



12 May 2020

Dear Councillor,

Your attendance is requested at an Ordinary Council Meeting of the Blayney Shire Council will be held via the video conferencing platform Zoom on 18 May 2020 at 6.00pm for consideration of the following business -

- (1) Acknowledgement of Country
- (2) Recording of Meeting Statement
- (3) Apologies for non-attendance
- (4) Disclosures of Interest
- (5) Public Forum
- (6) Mayoral Minute
- (7) Confirmation of Minutes - Ordinary Council Meeting held on 20.04.20
- (8) Matters arising from Minutes
- (9) Reports of Staff
 - (a) Executive Services
 - (b) Corporate Services
 - (c) Infrastructure Services
 - (d) Planning and Environmental Services
- (10) Closed Meeting

Yours faithfully

Rebecca Ryan
General Manager

Meeting Calendar 2020

May

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
10.30am	13 May 2020	Central Tablelands Water Meeting	Grenfell
6.00pm	18 May 2020	Council Meeting	Online
2.30pm	24 May 2020	Arts OutWest Annual General Meeting	Online

June

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
6.00pm	9 June 2020	Extraordinary Council Meeting	Online
10.00am	12 June 2020	Traffic Committee Meeting	Online
10.30am	17 June 2020	Central Tablelands Water Meeting	Canowindra
2.30pm	19 June 2020	Upper Macquarie County Council Meeting	Kelso
6.00pm	22 June 2020	Council Meeting	Online

July

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
10.00am	3 July 2020	Special Central NSW Joint Organisation Board Meeting	Online
6.00pm	20 July 2020	Council Meeting	Online
5.00pm	21 July 2020	Financial Assistance Committee Meeting	Online
10.00am	31 July 2020	Traffic Committee Meeting	Online

INDEX OF REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING
HELD ON MONDAY 18 MAY 2020

CONFIRMATION OF MINUTES	5
01) Minutes of the Previous Council Meeting held 20 April 2020.....	5
EXECUTIVE SERVICES	12
02) Council Meeting Date Amendment	12
03) Drought Communities Program - Extension	13
04) Sale of Land Frape Street Blayney.....	16
CORPORATE SERVICES	19
05) Report of Council Investments as at 30 April 2020.....	19
06) Quarterly Budget Review Statement - March 2020	24
07) 2020/21 Operational Plan and 2020/21 – 2023/24 Delivery Program.....	27
08) Adoption of Enterprise Risk Management Policy and Plan.....	32
09) Blayney Residential Development Project - Land Sale.....	33
INFRASTRUCTURE SERVICES	35
10) Director Infrastructure Services Monthly Report.....	35
11) Leabeater Street Bridge Scope Confirmation	39
PLANNING AND ENVIRONMENTAL SERVICES	42
12) Waiver of 2019/20 Food Shop Inspection Fees and charges	42
13) DA2020/17 - Two (2) Lot Subdivision - 35 Ogilvy Street Blayney.....	44
14) DA2020/4 - Erection of a Shed - 6 Patrick Close Blayney	82
15) DA2020/23 - Two (2) Lot Subdivision & Erection of a Dwelling (Dual occupancy) - 7 Osman Street Blayney	101
CONFIDENTIAL MEETING REPORTS	137
16) General Manager's Annual Performance Review	137

LIVE STREAMING OF COUNCIL MEETINGS

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

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

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

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

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

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

01) **MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 20 APRIL 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 20 April 2020, being minute numbers 2004/001 to 2004/018 be confirmed.

MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING HELD VIA THE VIDEO CONFERENCING PLATFORM ZOOM, ON 20 APRIL 2020, COMMENCING AT 6.00PM

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

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

ACKNOWLEDGEMENT OF COUNTRY

RECORDING OF MEETING STATEMENT

DISCLOSURES OF INTEREST

Nil

CONFIRMATION OF MINUTES

MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 16 MARCH 2020

2004/001 **RESOLVED:**

That the Minutes of the Ordinary Council Meeting held on 16 March 2020, being minute numbers 2003/001 to 2003/017 be confirmed.

(Denton/Reynolds)
CARRIED

MATTERS ARISING FROM THE MINUTES

Nil

NOTICES OF MOTION**COVID-19 RATES FINANCIAL HARDSHIP POLICY****2004/002****RESOLVED:**

1. That Council recognises and congratulates the outstanding efforts by hospital and front-line services staff in combatting COVID-19 and thanks the local community for observing social distancing measures.
2. That a report be presented to the June Councillor Workshop that;
 - a) Provides a draft specific stand-alone COVID-19 Rates Financial Hardship Policy, or draft specific clauses to amend the 'Pensioner and Hardship Assistance Policy.'
 - b) Explains how a COVID-19 Rates Financial Hardship Policy or the existing 'Pensioner and Hardship Assistance Policy' is administered, i.e. which officer, working group or committee of Council makes determinations under the policy,
 - c) Details on how many ratepayers (by category) have contacted Council prior to the requesting assistance,
 - d) Details data on the nature of financial assistance ratepayers have requested,
 - e) Details the type and extent of financial assistance ratepayers have already been offered under the current policy,
 - f) Provides projections that this pandemic may have on Council's finances generally and with respect to hardship requests,
 - g) Explains what sources of Commonwealth or NSW Government financial assistance have been explored by Council to assist with maintaining our level of services to the community.

(Denton/Reynolds)

CARRIED**BLAYNEY CHRONICLE PUBLICATION**

Cr Reynolds withdrew this Notice of Motion.

EXECUTIVE SERVICES REPORTS**COUNCIL RESOLUTION REPORT****2004/003****RESOLVED:**

That Council notes the Resolution Report to February 2020.

(Ewin/Somerville)

CARRIED

- 2004/004** **RISK, WORK HEALTH AND SAFETY QUARTERLY REPORT**
RESOLVED:
That Council receive and note the Risk, Work Health and Safety Report for the quarter January 2020 to March 2020.
(Reynolds/Newstead)
CARRIED

CORPORATE SERVICES REPORTS

- 2004/005** **REPORT OF COUNCIL INVESTMENTS AS AT 31 MARCH 2020**
RESOLVED:
1. That the report indicating Council's investment position as at 31 March 2020 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.
(Kingham/Ewin)
CARRIED

- 2004/006** **COUNCILLOR SUPERANNUATION DISCUSSION PAPER**
RESOLVED:
That Council receive submissions from Councillors to form a response to the Office of Local Government on Council's preferred option regarding payment of superannuation for Councillors.
(Newstead/Somervaille)
CARRIED

- 2004/007** **ADOPTION OF COUNCIL POLICIES**
RESOLVED:
That Council adopt the Procurement of Goods and Services policy and the Road, Street and Bridge Names policy and they be included in Council's policy register.
(Ewin/Newstead)
CARRIED

- 2004/008** **ADOPTION OF FRAUD AND CORRUPTION CONTROL POLICY AND PLAN**
RESOLVED:
That the Fraud and Corruption Control policy and plan be adopted and included in Council's policy register.
(Somervaille/Reynolds)
CARRIED

- 2004/009** **RECYCLED WATER QUALITY POLICY**
RESOLVED:
1. That the Recycled Water Quality policy be placed on public exhibition for a period of at least 28 days.
 2. Upon completion of the period the results of the public exhibition be reported to Council for consideration.
- (Somerville/Ewin)
CARRIED

INFRASTRUCTURE SERVICES REPORTS

- 2004/010** **DIRECTOR INFRASTRUCTURE SERVICES MONTHLY REPORT**
RESOLVED:
- That the Director Infrastructure Services Monthly Report for April 2020 be received and noted.
- (Ewin/Kingham)
CARRIED

- 2004/011** **DEVELOPMENT SERVICING PLAN FOR SEWERAGE SERVICES**
RESOLVED:
1. That the draft Development Servicing Plan for Sewerage Services be placed on public exhibition for a period of 30 business days and
 2. Upon completion of the period the results of the public exhibition be reported to Council for consideration.
- (Somerville/Newstead)
CARRIED

- 2004/012** **ADOPTION OF ROAD HIERARCHY, RENEWAL AND MAINTENANCE POLICY**
RESOLVED:
- That Council adopt the Road Hierarchy, Renewal and Maintenance Policy and it be included in Council's policy register.
- (Ewin/Newstead)
CARRIED

- 2004/013** **MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 3 APRIL 2020**
RESOLVED:
1. That the minutes of the Blayney Traffic Committee Meeting, held on Friday 3 April 2020, be received and noted.
 2. That Council endorse the Blayney section of the Outback Classic Trial, to be staged on Fell Timber and Mt Macquarie Roads, Carcoar on 12 August 2020. The event to be classified as a Class 2 event, and approved subject to the conditions detailed in the Director Infrastructure Services' Report and subject to the following amendment:
 - That the event organiser provide evidence to Council of

compliance with conditions of approval at least 60 days prior to the event occurring.

3. That Council installs a hold line and stop sign at the intersection of Adelaide Lane and the footpath of Water Street.
4. That Council install linemarking on Water Street, including road centreline, and foglines to provide 3.5m lane widths between Adelaide and Osman Streets.

(Reynolds/Newstead)

CARRIED

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

DRAFT BLAYNEY SETTLEMENT STRATEGY 2020

MOTION:

That Council:

1. Endorse the Draft Blayney Shire Settlement Strategy 2020 as attached to this report for public exhibition
2. Exhibit the Draft Blayney Shire Settlement Strategy 2020 in accordance with the Draft Community Participation Plan and Community Engagement Strategy described in the report
3. Authorise the General Manager to approve minor amendments and changes to the Draft Blayney Shire Settlement Strategy 2020, prior to exhibition commencing.

(Ewin/Newstead)

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

That the draft Blayney Shire Settlement Strategy 2020 be deferred from going out on public exhibition.

The amendment became the substantive motion and was put.

2004/014

RESOLVED:

That the draft Blayney Shire Settlement Strategy 2020 be deferred from going out on public exhibition.

(Reynolds/Newstead)

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

FOR	AGAINST
Councillor Kingham	Councillor Ewin
Councillor Somerville	Councillor Ferguson
Councillor Reynolds	
Councillor Newstead	
Councillor Denton	
Total (5)	Total (2)

CARRIED

DELEGATES REPORTS

**REPORT OF THE CENTROC BOARD MEETING AND
CENTRAL NSW JOINT ORGANISATION MEETING HELD 27
FEBRUARY 2020**

2004/015

RESOLVED:

That the Deputy Mayoral Report from the Centroc Board Meeting and Central NSW Joint Organisation Meeting held 27 February 2020 in Grenfell be received and noted.

(Ferguson/Newstead)

CARRIED

CLOSED MEETING

2004/016

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:

COVID-19 - REQUESTS FOR RENTAL RELIEF

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

(Kingham/Denton)

CARRIED

CONFIDENTIAL MEETING REPORTS

2004/017

COVID-19 - REQUESTS FOR RENTAL RELIEF

RESOLVED:

That Council provide a 50% rent concession to its commercial tenants (Debtor 84774 and Debtor 5003) for a 6 month period from 1 April 2020 until 30 September 2020.

(Denton/Reynolds)

CARRIED

2004/018

RESOLVED:

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

(Newstead/Denton)

CARRIED

There being no further business, the meeting concluded at 7.40pm.

The Minute Numbers 2004/001 to 2004/018 were confirmed on 18 May 2020 and are a full and accurate record of proceedings of the Ordinary Meeting held on 20 April 2020.

Cr S Ferguson
MAYOR

Mrs R Ryan
GENERAL MANAGER

02) COUNCIL MEETING DATE AMENDMENT

Department: Executive Services

Author: General Manager

CSP Link: 2. Local Governance and Finance

File No: GO.ME.2

Recommendation:

That Council change the August Council meeting from 10 August 2020 to 17 August 2020 and the September Council meeting from 28 September 2020 to 21 September 2020.

