdivision

refer to the abovementioned development application

acknowledge and understand the proposed development. would also like Council to acknowledge us, being a third generation farming business that relies solely on Agriculture for its income.

As Lots 102, 103, 104, 105, 106 and 107 back onto the entire Eastern boundary of this property mentioned, we would like to raise the following concern and suggestions for consideration in order to maintain farming business alongside. it is imperative for Council to consider our needs and requests when reviewing this DA.

Concern:

The DA indicates no vegetation screen or buffer(boundary).

Strategy for Consideration:

propose that the developer should provide a landscape strip along the length of the boundary on the proposed development site of these lots consisting of area applicable natives (suitable to the soil type and drainage depleted area of the proposed DA). This landscape strip should consist of 5 rows of native trees at 3 metres between each row and planted at 4 metre spacings.

propose that this landscape strip is to be fenced using a 1.8 metre exclusion fence at the developers cost on the proposed lots. The landscape strip is to be adhered to by an enforceable covenant with trees and exclusion fence not to be removed by current and future owners/occupiers. The tree line should remain at a minimum of 75% active at all times. This should be maintained by owners and future owners to reduce risk of fire and noxious pests.

Benefits:

are a closed herd, beef producing property, supplying the EU Market, Grass Fed (operating to PCAS standards) and Restocking Markets. This boundary block is also used for growing crops and pastures associated with livestock production, which could be impacted without this strip.

As Biosecurity is paramount to our business this screen would reduce risks associated with this development. To date we are pest and disease free and would like to remain so.

The benefits of the landscape/exclusion fence would provide an aesthetically appealing screen to both parties.

Being a local resident of [redacted] plus and experiencing Forest Reefs winters, the screen would provide protection from cold south westerly winds of the Forest Reefs landscape for the proposed developed blocks. With farming being a 24hr business, it would minimise associated noise from livestock and machinery. It would also benefit us by creating a physical/visual barrier from the proposed neighbouring blocks that may contain both restrained and unrestrained pets, use of sprays, and reduce noise pollution.

believe these strategies should be considered for all future rural residential developments.

Before a decision is made we would like to meet on site to discuss the concern raised.

Regards,

[redacted]

Approved Plans

1. Approved Plans & Documentation

Development is to take place in accordance with:

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
	Statement of Environmental Effects and supplementary letter	iPlan Projects Planning & Development Solutions	B	15/05/2020
19069-DA09	Sheet 4B Subdivision Concept Plan Proposed Building Envelopes	Heath Consulting Engineers	A	15/05/2020

Or 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. Signage

A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out—

- showing the name, address and telephone number of the principal certifier for the work, and
- showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
- stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

Conditions to be met prior to issue of a Construction Certificate
--

3. Engineering Plans

The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to Conditions 27, 12, 13, 14, 7, 16, 17. Further, the works are to comply with *WBC Guidelines for Engineering Works*.

4. Traffic and Pedestrian Management Plan

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

5. 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.

6. Engineering Construction Certificate – Subdivision

The applicant is to obtain a Construction Certificate for engineering works pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended from Council, which compliments the detail provided in the development consent, that the proposed works are in accordance with *WBC Guidelines for Engineering Works*, prior to any subdivision works commencing.

Note 1: No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificate or certificates have been obtained.

Note 2: You must not commence work until you have received the Construction Certificate, even if you made an application for a Construction Certificate at the same time as you lodged this development application.

Note 3: It is the responsibility of the applicant to ensure that the development complies with the provisions of the Building Code of Australia in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

Dangerous Goods - the Construction Certificate plans and specifications will need to be approved by the Dangerous Goods Branch, NSW Industrial Relations, prior to the commencement of any work.

7. Stormwater Report

A stormwater report must be submitted to the satisfaction of the Blayney Shire Council Infrastructure Services Department. The stormwater report must determine the extent of the 1% AEP storm event for each proposed lot.

8. Amended Plans

An amended plan must be submitted to the satisfaction of the Blayney Shire Council Department of Planning and Environmental Services. The plan must show the building envelopes on proposed Lots 105, 106 and 107 having a minimum clearance of 400m from the closet boundary of 73 Burtons Lane, Forest Reefs (Lot 11//DP1078285).

9. Vegetation Buffer Plan

A vegetation buffer plan must be submitted to the satisfaction of the Blayney Shire Council Department of Planning and Environmental Services

The plan must show a vegetation buffer along the full extent of the eastern, southern and western boundaries of the subject property.

The buffer must comprise three rows of trees and shrubs with a spacing of 3 metres between each row and 4 metres between each tree / shrub.

The species, composition and maturity of trees / shrubs must be determined in association with Councils Supervisor Parks and Gardens.

Conditions to be met prior to works commencing

10. Public Liability Insurance

Prior to the commencement of any works on Council or Roads and Maritime Services (RMS) controlled land including a public road, the applicant is to affect Public Liability Insurance to the minimum amount of \$20 million. This insurance is to note Council's interest and is to remain current for at least the period from the issue of the Construction Certificate until the issue of a Compliance Certificate or final inspection report for the works. Documentary evidence of the currency of the cover is to be provided to Council prior to the commencement of works within the road reserve.