Reason for Report:

For Council to review the meeting dates adopted for the August and September 2020 Ordinary Meetings given the NSW Local Government Elections scheduled for September 2020 have been postponed until 2021.

Report:

At the September 2019 Ordinary Meeting, Council adopted the meeting dates and times for Ordinary Meetings of Council for the next 12 months (**Resolution No. 1909/003**). The dates for August and September 2020 were planned around the NSW Local Government Elections being held on 12 September 2020. Now that the elections have been postponed to 2021, it is proposed to amend the dates in line with Council's normal meeting schedule.

It's suggested meeting dates be changed as follows:

- from 10 August 2020 to 17 August 2020, and
- from 28 September 2020 to 21 September 2020.

Risk/Policy/Legislation Considerations:

The Local Government Act (1993) section 365 stipulates the requirement for Council to meet at least 10 times per annum, each time in a different month.

Council's Code of Meeting Practice (2015) section 3.1 refers to Frequency of Meetings noting that Council will adopt an annual schedule of dates at the September meeting.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

03) DROUGHT COMMUNITIES PROGRAM - EXTENSION

Department: Executive Services

Author: General Manager

CSP Link: 2. Local Governance and Finance

File No: GS.LI.1

Recommendation:

That Council endorse the General Manager signing and execution of the Drought Communities Program - Extension Funding Agreement with the Australian Government for \$1million.

Reason for Report:

To provide Council with an update and endorse the Drought Communities Program Funding Agreement with the Australian Government.

Report:

Following community consultation and engagement with organisations in the Shire, an Expression of Interest and a thorough assessment process; Council endorsed the application under the Drought Communities Extension Program for 12 local community infrastructure projects totalling \$1million (**Resolution No. 2002/004**).

Council received formal notification on 6 April 2020 that the application was approved for the projects as submitted. On Thursday 7 May, the Federal Member for Calare the Hon Andrew Gee MP visited Blayney to announce the successful projects.

Given a very short turn around time, the General Manager has signed and accepted the terms and conditions of this funding to execute the Grant Agreement.

Risk/Policy/Legislation Considerations:

Council has provided each of the Community Organisations with a separate Funding Agreement, including project milestones and requirements for funding to be claimed and reimbursed which stipulates;

- Council has required formal acceptance of this Funding Agreement by the Executive of each organisation and a declaration provided to Council that the Committee ratified this decision.
- Payments will be made subject to; work completed/materials delivered or supplied, provision of a copy of the account from the contractor/supplier and an inspection by Council Officer.
- Council will require copies of Public Liability and Property Insurance details.
- Each organisation will take responsibility that Contractors are licenced, insured, comply to WHS and Safety standards, have been inducted

onsite, have ABN's, works are completed to Australian Standards where applicable, materials delivered to specifications and all accounts approved for payment by the Executive.

- Media opportunities for Federal MP at project commencement, in progress and at completion.

It has been clearly articulated, there is no additional funding to complete the scope of works as approved and the financial control and management of this expenditure the responsibility of each project manager.

Those projects requiring Development Consent and/or Heritage Advice are now either approved or in the system and being assessed by Council Officers.

Council will be required to complete a Blayney Shire Adverse Event Plan on behalf of the community by December 2020.

Budget Implications:

The budget adjustment and supplementary vote for this additional funding and expenditure will be included in the third Quarterly Budget Review Statement (QBRS) Report presented by the Chief Financial Officer (CFO) as Responsible Accounting Officer, and in the 2020/21 Operational Plan.

There are a number of projects being managed by Council, including:-

1. Dakers Oval Cricket fence on behalf of Blayney Cricket Club Inc.	\$77,000
2. Lyndhurst Recreation Grandstand and Cricket Pitch on behalf of Lyndhurst cricket Club Inc.	\$26,262
3. Community Recreation Shelter at Redmond Oval on behalf of Millthorpe Village Committee Inc.	\$70,000
4. Renewal of Barry Community Supplementary Bore Reservoir on behalf of Barry Bore Association.	\$35,182
5. Newbridge Showground Pavilion Refurbishment on behalf of Newbridge Progress Association Inc.	\$180,518
6. Recycled Water project for King George Oval	\$205,100
7. Blayney Tennis Club Amenities Building	\$136,364

And 8 projects coordinated by local volunteer groups; supported by individual Funding Agreements between Blayney Shire Council and the community groups have now been finalised and issued.

Council has a reporting process in place to facilitate delivery of each milestone and evidence for claims and reimbursement paid promptly.

8. Carcoar School of Arts Community Hall Septic and Storm Water	\$30,695
9. Carcoar Showground ringside seating and Park Seat Shelters	\$34,099
10. Millthorpe CWA Branch Accessible Amenities	\$54,572
11. Replacement of Toilet Block at the Golden Memories Museum	\$90,909
12. Neville Hall Restoration and Improvement Project	\$59,300

All of the approved projects must be completed by December 2020.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

04) SALE OF LAND FRAPE STREET BLAYNEY

Department: Executive Services

Author: General Manager

CSP Link: 1. Public Infrastructure and Services

File No: PM.DI.1

Recommendation:

That Council approves the engagement of current Blayney Real Estate Agents and delegate to the General Manager the authority to implement a Sales Strategy and accept offers for sale of the 2 Residential Blocks; 11B and 11A Frape Street (Lots 1/19 and 2/19 DP 244853) Blayney.

Reason for Report:

For Council to provide the authority for the General Manager in negotiating the sale of the 2 residential blocks at Frape Street (Lot 19 DP 244853), Blayney.

Report:

Council has completed the 3 lot subdivision of Beaufort Street, Blayney being Lot 19 DP 244853 and developed 2 residential lots facing Frape Street and open space (**Resolution No. 1702/001**).

The Subdivision Certificate has been issued ((84/2017) for 2 Residential Blocks;

- Lot 1 - 11B Frape Street being 932.2m² with a 2m wide electricity easement
- Lot 2 - 11A Frape Street being 932.2m²

The approved subdivision plan is enclosed for Council information.

A market sale price will be sought for negotiation, without compromising what has been achieved or future sales of unsold lots in Streatfeild Close.

Risk/Policy/Legislation Considerations:

Pursuant to Local Government Act s.377(h) sale of land requires a resolution of Council. The Blayney Real Estate Agents will be offered the opportunity to sell these housing lots on the same commission as currently in place for the Streatfeild Close residential lots.

A report will be brought back to Council for endorsement and formalisation of the Council resolution following individual negotiations.

The contracts for sale are proposed to be standard with the inclusion of some minor special conditions stating dwelling types, materials and fencing restrictions.

In addition; a Builder's Terms contract to facilitate construction of a dwelling with Council approval as land owner, extending the timeframe for settlement to the date of sale to a Third Party Purchaser by the Purchaser is proposed.

Budget Implications:

Council will benefit from lands sale with a nett increase in rate income. Nett proceeds after development costs and associated costs of sale will be brought to account as income following settlement of a sale.

Proceeds from land sales will be allocated to the internal restricted Property Account.

The remaining block, being Lot 3 will remain as open space at the end of Beaufort Street. Council has commenced the planning and community consultation for the development of a passive recreation park, with concept plans and costings being presented to Council in due course.

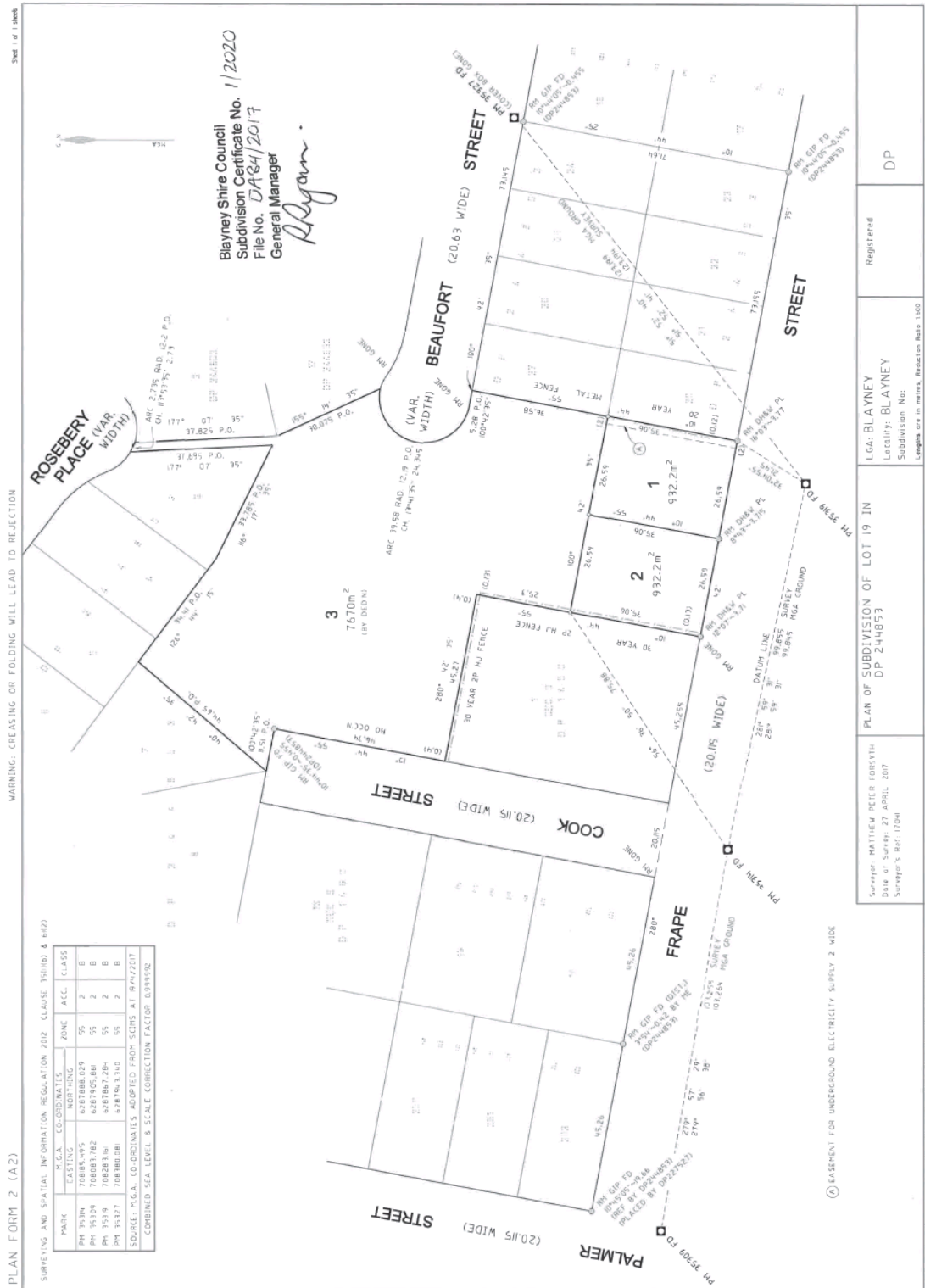
Enclosures (following report)

1 Subdivision at Frape and Beaufort Streets

1 Page

Attachments (separate document)

Nil



05) REPORT OF COUNCIL INVESTMENTS AS AT 30 APRIL 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 30 April 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 30 April 2020.

Report:

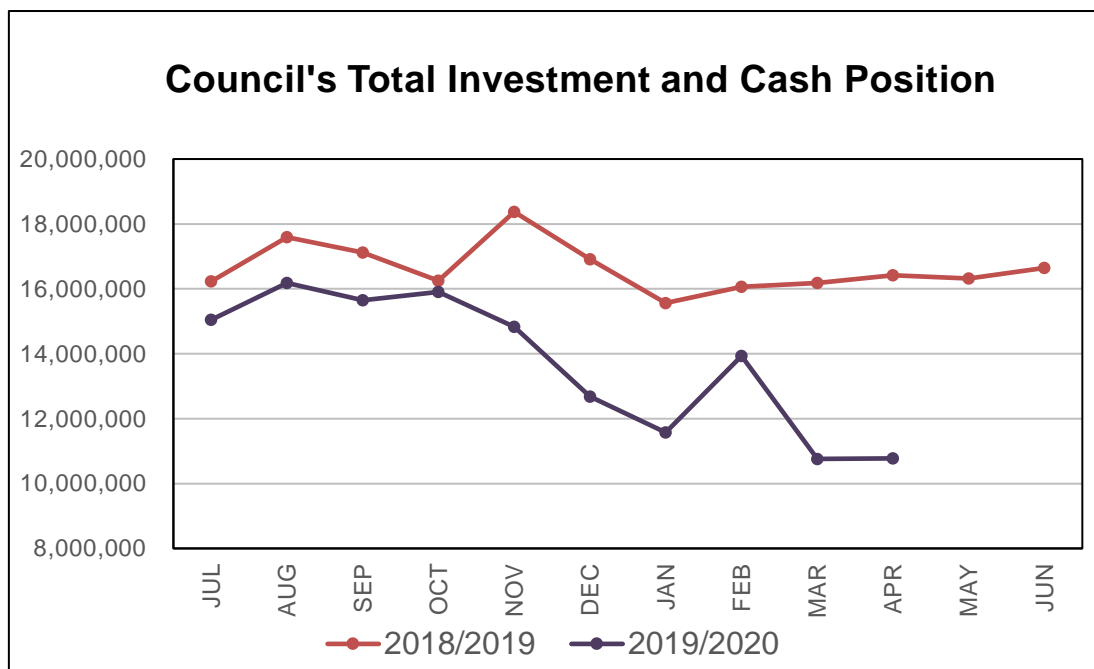
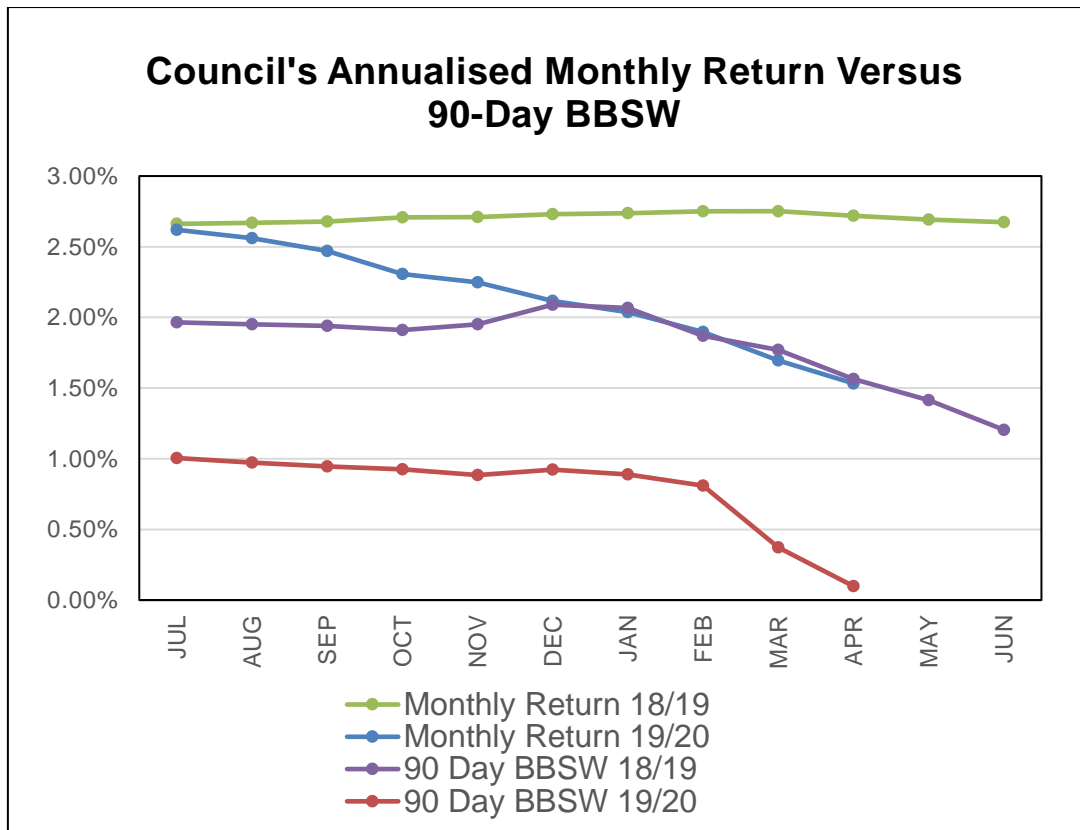
This report provides details of Council's Investment Portfolio as at 30 April 2020.

Council's total investment and cash position as at 30 April 2020 is \$10,777,885. Investments earned interest of \$12,984 for the month of April 2020.

Council's monthly net return on Term Deposits annualised for April of 1.53% outperformed the 90 day Bank Bill Swap Rate of 0.10%.

A major outlay of expenditure has been incurred as works are finalised at CentrePoint, the Central West Livestock & Equestrian Centre and roads projects funded under the Roads to Recovery Program.

Council has also submitted milestone claims for works completed under SCCF2 including the Carcoar Amenities project and CentrePoint Amenities Access Project. In total an amount of \$2.3m in grant funding is anticipated in the coming weeks for expenditure incurred on these projects prior to 30 April 2020.



REGISTER OF INVESTMENTS AND CASH AS AT 30 APRIL 2020				
Institution	Rating	Maturity	Amount \$	Interest Rate
NAB	A1+/AA-	12/05/2020	500,000	1.550%
CBA	A1+/AA-	19/05/2020	500,000	0.950%
NAB	A1+/AA-	26/05/2020	500,000	1.500%
Macquarie Bank	A1/A+	02/06/2020	500,000	1.600%
NAB	A1+/AA-	16/06/2020	500,000	1.540%
CBA	A1+/AA-	23/06/2020	500,000	0.960%
Macquarie Bank	A1/A+	30/06/2020	500,000	1.550%
NAB	A1+/AA-	14/07/2020	500,000	1.550%
NAB	A1+/AA-	21/07/2020	500,000	1.350%
NAB	A1+/AA-	28/07/2020	500,000	1.600%
AMP Bank	A2/BBB+	04/08/2020	500,000	2.000%
Macquarie Bank	A1/A+	18/08/2020	500,000	1.500%
NAB	A1+/AA-	01/09/2020	500,000	1.170%
ME Bank	A2/BBB	15/09/2020	500,000	1.600%
Bendigo & Adelaide Bank	A2/BBB+	29/09/2020	500,000	1.500%
Auswide Bank Ltd	A2/BBB	13/10/2020	500,000	1.700%
NAB	A1+/AA-	27/10/2020	500,000	1.040%
Macquarie Bank	A1/A+	24/11/2020	500,000	1.550%
MyState Bank Ltd	A2/BBB+	02/03/2021	500,000	1.650%
AMP Bank	A2/BBB+	16/03/2021	500,000	1.800%
Total Investments			10,000,000	1.483%
Commonwealth Bank - At Call Account ⁽¹⁾			-	0.750%
Commonwealth Bank Balance - General ⁽¹⁾			777,885	0.100%
Tcorp IM Cash Fund ⁽²⁾			-	2.640%
TOTAL INVESTMENTS & CASH			10,777,885	
Benchmarks:	BBSW 90 Day Index ⁽¹⁾			0.098%
	RBA Cash Rate ⁽¹⁾			0.250%

1. % Interest rates as at 30/04/2020

2. Monthly return annualised. Return over the previous year is 1.33%

Summary of Investment Movements - April 2020		
Financial Institution	Investment/(Recall) Amount \$	Commentary
NAB	(512,444)	Term Deposit Redeemed 01/04/2020
Bendigo & Adelaide	(505,542)	Term Deposit Matured 07/04/2020
Bendigo & Adelaide	500,000	Term Deposit Reinvested 07/04/2020
NAB	500,000	New Term Deposit 08/04/2020
ANZ	(511,718)	Term Deposit Redeemed 14/04/2020
Auswide Bank Ltd	500,000	New Term Deposit 15/04/2020
NAB	(503,864)	Term Deposit Matured 28/04/2020
NAB	500,000	Term Deposit Reinvested 28/04/2020

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%	50%	5,000,000
A- Category	40%	20%	2,000,000
BBB+ Category ⁽³⁾	30%	15%	2,000,000
BBB Category ⁽³⁾	10%	10%	1,000,000
BBB- Category and below: Local ⁽⁴⁾ ADI's	5%	0%	-
3. BBB+ / BBB categories are not to exceed 30% collectively 4. ADI's located within the Local Government Area			10,000,000

Individual Institution Limit	Rating	Policy Maximum	Current Holding
AMP Bank	A2/BBB+	1,000,000	1,000,000
ANZ	A1+/AA-	4,000,000	500,000
Auswide Bank Ltd	A2/BBB	500,000	500,000
Bendigo & Adelaide Bank	A2/BBB+	1,000,000	500,000
CBA	A1+/AA-	4,000,000	1,000,000
Macquarie Bank	A1/A+	2,000,000	2,000,000
ME Bank	A2/BBB	500,000	500,000
MyState Bank Ltd	A2/BBB+	500,000	500,000
NAB	A1+/AA-	4,000,000	4,000,000

RESTRICTED CASH, CASH EQUIVALENTS & INVESTMENTS		
	Actual 30/06/2019 \$ 000's	Forecast 30/06/2020 \$ 000's
External Restrictions	9,713	7,609
Internal Cash Restrictions	6,777	4,934
TOTAL RESTRICTED ASSETS	16,490	12,558⁽⁵⁾

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

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

I, Tiffaney Irlam, certify that the investments listed in this report have been made in accordance with s625 of the Local Government Act (1993), the Local Government (General) Regulation (2005) and Council Policy.

Risk/Policy/Legislation Considerations:

The Responsible Accounting Officer must table a written report to Council on money invested pursuant to s625 of the Local Government Act (1993). Investments made are in accord with the framework established within Council's Investment Policy.

Budget Implications:

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

Enclosures (following report)

Nil

Attachments (separate document)

Nil

06) QUARTERLY BUDGET REVIEW STATEMENT - MARCH 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 31 March 2020 be received.
2. That the supplementary votes of (\$573k) proposed in the Quarterly Budget Review Statement be adopted resulting in an increase to operating expenditure of \$75k, a decrease in operating income of \$238k, and a decrease to capital expenditure of \$339k, with an increase of capital income of \$79k.

Reason for Report:

For Council to endorse the Quarterly Budget Review Statement for the quarter ending 31 March 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 one of the following formats:
 - by income and expense type including capital grants and contributions **(QBRS: Part 2)**

- by function / activity to align w8ith 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 2019/20 Budget Review covering the March 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 as well as by Council activity and helps to inform Council on the anticipated Income Statement operating result for the financial year. Other information is also disclosed including budgeted capital income and expenditure; restricted cash movements and key performance indicators.

Budget Implications:

Overall, the net variations in Continuing Operations for the quarter of (\$313k) will decrease the projected Net Operating Result before Capital Items to (\$855k). A summary of significant adjustments are listed below:

CentrePoint User Fees & Charges have decreased by \$197k due to closure of the Centre as a result of COVID-19, partially offset by a reduction in operating expenditure of \$63k. A reduction of \$51k in interest expense due to the final interest rate being lower than forecast.

Other adjustments to operating expenditure include a reduction of \$128k for staff training, with \$118k of this related to works staff unable to be delivered due to COVID-19 restrictions. The Blayney Flood Risk Management Study has been partially deferred to 20/21 and resulted in a reduction for Consultancy fees of \$50k, partially offset by reduced grant funding of \$40k.