Conditions to be met during construction

11. Engineering Inspections

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

A	Road Construction	<ul style="list-style-type: none"> * Following site regrading, and prior to installation of footway services; * Excavation and trimming of subgrade; * After compaction of sub-base; * After compaction of base, and prior to sealing; * Establishment of line and level for kerb and gutter placement; * Subsoil Drainage; * Road pavement surfacing; * Pavement test results (compaction, strength).
B	Drainage	<ul style="list-style-type: none"> * After laying of pipes and prior to backfill; * Pits after rendering openings and installation of step irons.
F	New Gate – Rural Crossing	<ul style="list-style-type: none"> * Prior to commencement of excavation works. * After compaction of base and prior to sealing

		* Road pavement surfacing
G	Erosion and Sediment Control	* Prior to the installation of erosion measures.
H	All Development & or Subdivision Works	* Practical completion.
I	Road Openings	* Upon completion of works.

12. Design/Construct New Road to Engineering Standard

The Proposed Road is to be designed & constructed in accordance with *WBC Guidelines for Engineering Works* as a Rural Local Access.

13. Intersection Improvements

The intersection of the Proposed Road and Forest Reefs Road is to be reconstructed, to include:

(a) B.A.R / B.A.L Intersection treatment as per Austroads Standard.

(b) Manoeuvring clearances to accommodate semi-trailer turning without encroachment into opposing lanes.

Works are to be carried out in accordance with the provisions of *WBC Guidelines for Engineering Works*. Full details of proposed works are to be submitted to and approved by Council prior to issue of the Construction Certificate.

14. New Gate – Rural

An all-weather 2WD vehicular access is to be constructed to each proposed allotment. Such access shall include:

(a) a gate or stock grid set back a minimum distance of fifteen (15) metres from the edge of the public road.

(b) a minimum 4.0 metre wide sealed footway crossing, extending from the edge of the bitumen seal on the Proposed Road (& Forest Reefs Road, where applicable) to the entrance gate or stock grid.

(c) a 150 mm thick 3.0 metre wide concrete dish drain or 450 mm minimum diameter reinforced concrete pipe culvert with headwalls, aligned with the table drain in the public road.

Note: Any new vehicular access points are to be located such that all RMS stopping sight distances are achieved.

15. Site Management

The site shall be managed so that:

(a) No additional filling shall be placed on the land which may impede the flow of flood waters;

(b) Any clearing or drainage activities shall not alter the drainage patterns across the site;

(c) No landscaping or similar type structures shall be installed which will inhibit the flow of flood waters;

(d) Any plant or goods stored upon the site shall be stored in a manner which will not allow pollution of the flood waters;

(e) All actions shall be taken upon the site which will minimise the effect of the property upon the flood waters.

16. Road and Interallotment Drainage

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

(c) the open drain located in Forest Reefs Road,

(e) a legal point of discharge,

in accordance with *WBC Guidelines for Engineering Works*.

17. Energy Dissipating Structure

An energy dissipating structure is to be constructed at the point where the storm water from the development will enters an open channel, in accordance with *WBC Guidelines for Engineering Work*.

18. Relocate Utility Services

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

19. Clearance From Power Lines

Clearance from power lines is to be provided during and after construction. Minimum distances from power lines are to be maintained.

20. Fence all Lots

All boundary fencing must comprise two top barbed wires and 3 plain "tie easy" or high tensile wires with rabbit netting, hinge joint or ring lock of "sheep and lamb" pattern that provides a sufficient stock proof barrier, unless otherwise agreed by Council's Department of Planning and Environmental Services.

21. Hours for Construction works

Construction works can only be carried out between 7.00 am and 6.00 pm on Monday to Friday, and 8am to 1pm on Saturdays. No construction is to be carried out at any time on a Sunday or a public holiday.

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

22. Unexpected Finds

If Aboriginal objects, relics or other historical items or the like are located during development works, all works in the area of the identified object, relic or item shall cease and the NSW Office of Environmental Heritage (OEH), and representatives from the Local Aboriginal Land Council shall be notified. Where required, further archaeological investigation shall be undertaken. Development works in the area of the find(s) may recommence if and when outlined by the management strategy, developed in consultation with and approved by the OEH.

Conditions to be met prior to the issue of a Subdivision Certificate

23. Developer Contributions

Contributions are to be paid to Council towards the provision or improvement of amenities or services (residential subdivision/works) under the Blayney Local Infrastructure Contributions Plan 2013 (see Council's web site). The contributions to be paid are currently \$6,563 per new lot created.

The amount payable would be recalculated on the basis of the contribution rates that are applicable at the time of payment.

24. Works as Executed Plan

The applicant is to submit to Council an electronic copy of the works as executed plans for the works required by Conditions 12, 13, 16 in AutoCAD 2000 format. Further, the works are to comply with *WBC Guidelines for Engineering Works*.

25. Electrical and Telecommunications Authorities - Subdivision

The developer is to furnish Council with documentary evidence that arrangements have been made, satisfactory to the appropriate electrical authority and the appropriate telecommunications authority, for the provision of underground electrical power and telecommunications infrastructure, respectively, to serve each lot.