An increase of \$202k in net gains on the disposal of assets following the storm event in Lyndhurst in February which lead to impairment of the Boonderoo bridge. Disaster funding has been sought which will see replacement of the bridge in 2020/21.

There has been a reallocation of \$239k capital expenditure to operating expenditure related to the CentrePoint Building & Pool Upgrade and Electrical & Fire Compliance capital projects. This is represented by \$96k demolition costs and \$143k capital contribution for an Electrical substation, which is not a Council asset.

Capital expenditure variations of (\$339k) include the adjustment to CentrePoint projects mentioned above, deferral of the Netball Court Resurfacing project \$70k and KGO Bore \$65k to 2021/22, as additional grant funding has been obtained for these projects. These projects were funded from Developer Contributions \$70k and KGO Reserve \$65k.

There has been \$238k reduction in Sewer capital projects, with projects deferred to next year and \$84k of savings from projects completed under budget. The total Sewer adjustment will be added back into the Sewer Reserve.

An additional \$301k in Capital Expenditure is required for the completion of Streatfeild Close development to be funded from the Property Reserve. There is a corresponding adjustment to reduce the expected Profit on sale by \$56k. This amount is partially offset by \$147k increase in Profit on sale of Industrial Land.

Enclosures (following report)

Nil

Attachments (separate document)

1 March 2020 Quarterly Budget Review Statements 24 Pages

07) 2020/21 OPERATIONAL PLAN AND 2020/21 – 2023/24 DELIVERY PROGRAM

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: GS.LI.1

Recommendation:

1. That Council endorses the draft 2020/21 - 2023/24 Delivery Program and 2020/21 Operational Plan; and
2. That the draft 2020/21 - 2023/24 Delivery Program and 2020/21 Operational Plan be placed on public exhibition for a period of 28 days.

Reason for Report:

For Council to consider and endorse the 2020/21 - 2023/24 Delivery Program and 2020/21 Operational Plan for public exhibition, pursuant to section 405 of the Local Government Act.

Report:

All councils in NSW are required to develop long term, medium term and short term plans as part of the Integrated Planning and Reporting (IP&R) Framework under the *Local Government Amendment (Governance and Planning) Act 2016*.

The Delivery Program details the principal activities it will undertake to achieve the objectives established in the Community Strategic Plan, within the resources available under the Resourcing Strategy. Council must prepare a new Delivery Program after each ordinary election of councillors to cover the principal activities of the council for a 4 year period and roll it over on an annual basis to maintain this timeframe.

The Operational Plan spells out the individual projects and activities that will be undertaken in the forthcoming year to achieve the commitments made in the Delivery Program. Council must adopt its annual Operational Plan before the beginning of each financial year, outlining the activities to be undertaken that year, as part of the Delivery Program. The Operational Plan must also include a detailed annual budget and include the Statement of Council's Revenue Policy which includes the proposed rates, fees and charges.

The Operational Plan has been reviewed and updated to reflect service delivery for the 2020/21 year. The Operational Plan and the four year Delivery Program are presented to Council in one document.

Following any amendments by Council and endorsement via resolution, the draft 2020/21 - 2023/24 Delivery Program and 2020/21 Operational Plan will be placed on exhibition on Council's website on Tuesday 19 May 2020. In addition, a hard copy for viewing will be made available at the Council Office. Public submissions will be invited and advertised for a period of 28 days as per the Local Government Act (1993). Council must consider any comments and public submissions prior to adoption at the 22 June 2020 meeting.

Council has proposed the following rating structure for 2020/21:

Rating Structure for the 2020/21 Rating Year						
Name of Category/Sub Category	No. of Assessments	Base Rate	Ad Valorem	Land Value	Total Yield	% Yield from Base Amount
Residential						
Ordinary Rate	1163	\$333.00	0.00185029	\$217,126,406	\$789,026	49.08%
Sub Category - Blayney & Carcoar	1350	\$333.00	0.00415281	\$119,463,580	\$945,660	47.54%
Sub Category - Millthorpe	326	\$333.00	0.00169217	\$ 70,460,560	\$227,789	47.66%
Business						
Ordinary Rate	92	\$433.00	0.00397368	\$14,256,570	\$96,487	41.29%
Sub Category - Blayney	167	\$433.00	0.00799604	\$16,722,400	\$206,024	35.10%
Sub Category - Millthorpe & Carcoar	57	\$433.00	0.00540017	\$8,949,900	\$73,012	33.80%
Farmland						
Ordinary Rate	734	\$550.00	0.00215797	\$841,580,790	\$2,219,806	18.19%
Mining						
Ordinary Rate	1	\$1,077.00	0.03765962	\$426,000	\$17,120	6.29%
Sub Category - Gold		\$1,077.00	0.04000000			
Sub Category - Gold / Copper Combined	1	\$1,077.00	0.04094445	\$110,000,000	\$4,504,967	0.02%
Total Yield	3,891			\$1,398,986,206	\$9,079,890	

Council has indexed its overall total rate yield by the rate peg of 2.6% or \$241k. This increase has been applied to the base rate and ad valorem amounts within each rate category to ensure this increase is apportioned evenly. As part of Council's ongoing strategy to deliver equity the following action to rate categories are proposed:

Farmland

The 2019 Valuer General valuations has seen significant increases to higher valued properties within the Farmland category. With the low base rate this will result in a shift in the rate burden to higher valued properties within this category. To mitigate this it is proposed to increase the base rate amount by \$70 to \$550 to enable rates to borne equitably across all assessments within the category.

Business

The 2019 Valuer General valuations has seen significant swings in valuations in the Business – Blayney, Millthorpe and Carcoar subcategory ranging from decreases as low as 59% in Blayney to increases of up to 105% in Millthorpe. Similar to Farmland, a shift in the rate burden would occur to higher valued properties within this sub category. To minimise significant fluctuations the following is proposed:

- A new sub-category of Business – Millthorpe and Carcoar.
- A decrease in the rate yield in the amount of \$10,000 for Business – Blayney offset with increases to rate yield of \$3,500 to Business – Millthorpe and Carcoar and Business – Ordinary Rate. An increase to rate yield of \$3,000 Residential – Blayney is also proposed.
- An increase to the Base amounts in all Business Category to \$433.

Residential

- An increase to rate yield of \$3,000 to Residential – Blayney as noted above.

Sewerage Charges for Residential and Non-residential properties have been indexed by 5%. The following service charges for 2020/21 are proposed:

Residential			
	Access Charge	No of Properties	Total Yield
Connected	\$668	1,507	\$1,006,676
Vacant (Unconnected)	\$344	102	\$35,088
Estimated Total Yield			\$1,041,764

	Annual Charge (Prior to SDF Factor)	No. of Properties	Quarter Charge before SDF applied	Min. quarterly amount charged
20mm Water Service	\$556	161	\$ 139	\$167
25mm Water Service	\$852	21	\$ 213	\$167
32mm Water Service	\$1,392	18	\$ 348	\$167
40mm Water Service	\$2,180	11	\$ 545	\$167
50mm Water Service	\$3,400	24	\$ 850	\$167
80mm Water Service	\$8,680	1	\$2,170	
100mm Water Service	\$13,608	6	\$3,402	
150mm Water Service	\$30,620	2	\$7,655	
Vacant/Unmetered	\$344	55		
Estimated Total Yield				\$ 378,000

In 2020/21 it is proposed to introduce a Future Sewerage Infrastructure Subsidy Charge. Council has prepared a Sewerage Development Servicing Plan (DSP) which informs Developer Charges to be applied to new development. In the plan Council has elected to levy Developer Charges lower than the calculated Developer Charges for the 2 service areas, Blayney and Millthorpe. The Developer Charges have been set in consideration of financial, social and environmental factors to determine a Developer Charge which is balanced, fair and meets Council’s objectives. The cross-subsidy, resulting from capping of Developer Charges, must be disclosed in Council’s DSP, annual Operational Plan and Annual Report.

The amount determined per Typical Residential Bill (TRB) is disclosed below and will apply to all assessments with a sewer service and exclude vacant land:

Future Sewerage Infrastructure Subsidy Charge			
	Access Charge	No of Properties	Total Yield
Connected - Residential	\$55	1,507	\$82,885
Connected - Business	\$55	206	\$11,330
Estimated Total Yield			\$94,215

The interest rate charged on overdue rates and charges for 2020/21 determined by the Office of Local Government is yet to be released.

Also included in the 2020/21 Operational Plan is the Schedule of Financial Assistance outlining allocation of proposed funding under the Community Financial Assistance Policy. This schedule has been included to expedite the funding process for recurrent recipients of financial assistance and for greater transparency to the community.

Risk/Policy/Legislation Considerations:

Legislative requirements are disclosed in the report.

Budget Implications:

The financial implications of this report are detailed in the 2020/21 Operational Plan and an overview is provided as follows:

Council's 2020/21 Draft Operational Plan budget proposes an operational surplus forecast of \$300k before capital grants and contributions. This consists of a forecast surplus from the General Fund of \$174k and a surplus from the Sewer Fund of \$126k.

The major contributors to Council's income and expenditure in the draft budget for the 2020/21 financial year include the following:

As detailed earlier rates income have been increased by the rate peg index of 2.6% for 2020/21 released by IPART, down from 2.7% in the previous financial year.

The mining rate continues to contribute a substantial amount to Council's rate base (49.6%). Council should be wary of associated risks of such a position to be heavily reliant on this income to help fund the general operations of Council.

Domestic Waste annual charges have been proposed to decrease by \$40 per assessment. The decrease is representative of reasonable cost for service delivery requiring no ratepayer subsidy in accord with local government best practice.

Commercial (Non-Domestic) Waste annual charges have also been proposed to decrease by \$40 per assessment. The Waste Management Levy is proposed to increase by \$6 per rateable assessment to help subsidise increased operational costs at the Waste Facility and ensure equity amongst all ratepayers who have access to the facility.

Council was successful in obtaining \$1m funding under the Drought Communities Program Extension. Of this, \$730k will fund improvements to the Newbridge Recreation Ground pavilion, Blayney Tennis Centre amenities upgrade, new cricket nets at the Lyndhurst Rec Ground, a new perimeter fence at Dakers Oval and a new shelter at Redmond Oval.

Council was also awarded \$900k funding under the Drought Stimulus Program of which \$730k will fund refurbishment works at the Blayney Library, construction of an amenities block at Dakers Oval, cricket nets at the Lyndhurst Showground and footpath projects in Carcoar and Millthorpe.

The Major and Minor Plant renewal program continues with replacements of \$1.1m scheduled to take place in the 2020/21 year. An additional \$270k of depreciation is also forecast resulting from new plant purchased.

Also programmed is \$1.1m of works on Carcoar Street Blayney along with the initial sealing of Coombing & Mendham Lanes in Barry and Hay/Leabeater St in Lyndhurst. An additional \$1.28m to fund heavy patching, gravel resheeting and reseal works throughout the shire.

Council's operational expenditure for the 2020/21 Financial Year includes provision of a 3.0% increase to wages inclusive of the 2.5% State Award increase and a further 0.5% progression based increase on Award entitlement where applicable.

Increased operational costs to fund the major upgrade at CentrePoint of \$185k for additional electricity, gas and water consumption have been provided for.

A provision for new borrowings of \$500k has been made to complete stormwater drainage works in Frape Street.

Enclosures (following report)

Nil

Attachments (separate document)

1 2020/21 Operational Plan and 2020/21 - 2023/24
Delivery Program 94 Pages

08) ADOPTION OF ENTERPRISE RISK MANAGEMENT POLICY AND PLAN

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: GO.PO.1

Recommendation:

That the Enterprise Risk Management Policy and Plan be adopted and included in Council's policy register.

Reason for Report:

For Council to adopt the Enterprise Risk Management Policy and Plan and it be included in Council's policy register.