Note: This information must be submitted before Council will issue the Subdivision Certificate relating to this development.

26. Compliance Certificate – Engineering Works

The applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act 1979, as amended, **or inspection report** from either Council or an accredited certifying authority, certifying that the engineering work required by conditions 12, 13, 14, 16, 17 have been constructed in accordance with the approved plans and *WBC Guidelines for Engineering Works*.

Note: Where Council is the Certifying Authority in relation to engineering works fees will be payable in accordance with Council's Revenue Policy.

27. Creation of An Easement

The development will require the creation of an easement under Section 88B of the Conveyancing Act 1919, to address stormwater drainage. The easement will be in favour of Council over all affected lots and will have a minimum width of:

- 2.5 metres over piped drains
- Surface width of 1% AEP flow + 500mm freeboard + 1m (horizontally) over open channel drains and be centrally located over drains.

28. Road Inspection Fee

Payment of \$14.50 per lineal metre is to be made for the inspection of the road during construction. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

29. Dedication of Road Widening

The dedication as public road is required of that part of the subject land so indicated on the approved plans.

30. Road Construction Bond

The developer is to lodge a bond with Council equal to 5% of the total subdivision civil construction costs at practical completion, to be held by Council for a minimum period of six (6) months. The bond must be lodged with Council prior to the issue of the Subdivision Certificate.

31. Street Signs

The developer is to make a payment to Council for the provision of each street sign. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

32. 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.

33. Provision of Rural Address Number(S)

The location of each eligible entrance shall be established and a number allocated, based upon measurements taken by the Principal Certifying Authority, which will be in accordance with Standard AS/NZS 4819:2003.

Confirmation that all boundary fencing is located on the surveyed common boundary of the properties surrounding the subject property.

34. Restriction on the Use of Land – Noise impact

Prior to the issue of a Subdivision Certificate, a restriction on the use of the land must be created under Section 88B of the *Conveyancing Act 1919*.

The restriction must require that any dwelling constructed on proposed Lots 105, 106 and 107 include suitable noise attenuation to mitigate the impact associated with nearby agricultural activities.

35. Restriction on the Use of Land – Ground Water

Prior to the issue of a Subdivision Certificate, a restriction on the use of the land must be created under Section 88B of the *Conveyancing Act 1919*.

The restriction must require that any groundwater obtained from the proposed community bore must only be used for non-potable purposes.

36. Restriction on the Use of Land – Finished Floor Level

Prior to the issue of a Subdivision Certificate, a restriction on the use of the land must be created under Section 88B of the *Conveyancing Act 1919*.

The restriction must require for each proposed lot that the Finished Floor Level of any structure (including but not limited to dwellings and other outbuildings such as detached garages and sheds) must be 500mm above the 1% AEP storm level identified in the report required by Condition 7.

37. Vegetation Buffer

Prior to the issue of a Subdivision Certificate, the vegetation buffer required under Condition 9 must be established to the satisfaction of Council's Supervisor Parks and Gardens.

Essential Energy Requirements

38. Essential Energy Requirements

As part of the subdivision, an easement/s are/is created for any existing electrical infrastructure. The easement/s is/are to be created using Essential Energy's standard easement terms current at the time of registration of the plan of subdivision.

If the proposed development changes, there may be potential safety risks and it is recommended that Essential Energy is consulted for further comment.

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

A Notification of Arrangement (confirming satisfactory arrangements have been made for the provision of power) must be issued by Essential Energy with respect to all proposed lots which will form part of the subdivision, prior to Council releasing the Subdivision Certificate. It is the Applicant's responsibility to make the appropriate application with Essential Energy for the supply of electricity to the subdivision, which may include the payment of fees and contributions.

Essential Energy's records indicate there is electricity infrastructure located within the property. Any activities within this location must be undertaken in accordance with the latest industry guideline currently known as ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure.

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

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

Advisory Notes**Notice of Commencement.**

AN1. *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

AN2. *Note 1: Dial Before You Dig. Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to prevent damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures. (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or panning activities.*

Telecommunications Act 1997 (Commonwealth)

AN3. *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.*

Earthworks

Any earthworks undertaken should be in accordance with the exempt development provisions set out at *Subdivision 15 Earthworks, retaining walls and structural support of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.*

Separate development consent is required for any earthworks not in accordance with the forgoing provisions.

12) DEVELOPMENT APPLICATION 87/2020 - CHANGE OF USE AND INTERNAL ALTERATIONS - 27 VICTORIA STREET, MILTHORPE

Department: Planning and Environmental Services

Author: Town Planner

CSP Link: 5. The Natural Environment

File No: DB.AB.1543

Recommendation:

That Council consent to Development Application DA87/2020 for a Change of Use and Internal Alterations at Lot 3 DP 11941 – 27 Victoria Street, Millthorpe subject to the recommended conditions of consent.

Reason for Report:

For Council to consider and determine Development Application 87/2020 for the Change of Use and Internal Alterations at Lot 3 DP 11941 – 27 Victoria Street, Millthorpe. The key issue for consideration includes, two (2) submissions received during the notification period, as required by the *Blayney Community Participation Plan 2020*. The submissions are addressed in Section 4.15(1)(d) of this report.

Report:

Council's consent is sought for a Change of Use and Internal Alterations at Lot 3 DP 11941 – 27 Victoria Street, Millthorpe (the 'subject property').

The subject property comprises a total area of 950m² and is regular in shape. The existing building is known as the Grand Western Lodge, a State and Local Heritage Item and is located within the Millthorpe Heritage Conservation Area pursuant to the *Blayney Local Environmental Plan 2012*.

The subject property is centrally located within the Millthorpe Village and has a primary frontage to Victoria Street, secondary frontage to Montgomery Street, with the rear of the subject property adjoining Pilcher Street. Properties to the north and east comprise of residential development and properties to the south and west comprise of mixed commercial and retail land uses.

The key issue for consideration includes, two (2) submissions received during the notification period, as required by the *Blayney Community Participation Plan 2020*. The submissions are addressed in Section 4.15(1)(d) of this report.

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

RECOMMENDATION

That Council consent to Development Application DA87/2020 for a Change of Use and Internal Alterations at Lot 3 DP 11941 – 27 Victoria Street, Millthorpe subject to the recommended conditions of consent.

PROPOSED DEVELOPMENT

Council's consent is sought for a Change of Use and Internal Alterations at Lot 3 DP 11941 – 27 Victoria Street, Millthorpe subject to the recommended conditions of consent.

The proposed change of use is from a *boarding house* to a *hotel or motel accommodation* to facilitate the provision of short-term accommodation within Millthorpe to support workers required for mining and other projects within the area.

The hotel and motel accommodation propose the following arrangements:

- First Floor: 17 rooms, 2 bathrooms and 1 living area; and
- Ground Floor: 2 bedrooms, 2 bathrooms and entrance area.

The internal alterations include the following works:

- The reconfiguration of the bathrooms and bedrooms;
- Internal repairs and maintenance to the building, including, painting, replacement of flooring, doors and windows and repairs to the staircase; and
- Fire safety and access upgrades as required by the Access Report, prepared by NW Access Consultancy.

No external works are proposed.

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

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

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

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

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

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

Blayney Local Environmental Plan 2012

Part 1 – Preliminary

Clause 1.2 Aims of Plan

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

Clause 1.7 Maps

Land zoning:	RU5 Village
Lot size:	950m ²
Heritage:	State and Local Heritage Item and Millthorpe Heritage Conservation Area
Terrestrial biodiversity:	N/A
Groundwater vulnerability:	N/A
Drinking water catchment:	N/A
Watercourse:	N/A
Flood:	N/A

Clause 1.9A – Suspension of Covenants, Agreements and Instruments

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

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

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

Part 2 – Permitted or prohibited development

Clause 2.3 – Zone objectives and Land Use Table

The subject property is zoned RU5 Village. A *hotel and motel accommodation* is permissible in the in the RU5 Village zone and is defined as:

hotel or motel accommodation means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles, but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note—Hotel or motel accommodation is a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.

The objectives of the RU5 Village Zone seek to:

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

The development is assessed to be consistent with the forgoing objectives. In particular, the proposed development will make a positive contribution towards providing a range of land uses, services and facilities within Millthorpe.

Part 5 – Miscellaneous provisions

Clause 5.10 – Heritage Conservation

Clause 5.10 seeks to conserve the heritage significance of heritage items and conservation areas, including the associated fabric, settings and views; conserve archaeological sites; and to conserve Aboriginal objects and Aboriginal places of heritage significance. Specifically, Clause 5.10(4) requires that the consent authority must, before granting consent under this clause in respect of a heritage conservation area and heritage item, consider the effect of the proposed development on the heritage significance of the item or area concerned.

The Grand Western Lodge building is listed as a State and Local Heritage Item and is located within the Millthorpe Conservation Area at a prominent intersection within the village. The building is a significant example of an Edwardian Hotel from the Federation period with distinctive details including the two storey timber veranda with cast iron balustrade and valance.

The proposed development has been assessed by Council's Heritage Advisor. A copy of the Heritage Advisors report is attached. The Heritage Advisor has advised that the proposed development is acceptable subject to a number of minor amendments regarding colour and hardware finishes, therefore, ensuring the significance of the building is maintained. Conditions of consent are recommended to ensure compliance.

Part 6 – Additional local provisions

Clause 6.2 Stormwater management

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

Council's Building Surveyor has recommended a condition of consent requiring that all drainage and plumbing work is to be carried out in accordance with the current Plumbing and Drainage Code of Practice by a licensed plumber and drainer. This will ensure that stormwater is directed to the legal point of discharge.

Clause 6.8 Essential services

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

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

State Environmental Planning Policy 55 – Remediation of Land

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

Furthermore, SEPP 55 requires that before determining an application to carry out development that would involve a change of use of land (specified in subclause 4 of the SEPP); the consent authority must consider a preliminary investigation of the land concerned. It is understood that the subject property has historically served a residential purpose, as a boarding house, which has remained vacant for the past 10 years. Further, a site inspection of the subject property did not identify any evidence of a contaminating land use which would warrant any further investigation.