Report:

Council at its meeting held 17 February 2020 resolved to place the Enterprise Risk Management Policy and Plan on public exhibition.

The Enterprise Risk Management Policy and Plan establishes the framework and context, in terms of how Blayney Shire Council manages risk.

The closing date for public exhibition of the above policies was 19 March 2020 and no submissions were received by Council. The document was also reviewed by the Audit Risk and Improvement Committee with a number of amendments advised by the Independent members. A number of these amendments were made as recommended. These amendments are marked up in the attached document.

A copy of the draft policy and plan are provided as an attachment to this report.

Risk/Policy/Legislation Considerations:

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

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

1 Enterprise Risk Management policy and plan 25 Pages

09) BLAYNEY RESIDENTIAL DEVELOPMENT PROJECT - LAND SALE

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 1. Public Infrastructure and Services

File No: PM.AD.1

Recommendation:

1. That Council endorse the action of the General Manager to accept the offer for sale of Lot 1 at Streatfeild Close (Lot 1 DP 250822) at the listed price of \$155,000.
2. That Council endorse execution of relevant contracts and associated documentation by the Mayor and General Manager under Council seal.

Reason for Report:

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

Report:

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

Council has received an offer for Lot 1 in the amount of the listed price of \$155,000

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

Should Council endorse this sale and it proceed to contract exchange a total of 9 parcels will have been sold.

Risk/Policy/Legislation Considerations:

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

Budget Implications:

Council will benefit from lands sale with a nett increase in rate income. Nett proceeds after purchase cost, development costs and associated costs of sale (profit on sale) will be brought to account as income in 2019/20 following contract settlement.

Proceeds will be held as restricted cash in the Property Account for servicing of borrowings for this project with the residual funds held for future land development purposes.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

10) 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 May 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**Flood Damage – Lyndhurst

Blayney Shire was included on the Natural Disaster Declaration as a result of the February storm/flood event. Emergency works and Immediate Reconstruction works were completed in the weeks following the February event, in order to ensure roads remained safe and open.

Council can now work with Transport for NSW and Cowra Council to develop the scope, and deliver replacement of the impacted bridge on Boondaroo Road.

Belubula River Open Space – Community Engagement

Council has now finalised amendments to the Belubula River Open Space proposal, and Beaufort Street Park project sites.

Arrangements are being made for Place Design Group, to present to Councillors (remotely by Zoom) perhaps at the June Councillor workshop, before addressing any further concerns and seeking to place both the Belubula River and Beaufort Street Park project sites on Public Exhibition.

Project costings and stages will be then developed for future grant applications and funding opportunities.

Funding programs

Council has now been formally advised of its successful applications for the Australian Government's Drought Communities Program Extension Program, and the NSW Government's Drought Stimulus and Stronger Country Communities Road 3 programs. All three programs will provide for the renewal and upgrade of existing facilities, and provide for new facilities across the Shire.

Feedback is that Council consulted well with community groups to provide a broad range of projects which were included in these funding programs and will deliver further enhancements and benefits to our Shire residents and visitors.

The list of projects is considerable and will require careful programming to minimise inconvenience to the community and demand on resources within Council, and local suppliers/trades.

Major Works

Hobbys Yards Road

Drainage, earthworks, and subgrade works have been completed on Hobbys Yards Road, with the project currently tracking approximately 1 week behind schedule due to a combination of weather, unsuitable material, and contractor delays.

Stabilisation of the subgrade was completed on 8 May 2020, with sub-base installation commencing on 7 May 2020. It is expected that the project will be sealed at the end of May 2020.

Wombiana Lane Culvert

Works are scheduled to commence in the coming weeks on the rehabilitation of a culvert on Wombiana Lane. This will necessitate the closure of Wombiana Lane to the north of the railway crossing. Works are expected to take up to 3 weeks to complete.

Road Maintenance Works

Maintenance grading has been undertaken on Snake Creek Road, Rockdell Road, Lyons Road, Kennys Lane, Millamolong Road, Mallowgrove Road, Carcoar Dam Road, and Sunset Hills Road.

Footpaths

Works have been completed on Binstead Street, Blake Street, and Gold Street in Mandurama. A minor footpath has also been constructed at the Blayney netball courts.

Land Development

Site works have now been completed, with the laying of the AC road seal, and landscaping works on the entrance road.

The Member for Bathurst, Paul Toole and Mayor Ferguson undertook an official opening ceremony with a cutting of the ribbon and installation of the street sign on 29 April with regional TV and local media in attendance.

Compliance certificates and other paperwork are being finalised to obtain subdivision certificate release, which is anticipated will be completed and the plan lodged with Land Registry Services for registration purposes by the time of the Council meeting.

Major Contracts

Carcoar Sportsground Amenities Block

This project is slightly behind schedule and due to delays in materials, however the amenities are now receiving the finishing touches and should be complete in the next week. Council and its contractor will commence construction of the driveway and carpark shortly after.

Napier Oval

Works at Napier Oval have commenced with site establishment, removal of trees and the commencement of bulk earthworks. The gum trees along the western edge of the field have been removed as they were causing damage to the guttering as well as the field. There will be plantings of smaller deciduous trees to provide for better amenity for users of the facility. The trees will allow shading for summer activities and more sun for winter activities as well as provide better outcomes to the maintenance of the field.

Central West Equestrian and Livestock Centre (CWELC)

Minor works are ongoing as we continue adding benefit to this facility and the community.

Seating is now complete with permanent yards due to begin in the next week. The sand arena is almost completed with levelling yet to be finished. Council is also completing the heavy patching and sealing of the road and entrance to the facility. More flood lighting and power upgrades to the old cattle pavilion is also underway. This will assist with the issue around power circuits tripping when cattle shows are on as they need to use hairdryers for the event which was overloading the circuits.

Council will provide a concrete apron along the western wall for more future washdown areas.

Assets

Work continues on the revaluation of the Transportation Asset Class, with a draft valuation to be completed by the 25 May. Some minor adjustments to the methodology document are being made, following feedback from Council's Auditors.

Staff are also working on the quarterly reconciliations and asset additions in preparation for the end of financial year.

Parks and Recreation

Due to recent rain, the Parks team has undertaken an increased amount of mowing of ovals, and whipper snipping of open spaces and alongside pathways that has resulted in more rapid growth of playing surfaces and other grass areas.

The storm event in February across the Lyndhurst/Mandurama district resulted in damage to the playing field fence at Lyndhurst Recreation Ground, that has now been repaired.

Repairs works are currently underway to address ground subsidence at Council cemeteries that is a result of rabbit damage and recent rains.

The Parks team has also undertaken the planting of trees on the entrance road at Streatfeild Close and new annual plantings at Innes and Carrington Parks and library.

Wastewater

Staff received information back from DPIE on the submitted Recycling Water Management System (RWMS) noting that the proposed treatment system would be suitable for the intended purpose.

Staff are continuing with design of the system and working with suppliers and contractors to develop the scope and functional description. When completed this will then be provided to DPIE for feedback.

Staff are working on a new chemical storage shed at the STP to ensure compliance with chemical storage and handling requirements.

The Development Servicing Plan (DSP) for Sewerage Services is on public exhibition and describes the charges required to be obtained from developers to support future upgrades to the sewerage infrastructure. The public exhibition closes on 1 June, and the public are encouraged to provide written feedback on the plan prior to the closing of the exhibition period.

Fleet & Plant

Council has taken delivery of the new wing mower, however supply chain delays due to COVID-19 have impacted delivery of the two flail mowers. Once received this will result in the completion of the fleet replacement program for 2019/20.

Risk/Policy/Legislation Considerations:

Information report only.

Budget Implications:

Information report only.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

11) LEABEATER STREET BRIDGE SCOPE CONFIRMATION**Department:** Infrastructure Services**Author:** Manager Operations**CSP Link:** 1. Public Infrastructure and Services**File No:** RD.MT.233**Recommendation:**

1. That Council approve an allocation of \$420,000 for the replacement of Leabeater Street bridge, contingent on receiving 50% grant funding
2. That if unsuccessful, Council utilises its \$210,000 allocation to replace the bridge on the current alignment, pending successful acquisition negotiations.

Reason for Report:

To finalise the scope for the Leabeater Street Bridge.

Report:

The design of the Leabeater Street bridge has been a concern for Council, and the Lyndhurst Community. To better understand the impacts of the chosen design, a hydrology study was undertaken.

The hydrology study confirmed the local knowledge that the current bridge is often inundated from even relatively minor storm events. The modelling shows that the current bridge is 180mm under water during a 40% Annual Exceedance Probability (AEP) storm event (approximately every 2.5 years). The 1% AEP (100 year) and 5% AEP (20 year) events were also modelled, showing a dramatic increase in flow depth and width.

Event	Water Surface Level (m AHD)	Depth (m)	Velocity (m/s)	Flow Width (m)
1% AEP	662.11	3.13	1.98	130.7
5% AEP	661.56	2.58	1.59	101.8
40% AEP	660.64	1.66	1.05	34.1

However, the hydrology study also provided insight into the constraints caused by Grubbenbun Creek, and the reason for the rather large flow area that is witnessed at Leabeater Street. The predominant issue is a minor sub-catchment that discharges into Grubbenbun Creek immediately downstream of the Leabeater Street bridge. This causes a tail water effect which elevates the water levels behind/upstream of the intersection of these flows. The result is that the flow velocity drops considerably, subsequently causing a dramatic increase in flow area, as water backs up along the creek alignment.

There is limited scope to improve this situation without significant investment in changing the geometry of Grubbenbun Creek, and the discharge location of the sub-catchment. The hydrology study does not provide specific guidance on what may be required, however this is considered beyond the scope of the bridge replacement project and may include a need for a flood study, potential land acquisitions and further approvals. As a result this option has not been considered further.

Scale of Bridge Required

The flow width at the current bridge location is substantial. With the 40% AEP event resulting in a 34m wide flow regime. To adequately cater for this limited storm event would necessitate a bridge 30m long, and approximately 1.6m above the stream bed. Based on recent bridge costs, the estimated cost to construct such a structure is up to \$573,000.

To straighten Leabeater Street with a reduced scale bridge it will not be possible to utilise Council's standard design. The stream width is too wide at this location. I would recommend a 20m span, being a length that is readily achievable with standard pre-stressed bridge planks. The estimated cost of this bridge is \$420,000, this includes \$70,000 worth of approach and road works to realign Leabeater Street.

Based on the costs of the above options, it is my recommendation that Council proceed with its single lane bridge design in a similar location to the current bridge. This will nominally provide the same level of service currently, and an estimated cost of \$180,000. To straighten the bridge will provide a marginal benefit to flood immunity of the road, at a substantial increase in cost.

It is confirmed that the bridge currently sits on private land. I have been in contact with both land owners, and they have expressed a willingness to negotiate acquisition should the bridge be situated in the same location. This acquisition cost has been included in the \$180,000 estimate above.

Council currently has allocated \$170,000 for works on Leabeater Street bridge. So to provide for a larger structure, funding would need to be allocated from other areas within Council's budget, or achieved through grant funding.

Round 5 of the Australian Governments Bridge Renewal Program (BRP) is currently open, with applications closing 29 May 2020. It is required that Council has funding available to match that from the BRP. Council could endorse a budget of \$420,000 to undertake the straightening of the bridge, contingent on \$210,000 funding from the BRP. If this funding application is unsuccessful, then Council would continue with the replacement of the bridge on its current alignment.

Risk/Policy/Legislation Considerations:

Geotechnical investigations have not been completed for a more traditional structure, subgrade conditions are uncertain, and have a significant effect on piling costs.

Negotiations for acquisition could fail with the adjoining land owners, resulting in Council having to fund a straightened bridge.