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

Blayney Shire Development Control Plan 2018 (the 'DCP')

Part D: Commercial, Community & Industrial Development

D4 Access & Parking

Part D4 of the DCP sets out a series of objectives with regard to access and parking, the relevant issues are addressed below:

D4.4 Parking

The objective of the D4.4 seeks to ensure that:

O1. To provide adequate off street parking consistent with the parking demand generated by the development so that there is not an unreasonable reliance on on - street parking or impacts on other users.

The subject property is located on the corner of Victoria, Montgomery and Pilcher Street and has one (1) off street car parking space available at the rear of the subject property via Montgomery Street.

During the operational phase it is proposed that residents occupying the short term accommodation will be picked up from local public transport or the Orange airport by bus, and during the allocated working hours, residents will travel by bus to and from the required working sites within the area, therefore, reducing the impact of parking and traffic within the surrounding street network.

D4.5 Pedestrian Access & Mobility

The objectives of the D4.5 seek to ensure that:

O1. To improve equity of access for the entire community.

O2. New buildings, substantial alterations and additions, parking and access must comply with the Disability (Access to Premises — Buildings) Standards 2010 (as amended or replaced) under the Disability Discrimination Act 1992 and the National Construction Code and Australian Standards

An accessible car parking space is required to be provided on the property. Council's Building Surveyor has recommended a condition of consent to ensure compliance with the Report prior to the issue of an occupation certificate.

D4.7 Off Street Car Parking

The objective of the D4.7 seeks to ensure that:

O1. To ensure there is adequate off-street parking to meet the needs and size of the development.

Refer to D4.8 (below) which outlines an exemption to the off-street car parking requirements.

D4.8 Exemptions to Off Street Car Parking Requirements

The objectives of the D4.8 seek to ensure that:

O1. Off-street parking will generally be required for most new developments and some adaptive reuse of existing buildings in accordance with the clause below. However, it may not be required for:

1) **Change of Use:** The proposed development is for a 'change of use' where there is no additional space for on-site car parking and the impacts on on-street parking would be minimal;

2) **Heritage Item:** The proposed development involves the restoration and/or conservation of a listed heritage item in BLEP2012. This is an incentive and will only be applied where the applicant can demonstrate that the conservation of the item depends upon the use of this clause;

3) **Existing Building:** The proposed development involves alterations and additions to an existing building, and the alterations and additions have a gross floor area of less than 25m² and do not encroach on existing off-street parking areas;

4) **Alternative Parking:** The applicant can demonstrate that there is alternative parking on another public or private site (not the proposed development site) that is in close proximity to the development and can accommodate the parking requirements without affecting other users;

5) **Site Constraints:** It is not physically possible to comply with the off-street parking requirements. The applicant will need to provide a Traffic and Parking Report that addresses the following matters:

- a) A description of the proposal and the expected hours of operation;
- b) An assessment of the traffic generation and expected vehicle parking demand (customer, staff and service vehicles);
- c) Reasons why the lot(s) used for the proposed development cannot accommodate the off street parking requirements
- d) An assessment of the impacts of on-street parking on the public road system and adjacent lots and their existing or potential land uses.

6) **Contributions:** A parking contribution is paid in lieu in accordance with an adopted Council Policy or a Voluntary Planning Agreement (VPA).

The proposed development includes the change of use of an existing Heritage Item, involves the alterations to an existing building that has a gross floor area of less than 25m² and does not encroach on existing off street parking areas; therefore, an exemption to off street carparking is considered appropriate.

Part H – Heritage Conservation

H5 Development within Heritage Conservation Areas

Part H3 of the DCP sets out a series of objectives with regard to development in Heritage Conservation Areas, which address issues including scale and form; materials and colours; doors and windows; outbuildings; and fencing. The relevant issues are addressed below.

H3.3 Adaptive Reuse

The objectives of the H3.3 seek to ensure that:

- O1. Adaptive reuse of a building should retain important architectural qualities and features of the building, where possible, particularly features that contribute to the streetscape and the heritage significance of the place.
- O2. Adaptive reuse must involve minimal change to the significant fabric of the place.
- O3. Adaptive reuse must acknowledge and respect significant associations and meanings of the place.
- O4. Adaptive reuse must have regard to the relevant legislation of the *National Construction Code (NCC)* and other relevant Australian Standards.

The proposed development is consistent with the objectives of H3.3 as the change of use to a *hotel or motel accommodation* is within an existing building that has historically been used as a boarding house. The proposed internal alterations will be constructed in accordance with the Heritage Advisor recommendations and the Building Code of Australia, no external alterations are proposed.

H3.5 Materials and Colours

The objectives of the H3.5 seek to ensure that:

- O1. Original materials of heritage items should not be replaced with different materials or materials of different colour, unless unavoidable or it can be shown not to detract from the heritage significance of the heritage item and the streetscape.
- O2. Non – original materials of heritage items that are being replaced should be replaced with materials that match or complement the original as closely as possible.
- O3. Colour schemes are to reflect the period and detail of the property, in consultation with Council or the Heritage Advisor.
- O4. Painting or rendering face brick is generally supported, where appropriate.