Budget Implications:

The current small bridge renewal budget has \$235,000 available, this could be used to fund 50% of the cost of the Leabeater Street bridge with the balance being provided by grant funding

Enclosures (following report)

Nil

Attachments (separate document)

Nil

12) WAIVER OF 2019/20 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 fees and charges associated with routine food inspections for the period 1 March 2020 – 30 June 2020, in recognition of the impact from the COVID-19 pandemic on the food services industry.

Reason for Report:

To seek Council approval for a variation to the fees and charges 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 impact 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, as a Category B Council 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 Councils to recover the cost of food regulation enforcement.

Recent actions taken by the Federal and State governments have seen unprecedented changes to the way communities behave as measures have been implemented to slow the spread of COVID-19. These measures have had a direct impact on the food service industry.

Council's Senior Environmental Services Officer will be conducting routine 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 the routine food inspections Council will be meeting their 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 \$7,245 was budgeted for in 2019/20.

By not charging for the routine inspections Council would be foregoing approximately \$5,691 in income. This reduction has been included in the third quarter budget review for Council approval.

To date, Council has not raised any invoices for the 2019/20 year.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

**13) DA2020/17 - TWO (2) LOT SUBDIVISION - 35 OGILVY STREET
BLAYNEY****Department:** Planning and Environmental Services**Author:** Manager Planning**CSP Link:** 5. The Natural Environment**File No:** DB.AB.1476

Recommendation:

That Council consent to Development Application DA17/2020 for a two lot Torrens Title subdivision at Lot 1 DP815810 – being 35 Ogilvy Street, Blayney.

Reason for Report:

Council's consent is sought for a two lot Torrens Title subdivision of 35 Ogilvy Street, Blayney, being Lot 1 DP815810 (the 'subject property').

The proposed subdivision seeks to create two lots, being proposed Lot 11 and proposed Lot 12, with an area of 540.6m² and 722.4m² respectively. Proposed Lot 11 will contain an existing dwelling, while proposed Lot 12 will contain an existing double garage / shed.

Notably, the subject property is zoned B2 Local Centre zone and is subject to a Minimum Lot Size of 1,000m².

In this regard, it is noted that the Development Application is accompanied by a written request which addresses *Clause 4.6 Exceptions to development standards* of the *Blayney Local Environmental Plan 2012* (the 'LEP') and which seeks to justify a contravention of the 1,000m² Minimum Lot Size development standard

Report:**EXECUTIVE SUMMARY**

The proposed subdivision seeks to create two lots, being proposed Lot 11 and proposed Lot 12, with an area of 540.6m² and 722.4m² respectively. Proposed Lot 11 will contain an existing dwelling, while proposed Lot 12 will contain an existing double garage / shed.

The Development Application is accompanied by a written request which addresses *Clause 4.6 Exceptions to development standards* of the *Blayney Local Environmental Plan 2012* (the 'LEP') and which seeks to justify a contravention of the 1,000m² Minimum Lot Size development standard by demonstrating that:

- a. Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

- b. That there are sufficient environmental planning grounds to justify contravening the development standard.

In summary, the applicant contends that the contravention is justified for the following reasons:

- Given that the subject property adjoins land which is zoned R1 General Residential, it has the benefit of *Clause 5.3 Development near zone boundaries* of the LEP and should be treated as if it is in the R1 General Residential Zone.
The purpose of Clause 5.3 is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- Apart from contravening the 1,000m² Minimum Lot Size development standard, the proposed development meets all other relevant objectives and development standards of the LEP.
- The existing use of the subject property is residential. Prior to the introduction of the current LEP, the subject property zoned No. 2(v) and a residential subdivision of a lot creating 500m² would have been permitted.

It should be noted that the foregoing reasons have been set out with regard to the relevant criteria established by Preston CJ in the NSW Land and Environment Court decision *Wehbe v Pittwater Council [2007] NSWLEC 827*.

The applicant has also outlined environmental planning grounds which justify the proposed contravention of the development standard.

Based on the information provided, it is considered that the applicant has responded appropriately to the matters set out in Clause 4.6 and that it is open to the Council to issue development consent.

Further, it is noted that in this instance Council may assume the concurrence of the Secretary of the Department of Planning, Industry and Environment which is otherwise required prior to approving a development standard under Clause 4.6.

The requirements of Clause 4.6 are addressed in further detail in the body of this report.

One submission was received from John Holland Rail. The submission seeks to deal with potential noise and vibration impact from the rail corridor. The submission is addressed in the body of this report.

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

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

PROPOSED DEVELOPMENT

Council's consent is sought for a two lot Torrens Title subdivision of 35 Ogilvy Street, Blayney, being Lot 1 DP815810 (the 'subject property').

The proposed subdivision seeks to create two lots, being proposed Lot 11 and proposed Lot 12, with an area of 540.6m² and 722.4m² respectively. Proposed Lot 11 will contain an existing dwelling, while proposed Lot 12 will contain an existing double garage / shed.

The layout of the proposed subdivision is illustrated in Figure 1, below.

EXISTING CONDITIONS

The existing conditions of the subject property are shown in Figure 2, below. It is noted that land to the east of the subject property is used for a variety of commercial and light industrial purposes, while land to the west is used for a mix of residential, commercial and light industrial purposes.

Figure 3 and 4 illustrate the location of the subject property relative to zone and minimum lot size controls under the LEP.

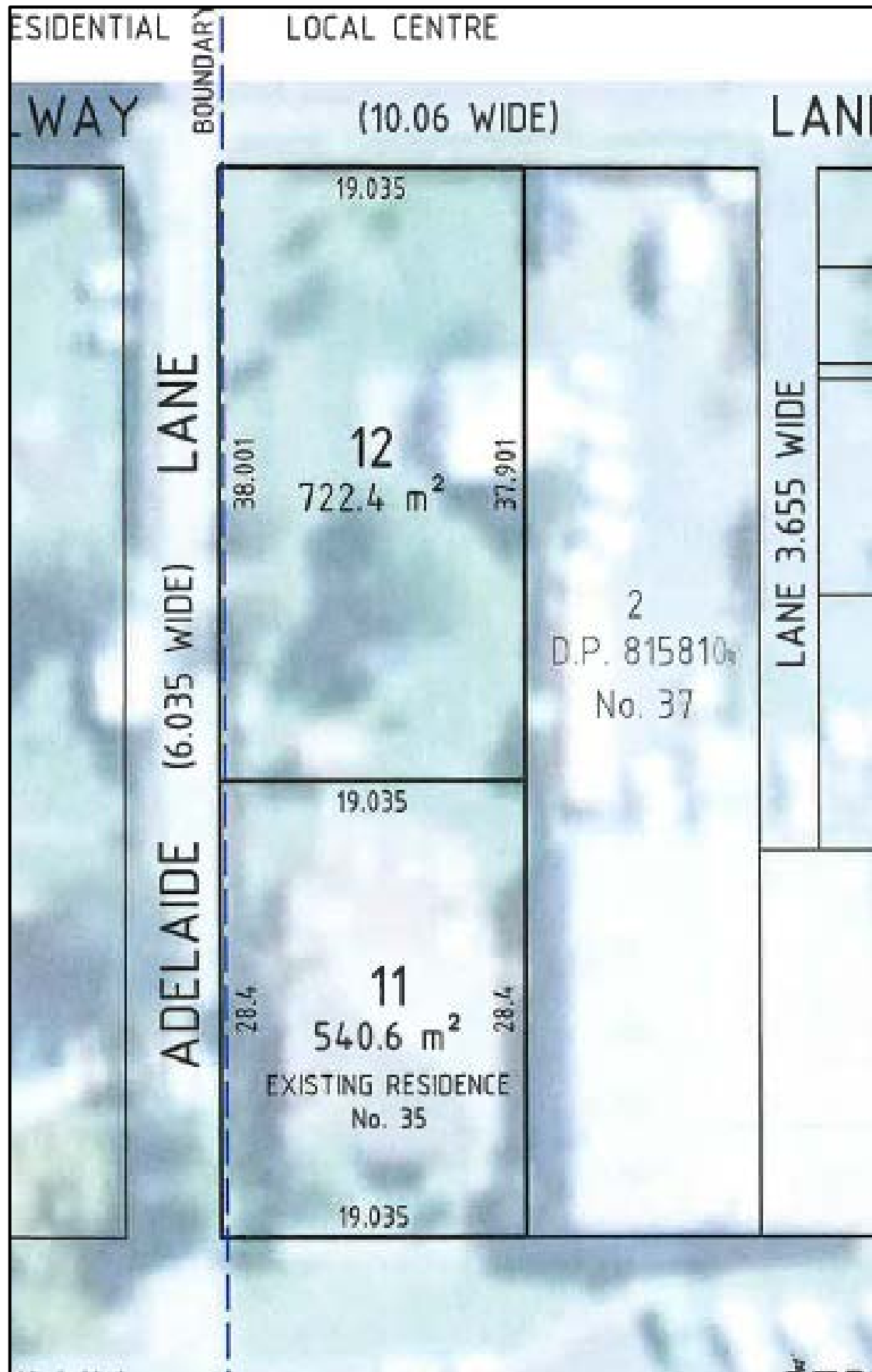


Figure 1: Proposed subdivision layout



Figure 2: The subject property – existing conditions



Figure 3: Land Use Zones (Subject property identified by heavy red line)



Figure 4: Minimum Lot Sizes (Subject property identified by heavy red line)

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

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

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

SECTION 4.15 EVALUATION

Matters for Consideration – General

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

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

Blayney Local Environmental Plan 2012

Part 1 – Preliminary

Clause 1.2 Aims of Plan

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

Clause 1.7 Maps

Land zoning:	B2 Local Centre
Lot size:	1,000m ² Minimum Lot Size
Heritage:	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 2.6 Subdivision – consent requirements

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

Part 4 – Principal development standards

Clause 4.1 Minimum subdivision lot size

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

Clause 4.1 applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of the LEP. 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.

As previously noted, the Lot Size Map identifies that the Minimum Lot Size for the subject property is 1,000m².

Given that the development application seeks to create two lots in the order of 540.6m² and 722.4m², approval is required under Clause 4.6 to contravene the Minimum Lot Size development standard. Clause 4.6 is addressed in further detail, below.

Clause 4.6 Exception to development standards

Clause 4.6 seeks to provide an appropriate degree of flexibility in applying certain development standards to particular development and to achieve

better outcomes for and from development by allowing flexibility in particular circumstances.

Specifically, Clause 4.6 provides that development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument (other than a development standard expressly excluded from the operation of the clause).

Development consent must not be granted for development that contravenes a development standard, unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

Further, development consent must not be granted for development that contravenes a development standard, unless the consent authority is satisfied that the applicant's written request has adequately addressed the matters required, and the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and the concurrence of the Secretary has been obtained.

As noted under the heading 'Clause 4.1 Minimum subdivision lot size' the proposed development seeks to create two lots in the order of 540.6m² and 722.4m², which are below the 1,000m² Minimum Lot Size development standard.

There are a number of factors which must be taken into consideration under Clause 4.6 to determine whether or not a contravention of the Minimum Lot Size development standard should be supported. The relevant assessment framework is addressed below:

1 Has the applicant's written request adequately addressed the matters required to be addressed?

The applicant has provided a written submission which outlines why compliance with the development standard is considered to be unnecessary and which demonstrates that there are sufficient planning grounds to justify contravening the development standard.

With regard to why compliance with the development standard is considered to be unnecessary, the applicant has referred to the relevant criteria established by Preston CJ in the NSW Land and Environment Court decision *Wehbe v Pittwater Council* [2007] NSWLEC 827. In summary, the applicant contends the following:

- Given that the subject property adjoins land which is zoned R1 General Residential, it has the benefit of *Clause 5.3 Development near zone boundaries* of the LEP and should be treated as if it is in the R1 General Residential Zone.
The purpose of Clause 5.3 is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
- Apart from contravening the 1,000m² Minimum Lot Size development standard, the proposed development meets all other relevant objectives and development standards of the LEP.
- The existing use of the subject property is residential. Prior to the introduction of the current LEP, the subject property zoned No. 2(v) and a residential subdivision of a lot creating 500m² would have been permitted.

With regard to the environmental planning grounds which justify contravention of the development standard, the applicant has outlined the following:

- The current land use is residential and the development proposal is to maintain that land use.
- The residential dwelling and use existed prior to adoption of Blayney LEP 2012. Under Blayney LEP 1998, the land was zoned No. 2(v) and residential subdivision creating a lot of 500m² would have been permitted under Clause 16 Subdivision of land in Zone No. 2(v).
- The lot is fully serviced by town water.
- In the development application, Council have been requested assess the Proposal as if zoned R1 General Residential using the provisions of Clause 5.3 Development near zone boundaries. The proposal fulfils the objectives of Blayney LEP 2012 R1 General Residential objectives:
 - To provide for the housing needs of community.
 - To provide for a variety of housing types and densities.
 - To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Further to the reasons set out above, it should be noted that *Residential accommodation*, which includes *Dual occupancy (attached) and (detached)*, is a permissible land use in the B2 Local Centre zone. In the event that a *Dual occupancy* development were approved for the subject property a two lot subdivision, regardless of lot size, would have no perceivable off-site impact. With the exception of the applicants' references to the *Blayney Local Environmental 1998*, it is accepted that a contravention of the Minimum Lot Size development standard could be supported.

2 Is the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out?

The applicant notes that given the location of the subject property adjacent to land within the R1 General Residential zone, it would have the benefit of *Clause 5.3 Development near zone boundaries* which seeks to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

Given the existing residential use of the property, it is accepted that further residential use of the subject property would be more logical and appropriate than a commercial development.

3 Does the contravention of the development standard raise any matter of significance for State or regional environmental planning?

Based on the foregoing assessment, it is considered that a contravention of the Minimum Lot Size development standard would not raise any other matter of significance for State or Regional environmental planning.

4 Any other matters required to be taken into consideration by the Secretary before granting concurrence.

There are no other obvious matters required to be taken in to consideration in this matter.

Further, it is noted that in this instance Council may assume the concurrence of the Secretary of the Department of Planning, Industry and Environment which is otherwise required prior to approving a contravention of a development standard under Clause 4.6.

Part 5 – Miscellaneous provisions
Clause 5.10 – Heritage Conservation

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

The proposed subdivision will have no perceivable impact on the Blayney Heritage Conservation Area.

Notwithstanding, any future development of either proposed lot would be referred to Council's Heritage Advisor, and assessed against the applicable provisions of the LEP and the *Blayney Development Control Plan 2018* (the 'DCP').

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 Infrastructure Services Department has advised that a condition of consent is not warranted for the proposed subdivision as stormwater is likely to shed naturally to the surrounding street network.

Clause 6.8 Essential services

Clause 6.8 requires that development consent must not be granted to development unless the consent authority is satisfied that any of the services that are essential for the development are available or that adequate arrangements have been made to make them available when required. Essential services are identified as the supply of water, the supply of electricity, the disposal and management of sewage, stormwater drainage / conservation and suitable vehicle access.

Information submitted with the Development Application identifies that all essential services are available to the subject property.

Council's Infrastructure Services Department has recommended conditions of consent to ensure that each proposed lot is serviced separately with sewerage, water and electricity.

State Environmental Planning Policy 55 – Remediation of Land

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

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

Given that the subject property has historically been used for the purpose of dwelling, it is unlikely to be contaminated.

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

Not applicable.

Section 4.15(1)(a)(iii) Any Development Control Plan**Blayney Shire Development Control Plan 2018****Part F: Subdivision & Roads****Part F2 Site Planning & General Subdivision****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.

The proposed development is considered to be consistent with the relevant objectives / performance criteria. In particular, the following is noted;

- The subject property is relatively flat, with storm water likely to shed naturally to the surrounding street network.
- The subject property does not contain any environmentally sensitive areas;
- While the subject property is located within the B2 Local Centre zone, it is already used for a residential purpose. It is considered that further residential use would be more appropriate than a commercial use; and
- The proposed subdivision will integrate with the existing subdivision pattern of the surrounding area.

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.

No earthworks are proposed.

F2.3 Lot Size and 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 requirement.

The proposed subdivision is consistent with the relevant acceptable solutions. In particular, it is noted that:

- The proposed Lot 12 will allow for a suitably sized dwelling and vehicle access which could comply with the minimum building setbacks set out in the DCP. Lot 11 will retain the existing dwelling.
- Proposed Lot 11 and 12 are both regularly shaped and will not impact on the historic subdivision pattern; and
- Road frontage is available to each lot, although it is noted that proposed Lot 12 is unlikely to accommodate a garage.

F2.4 On-site Effluent Management

Not applicable.

F2.5 Access & Entrances

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

Council's Infrastructure Services Department has recommended a condition of consent requiring that access to the proposed Lot 12 is to occur only via Railway Lane only

Subject to the future development of proposed Lot 12, the Infrastructure Services Department may require further upgrade to the access at that time.

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

Not applicable.

F2.7 Utilities / Easements

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 previously noted under *Clause 5.8 Essential services*, Council's Infrastructure Services Department has recommended conditions of consent to ensure that each proposed lot is serviced separately, including separate water and sewer.

F2.8 Staging

Not applicable.

F3 Residential Subdivision in Urban Areas**F3.1 Lot sizing and arrangements – general**

The objective of F3.1 is to promote lot sizes, shapes and orientation that will maximise the number of lots with potential solar access to the future living spaces and private open spaces of new dwelling sites and to ensure new subdivisions in or adjacent to existing urban areas complements the existing subdivision pattern and character of the existing urban area.

The proposed development is consistent with the relevant acceptable solutions.

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

Not applicable.

Contributions

Developer Contributions

Pursuant to the Blayney Development Contributions Plan 2013, the following contributions have been levied for the subject development and are attached as a condition of consent.

1. The contributions to be paid are currently \$6,434.50. per new lot created. The amount payable would be recalculated on the basis of the contribution rates that are applicable at the time of payment.

The payment of contributions as per the following shall be made to Council in accordance with Section 7.11 of the Act.

Section 64 Water and Sewer Headwork Charges

Under the *Local Government Act 1993* (the 'LG Act') S64 *Construction of works for developers* water and sewer headwork charges are also applicable to the proposal.

Such charges are calculated at the time of a Subdivision Certificate for the proposed development. Attached are draft conditions requiring the payment of the required contribution prior to the issue of a Subdivision Certificate.

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

Not applicable

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

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

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

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

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

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

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

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

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

One submission was received from John Holland Rail on behalf of RailCorp and Transport for NSW. The submission recommended that Council apply two conditions of consent regarding the following:

- The applicant agrees to an easement for noise and vibration to burden on the subdivided lots and to benefit RailCorp as the rail corridor is currently in operation; and
- Red and green lights will not be used in all signs, lighting building colour schemes on any part of a building which may face the rail corridor.

It should be noted that John Holland Rail has made the submission as an adjoining land owner, rather than as a referral body under the provisions of the *State Environmental Planning Policy (Infrastructure) 2007*.

In this regard, it is considered that the application of the foregoing conditions is premature and unwarranted at the subdivision stage.

Further, it is noted that John Holland Rail will have an opportunity to review and recommend conditions of consent for any future development of the proposed lots if the development triggers a referral under the *State Environmental Planning Policy (Infrastructure) 2007*.

Section 4.15(1)(e) The public interest

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

Summary / Conclusion

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

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

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

1	Plans	16 Pages
2	Proposed Conditions	4 Pages

Attachments (separate document)

Nil



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ABN 57 441 411 449

Our Ref: 19209

21st February 2020

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

Attention: Planning & Environmental Services

Dear Sir/Madam,

RE: Two Lot Subdivision of Lot 1 in DP 815810, 35 Ogilvy Street, Blayney

Please find attached the following documents submitted for a development application to subdivide Lot 1 in DP 815810, 35 Ogilvy Street, Blayney.

- Development application form and cheque made out to Blayney Shire Council for \$383.00 being the required fee,
- Statement of environmental effects and two copies
- Plan of proposed subdivision and two copies
- Clause 4.6 variation request and two copies

Advice was received from the Department of Planning that the Clause 4.6 variation request did not require concurrence from the Department in this matter. The proposal is to be determined by the full Council.

Yours faithfully,
VOERMAN & RATSEP



Andrew Burge
Registered Land Surveyor/Director

Directors:

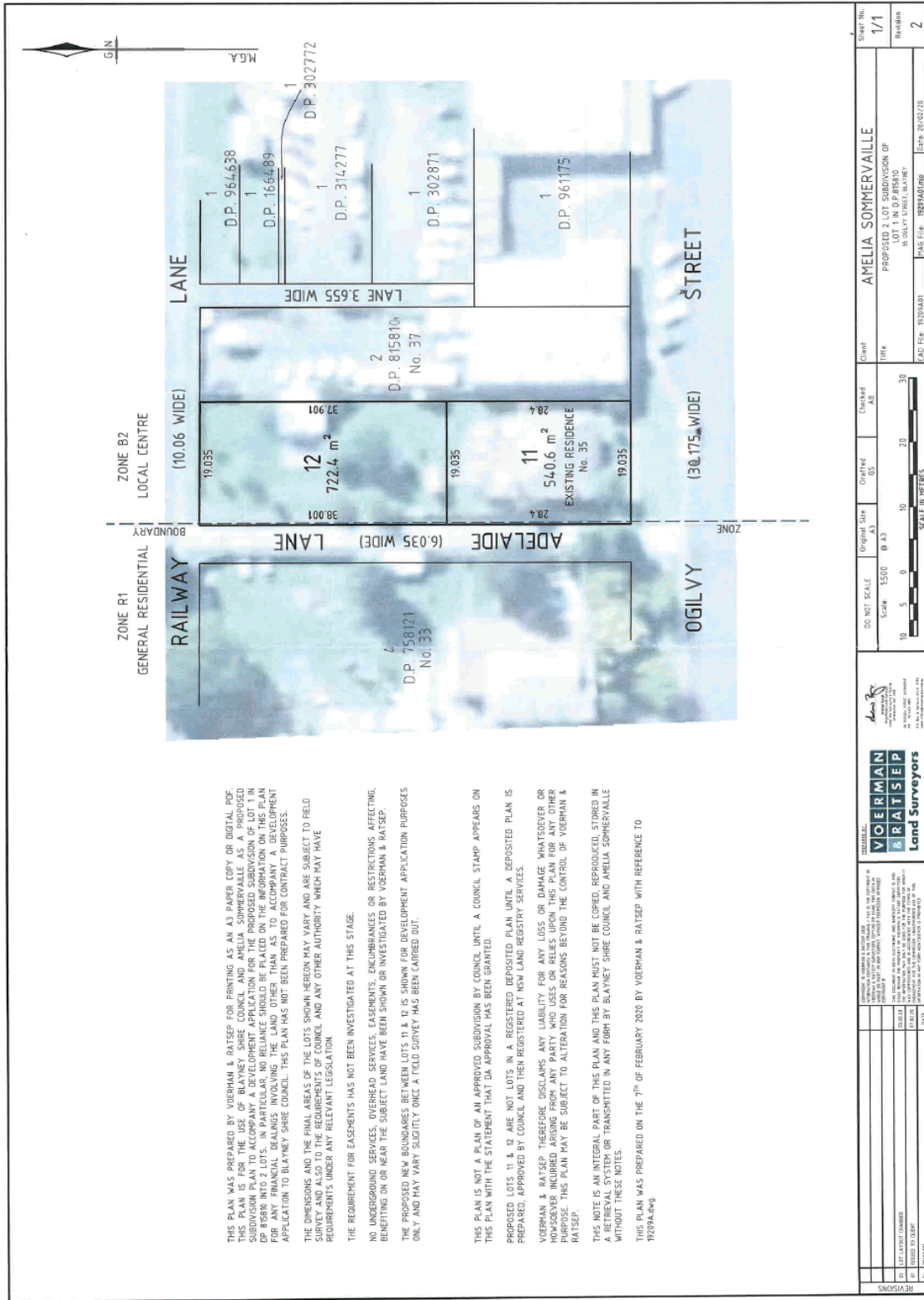
- Andrew Burge
Registered Surveyor
- David Ortiger
Registered Surveyor

Associates:

- Adam Ortiger
Registered Surveyor
- William Dunstall
Registered Surveyor

Affiliation:

- Member of the Association of Consulting Surveyors NSW Inc.
www.acsnsw.com.au



THIS PLAN WAS PREPARED BY VOERMAN & RATSEP FOR PRINTING AS AN A3 PAPER COPY OR DIGITAL PDF. THIS PLAN IS FOR THE USE OF BLAYNEY SHIRE COUNCIL AND AMELIA SOMMERVILLE AS A PROPOSED SUBDIVISION PLAN TO ACCOMPANY A DEVELOPMENT APPLICATION FOR THE PROPOSED SUBDIVISION OF LOT 1 IN DP 8989 INTO 2 LOTS, IN PARTICULAR, NO RELIANCE SHOULD BE PLACED ON THE INFORMATION ON THIS PLAN FOR ANY PURPOSES OTHER THAN AS SPECIFICALLY INTENDED. THIS PLAN HAS NOT BEEN PREPARED FOR CONTRACT PURPOSES.