The proposed development has been assessed by Council's Heritage Advisor. The Heritage Advisor has advised that the proposed development is acceptable subject to a number of minor amendments regarding colour and hardware finishes, therefore, ensuring the significance of the building is maintained. Conditions of consent are recommended to ensure compliance.

H3.6 Doors and Windows

The objectives of the H3.6 seek to ensure that:

- O1. Original window and door openings are important elements and should generally be retained.
- O2. Where original windows and doors in important elevations have been removed and replacement of the joinery is proposed, the original windows or doors should be reconstructed or replaced in sympathy.
- O3. New windows and door openings in important elevations must be carefully located to retain the original relationship of solids and voids and of proportions, materials and details similar to existing windows and door openings in the building.
- O4. New windows and doors visible from the street must be located to complement the original design of the building and of proportions and details to complement the original character of the building.

The proposed development does not propose any new doors or windows and original window and door openings will be retained and repaired. The Heritage Advisor has advised that the proposed development is acceptable subject to a number of minor amendments regarding colour and hardware finishes, therefore, ensuring the significance of the building is maintained. Conditions of consent are recommended to ensure compliance.

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

There are no planning agreements relating to the subject property.

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

- **In the case of a development application for the demolition of a building, the provisions of AS 2601 (Clause 92)**
Not applicable.
- **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)**
A Fire Safety and Life Audit Report, prepared by BCA Logic was submitted with the application to assess the existing building against the provisions of the Building Code of Australia. The building is a Class 3 residential type building which will require upgrading to achieve a reasonable level of fire protection for the occupants of the building. Council's Building Surveyor has recommended a condition of consent to ensure compliance with the Report prior to the issue of an occupation certificate.

An Access Report, prepared by NW Access Consultancy was submitted with the application to assess the existing building in regard to providing access for people with a disability. The building will need to be upgraded to comply with the access provisions of the Building Code of Australia, in particular to provide access from the public footpath to two (2) ground floor bedrooms, one (1) bathroom and a dining room. An accessible car parking space will also be required to be provided on the property. Council's Building Surveyor has recommended a condition of consent to ensure compliance with the Report prior to the issue of an occupation certificate.

- **Buildings to be Upgraded (Clause 94)**

A Fire Safety and Life Audit Report, prepared by BCA Logic was submitted with the application to assess the existing building against the provisions of the Building Code of Australia. The building is a Class 3 residential type building which will require upgrading to achieve a reasonable level of fire protection for the occupants of the building. Council's Building Surveyor has recommended a condition of consent to ensure compliance with the Report prior to the issue of an occupation certificate.

An Access Report, prepared by NW Access Consultancy was submitted with the application to assess the existing building in regard to providing access for people with a disability. The building will need to be upgraded to comply with the access provisions of the Building Code of Australia, in particular to provide access from the public footpath to two (2) ground floor bedrooms, one (1) bathroom and a dining room. An accessible car parking space will also be required to be provided on the property. Council's Building Surveyor has recommended a condition of consent to ensure compliance with the Report prior to the issue of an occupation certificate.

- **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 below:

Context and Setting – The subject property is centrally located within the Millthorpe village and has a primary frontage to Victoria Street, secondary frontage to Montgomery Street, with the rear of the subject property adjoining Pilcher Street. Properties to the north and east comprise of residential development and properties to the south and west comprise of mixed commercial and retail land uses.

The existing building is known as the Grand Western Lodge and has historically been used as a boarding house. The proposed development will allow short term accommodation for temporary workers required for mining and other projects within the area, while ensuring that a prominent heritage building is preserved and utilised without impacting the heritage significance of the building and surrounding streetscape. Based on this assessment, it is considered that the proposed development is unlikely to have a significant or detrimental impact on the surrounding context and setting.

Access and Traffic – The subject property is located on the corner of Victoria, Montgomery and Pilcher Street and has one (1) off street car parking space available at the rear of the subject property.

During the operational phase, it is proposed that residents occupying the short-term accommodation will be picked up from local public transport or the Orange airport by bus. During the allocated working hours, residents will travel by bus to and from the required working sites within the area, therefore, reducing the impact of parking and traffic within the surrounding street network. It is important to note that due to the size of the allotment and the frontages to various streets; it is considered that the subject property has a large amount of off street parking surrounding the boundaries of the subject property.

Furthermore, an accessible car parking space will also be required to be provided on the property. Council's Building Surveyor has recommended a condition of consent to ensure compliance with the Report prior to the issue of an occupation certificate. Based on this assessment, it is considered that the proposed development is unlikely to have a significant or detrimental impact on the surrounding area.

Heritage - The Grand Western Lodge building is listed as a State and Local Heritage Item and is located within the Millthorpe Conservation Area at a prominent intersection within the village. The building is a significant example of an Edwardian Hotel from the Federation period with distinctive details including the two storey timber veranda with cast iron balustrade and valance.

The proposed development has been assessed by Council's Heritage Advisor and has advised that the proposed development is acceptable subject to a number of minor amendments regarding colour and hardware finishes, therefore, ensuring the significance of the building is maintained. Recommended conditions of consent will apply to ensure compliance. Based on this assessment, it is considered that the proposed development is unlikely to have a significant or detrimental impact on the heritage significance of the building or surrounding heritage items or character of the village.

Noise and Vibration - During the construction phase it is envisaged that noise levels will increase; however, majority of the works will be undertaken within the limits of the building and will be during times prescribed by Council and in accordance with the provisions of the *Protection of the Environment Operations Act 1997*. A condition of consent is recommended.

During the operational phase it is envisaged that noise levels will have a minimal impact to surrounding land owners due to the following reasons:

- The building has historically been used as a boarding house and the proposed development supports the functionality of the existing building;
- The building is surrounded by existing commercial and retail premises which have high volumes of pedestrian and vehicle movements;
- The proposed development is for short term accommodation purposes for temporary workers required for mining and other projects within the area, therefore, residents will have limited time on the subject property;
- It is proposed that residents will not have access to the first floor balcony until the veranda is repaired as per the Structural Report, completed by Calare Civil. The veranda restoration does not form part of this application; therefore, a condition of consent will apply ensuring that no residents occupy the veranda until a separate approval is obtained;
- All residents will be required to act in accordance with the terms and conditions of the subject property, which will include curfew times to mitigate disturbance to the surrounding area; and
- A house manager will be onsite while residents are present at the subject property.

Social and Economic Impact in the Locality - The proposed development will have a positive impact on the local economy throughout the construction and operational phase and will provide social and economic benefits to the local economy and the surrounding area. Based on this assessment, it is considered that the proposed development is unlikely to have a significant or detrimental impact on the social and economic influences of the locality.

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

Two (2) submissions have been received from surrounding residential landowners at 29 Victoria Street and residents along Pilcher Street, Millthorpe. Copies of the submissions are attached.

The key issues identified in the submissions include:

The proposed use of the building as hotel or motel accommodation and the impact on the village of Millthorpe

The subject property is zoned RU5 Village. A *hotel and motel accommodation* is permissible in the RU5 Village zone and is defined as:

hotel or motel accommodation means a building or place (whether or not licensed premises under the [Liquor Act 2007](#)) that provides temporary or short-term accommodation on a commercial basis and that—

(a) *Comprises rooms or self-contained suites, and*
(b) *may provide meals to guests or the general public and facilities for the parking of guests' vehicles, but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.*

Note—Hotel or motel accommodation is a type of tourist and visitor accommodation—see the definition of that term in this Dictionary.

It is considered appropriate that the proposed development is defined as a hotel or motel accommodation use, as it is providing short-term accommodation on a commercial basis and comprises of rooms. No meals are provided on the subject property.

Noise impacts from the veranda and from the bus loading early in the morning for shift workers

During the construction phase, it is envisaged that noise levels will increase; however, majority of the works will be undertaken within the limits of the building and will be during times prescribed by Council and in accordance with the provisions of the *Protection of the Environment Operations Act 1997*. A condition of consent is recommended.

During the operational phase, it is envisaged that noise levels will have a minimal impact to surrounding landowners due to the following reasons:

- The building has historically been used as a boarding house and the proposed development supports the functionality of the existing building;
- The building is surrounded by existing commercial and retail premises which have high volumes of pedestrian and vehicle movements;
- The proposed development is for short term accommodation purposes for temporary workers required for mining and other projects within the area, therefore, residents will have limited time on the subject property;
- It is proposed that residents will not have access to the first floor balcony until the veranda is repaired as per the Structural Report, completed by Calare Civil. The veranda restoration does not form part of this application, therefore, a condition of consent will apply ensuring that no residents occupy the veranda until a separate approval is obtained;
- All residents will be required to act in accordance with the terms and conditions of the subject property, which will include curfew times to mitigate disturbance to the surrounding area; and
- A house manager will be onsite while residents are present at the subject property.

Will there be an in house manager to control noise and any curfews imposed

All residents will be required to act in accordance with the terms and conditions of the subject property, which will include curfew times to mitigate disturbance to the surrounding area. A house manager will be onsite while residents are present at the subject property.

Parking Concerns

During the operational phase, it is proposed that residents occupying the short-term accommodation will be picked up from local public transport or the Orange airport by bus. During the allocated working hours, residents will travel by bus to and from the required working sites within the area, therefore, reducing the impact of parking and traffic within the surrounding street network.

It is important to note that due to the size of the allotment and the frontages to various streets; it is considered that the subject property has a large amount of off street parking surrounding the boundaries of the subject property.

Furthermore, the proposed development seeks an exemption under the *Blayney Development Control Plan 2018, D4.8 Exemptions to Off Street Car Parking Requirements*. The proposal includes the change of use of an existing Heritage Item, involves the alterations to an existing building that has a gross floor area of less than 25m² and does not encroach on existing off street parking areas; therefore, an exemption to off street carparking is considered appropriate. Based on this assessment, it is considered that the proposed development is unlikely to have a significant or detrimental impact on the surrounding area.

Section 4.15(1)(e) The public interest

The proposed development is consistent with the *Blayney Local Environmental Plan 2012*, the *Blayney Development Control Plan 2018* and all relevant State Environmental Planning Policies. No adverse impacts are assessed to the public as outlined throughout this report.

Conclusions:

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

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

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

1 Proposed Conditions

4 Pages

Attachments (separate document)

Nil

Reasons for Conditions

Statutory and legislative requirements and public interest.

Approved Plans

1. Development is to take place in accordance with:

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
321059/SEE01	Statement of Environmental Effects	Premise	Final	20 August 2020
000	Site & Waste Management Plan	Ferndale Design	A	18 August 2020
003	Ground Floor Demolition Plan	Ferndale Design	B	03 June 2020
004	Level One Demolition Plan	Ferndale Design	B	14 June 2020
001	Ground Floor General Arrangement Plan	Ferndale Design	B	15 June 2020
001	Ground Floor Finishes & Partitions	Ferndale Design	B	03 June 2020
006	Level One Floor Finishes & Partitions	Ferndale Design	B	02 June 2020
007	Ground Floor RCP	Ferndale Design	B	15 June 2020
008	Level One RCP	Ferndale Design	B	15 June 2020
009A	Typical Bathroom	Ferndale Design	B	31 May 2020
009B	Typical Bathroom	Ferndale Design	B	31 May 2020
010	Typical Bedroom	Ferndale Design	A	10 May 2020

As amended in accordance with any conditions of this consent.

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

Prescribed Conditions

2. The building work must be carried out in accordance with the requirements of the Building Code of Australia.

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

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

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

4. Where any excavation work on the site extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) Protect and support the adjoining premises from possible damage from the excavation, and
- b) Where necessary, underpin the adjoining premises to prevent any such damage.

Prior to Issue of a Construction Certificate

5. The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to Condition 10. Further, the works are to comply with *WBC Guidelines for Engineering Works*.

Prior to Works Commencing

NIL

During Construction

6. Renovation or demolition work can 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.

7. 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.

8. 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.
9. Demolition work shall be carried out in accordance with Australian Standard AS2601-1991: The Demolition of Structures, and NSW SafeWork requirements.
10. A minimum of 1 space, separately delineated and individually marked, shall be provided for persons that are access impaired. The car parking spaces together with continuous paths of travel to the main entry of the premises, or reasonable equivalent are to be constructed in accordance with AS 1428.
11. All vehicular manoeuvring and parking areas are to be paved (in concrete/bitumen) and permanently line marked, in accordance with *WBC Guidelines for Engineering Works*.
12. The developer is to relocate any utility services if required, at the developer's cost.

Section 68 Requirements

13. 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.
14. 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.
15. Forty – eight (48) hours notice shall be given to Council for inspection of the following:
- a) Internal and external drainage lines, prior to backfilling. The licensed plumber/drainer shall be on site at the time of the inspection, and the drainage lines shall be charged; and
 - b) The completed building before use.

Prior to Issue of an Occupation Certificate

16. 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.
17. Prior to the issue of an occupation certificate, all of the work as listed in the Upgrading Schedule in the Fire & Life Safety Audit Report by BCA Logic Reference No.111443-BCA-r1 dated 6 December 2019, shall be completed to the satisfaction of Council. In this regard, details of the proposed radiant heat attenuation window

screens to be installed on the western elevation windows less than 3 metres from the side boundary shall be submitted to Council prior to installation. In addition, a fire safety and emergency evacuation procedures plan complying with AS3745 shall be implemented for the premises, with evacuation diagrams provided throughout the building.

18. Prior to the issue of an occupation certificate, all of the measures listed in the Access Report by NW Access Consultancy, Reference No. 20/ACC/1649 dated 10 August 2020, shall be implemented to the satisfaction of Council. In addition, an accessible car parking space complying with AS/NZS2890.6 shall be provided on the property, with an accessible path of travel complying with AS1428.1 provided from the space to the rear entry door of the building, two ground floor bedrooms, an accessible bathroom and the common room on the ground floor.

19. Prior to the issue of an occupation certificate, a wet area certificate to confirm compliance with AS3740, from the contractor responsible for the waterproofing of the renovated bathrooms, shall be submitted to Council.

20. Prior to the occupation or use of the building an Occupation Certificate is to be obtained, from Council. In this regard, an interim or final fire safety certificate for the fire safety measures installed in the building must be submitted with the application for an Occupation Certificate.

21. Exit and Emergency signs are to be the traditional 'back box' version.

22. The contrasting stair nosings to the main original traditional stair should be a burnished bronze to achieve the appropriate contrast with the restored colour and finish on the stair.

23. The traditional Tradco switches and plates are to be a bronze finish.

Ongoing Matters

24. Access to the first floor verandah shall be restricted to the satisfaction of Council until the verandah is made structurally adequate. Once the verandah is structurally adequate, no residents are to occupy the verandah after 0830pm, 7 days a week.

25. The Access Report by NW Access Consultancy, Reference No. 20/ACC/1649 dated 10 August 2020, shall be complied with on an ongoing basis to ensure that the building remains accessible by people with a disability.

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.

13) LEASE AGREEMENT UPDATE: BLAYNEY SOLAR FARM

This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

14) HOUSING PROJECT PROPOSAL FRAPE STREET BLAYNEY

This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.