THE DIMENSIONS AND THE FINAL AREAS OF THE LOTS SHOWN HEREIN MAY VARY AND ARE SUBJECT TO FIELD SURVEY AND ALSO TO THE REQUIREMENTS OF COUNCIL AND ANY OTHER AUTHORITY WHICH MAY HAVE REQUIREMENTS UNDER ANY RELEVANT LEGISLATION.

THE REQUIREMENT FOR EASEMENTS HAS NOT BEEN INVESTIGATED AT THIS STAGE.

NO UNDERGROUND SERVICES, OVERHEAD SERVICES, EASEMENTS, ENCUMBRANCES OR RESTRICTIONS AFFECTING, BENEFITING OR NEAR THE SUBJECT LAND HAVE BEEN SHOWN OR INVESTIGATED BY VOERMAN & RATSEP.

THE PROPOSED NEW BOUNDARIES BETWEEN LOTS 11 & 12 IS SHOWN FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND MAY VARY SLIGHTLY ONCE A FIELD SURVEY HAS BEEN CARRIED OUT.

THIS PLAN IS NOT A PLAN OF AN APPROVED SUBDIVISION BY COUNCIL UNTIL A COUNCIL STAMP APPEARS ON THIS PLAN WITH THE STATEMENT THAT DA APPROVAL HAS BEEN GRANTED.

PROPOSED LOTS 11 & 12 ARE NOT LOTS IN A REGISTERED, DEPOSITED, PLAN UNTIL A DEPOSITED PLAN IS PREPARED, APPROVED BY COUNCIL AND THEN REGISTERED AT NSW LAND REGISTRY SERVICES.

VOERMAN & RATSEP THEREFORE DISCLAIMS ANY LIABILITY FOR ANY LOSS OR DAMAGE WHATSOEVER HOWEVER INCURRED ARISING FROM ANY PARTY WHO USES OR RELIES UPON THIS PLAN FOR ANY OTHER PURPOSES. THIS PLAN MAY BE SUBJECT TO ALTERATION FOR REASONS BEYOND THE CONTROL OF VOERMAN & RATSEP.

THIS NOTE IS AN INTEGRAL PART OF THIS PLAN AND THIS PLAN MUST NOT BE COPIED, REPRODUCED, STORED IN A RETRIEVAL SYSTEM OR TRANSMITTED IN ANY FORM BY BLAYNEY SHIRE COUNCIL AND AMELIA SOMMERVILLE WITHOUT THESE NOTES.

THIS PLAN WAS PREPARED ON THE 7th OF FEBRUARY 2020 BY VOERMAN & RATSEP WITH REFERENCE TO 19399A-040.

REVISED	DATE	BY	REVISIONS

	VOERMAN & RATSEP LAND SURVEYORS 100 WILSON STREET BLAYNEY NSW 2879 TEL: 08 9092 4444 FAX: 08 9092 4445 WWW.VOERMAN-RATSEP.COM.AU
100 NOT SCALE Scale 1:500 @ A3 10 5 0 10 20 30 SCALE IN METRES	Checked AS Drafted GS Original Size @ A3 10 5 0 10 20 30 SCALE IN METRES
Client Title CAD File: P1520401 Date: 20/02/20	Sheet No. 1/1 Revision 2



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Statement of Environmental Effects

Prepared for:

Amelia Somerville

Development:

Two Lot Subdivision

Location:

35 Ogilvy Street, Blayney

Directors:

- Andrew Burge
Registered Surveyor
- David Ortiger
Registered Surveyor

Associates:

- Adam Ortiger
Registered Surveyor
- William Dunstall
Registered Surveyor

Affiliation:

- Member of the Association of Consulting Surveyors NSW Inc.
www.acsnew.com.au
- Members of the Institution of Surveyors NSW Inc.
www.surveyors.org.au



Amelia Somerville has engaged Voerman & Ratsep to prepare a Statement of Environmental Effects in support of a development application to be lodged with Blayney Council for a proposed subdivision of 35 Ogilvy Street, Blayney.

The applicant is: Voerman & Ratsep
PO Box 16
Bathurst NSW 2795



Andrew Burge
Registered Land Surveyor/Director

Date: 18th February 2020
Reference: 19209

The owner of the subject land is Amelia Somerville and she has provided consent to the lodgement of this development application.

Disclaimer

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1. SUBJECT LAND

1.1 Location and Title Details

The subject land is known as Lot 1 in DP 815810, 35 Ogilvy Street, Blayney. The total land area is 1263m².

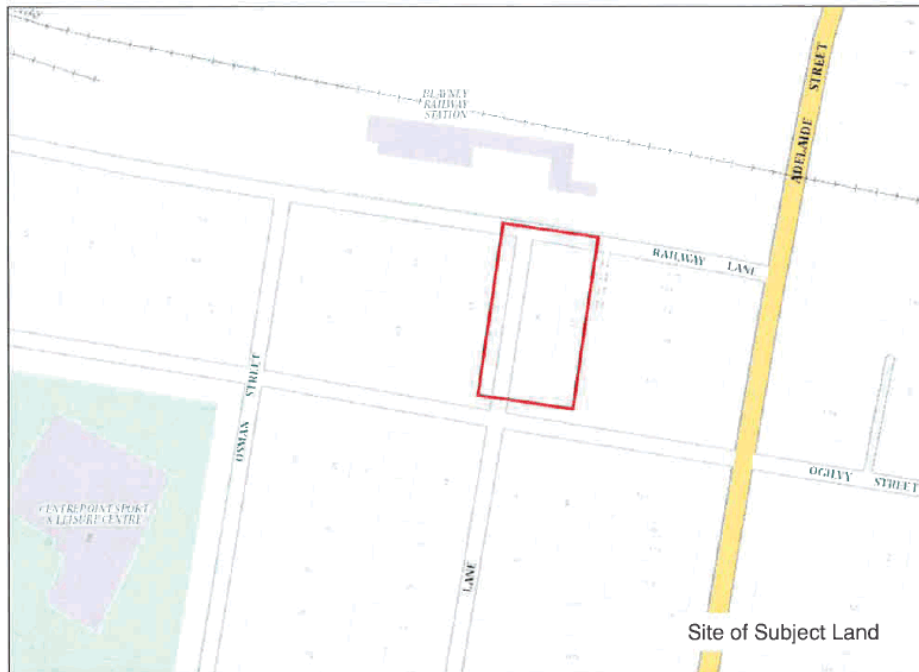


Figure 1. Locality Plan

1.2 Description of the Site

The property is currently a residential allotment and includes an existing dwelling, garage and sheds.

2. PROPOSED DEVELOPMENT

A subdivision of one (1) lot into two (2) lots in accordance with the following table:

Proposed Lot No.	Area (approx)	Comment
11	543m ²	Includes the existing dwelling with frontage to Ogilvy Street
12	720m ²	Vacant with frontage to Railway Lane

A proposed subdivision plan showing the layout of the proposed lots is included in **Appendix A**.

3. DEVELOPMENT STANDARDS

3.1 Environmental Planning Instruments



3.1.1 Local Environmental Plans

The Blayney Local Environmental Plan 2012 has the subject land zoned as:

- B2 Local Centre

However, this Development Application seeks to have the provisions of Blayney LEP 2012 Clause 5.3 Development near zone boundaries considered and applied to the assessment. The western boundary of the parcel is the zone boundary between B2 Local Centre and R1 General Residential as shown on the proposed subdivision plan in Appendix A.

To support the consideration, the following comments in italics are added to each part of Clause 5.3

5.3 Development near zone boundaries

(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

The land is currently used for residential purposes. If a R1 General Residential land use was applied to the parcel, it would enable a more logical and appropriate development of the site.

(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.

The lot is approx. 19 metres wide and so the whole of the land is within 20 metres of the zone boundary.

(3) This clause does not apply to—

(a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
(a1) land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, or Zone R5 Large Lot Residential,
or

(b) land within the coastal zone, or

(c) land proposed to be developed for the purpose of sex services or restricted premises.

Not applicable.

(4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—

(a) the development is not inconsistent with the objectives for development in both zones, and

(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

(a) Dwelling houses are permitted in both zones.

(b) The existing dwelling is currently fully serviced, and so an additional dwelling house on a separate residential lot can easily be fully serviced.

(5) This clause does not prescribe a development standard that may be varied under this Plan.

The minimum lot size for land in B2 Local Centre is 1000m². It is considered that compliance with this standard is unreasonable and unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to contravene the development standard.



A Blayney LEP 2012 Clause 4.6 Exceptions to development standards written request forms part of this development application.

The development application is submitted on the basis of this subdivision being a permitted land use.

3.1.2 State Environmental Planning Policies

There are no known State Environmental Planning Policies particularly applicable to this proposal.

3.1.3 Regional Environmental Plans

There are no known Regional Environmental Plans particularly applicable to this proposal.

3.1.4 Development Control Plans

Blayney DCP 2018

Part F Subdivision is considered relevant to this development application. Refer to part 4 of this report that addresses the development guidelines outlined in each section.

3.2 Planning Agreements

There are no known planning agreements affecting the subject property.

4. ASSESSMENT OF THE DEVELOPMENT

4.1 Context and Setting

The development is consistent with the setting, character and land use of the adjoining residential area. The land fronts a public road to the north (Railway Lane), west (Adelaide Lane) and south (Ogilvy Street). The land adjoins a small smash repair business premises to the east.

Blayney Railway Station is situated approximately 50 metres walking distance to the north and the Blayney Town Centre is approximately 100 metres to the east.

4.2 Access

Access for Lot 11 will be from the existing entrance to Ogilvy Street. Access for Lot 12 is proposed to be from Railway Lane using the existing vehicle crossing. There will be a very slight increase in traffic generation from the subdivision due to a future dwelling on the proposed vacant lot. However, it is considered that the local road network is capable.

4.3 Services & Utilities

Reticulated water, sewerage, electricity and telephone services are connected to the existing dwelling on Lot 11.

A sewer main runs along Adelaide Lane and Railway Lane. A new sewer junction can be inserted to service Lot 12.

A water main runs along Railway Lane and a new short service water meter can be connected.

Overhead electricity and telephone run down Adelaide Lane and are directly available for connection to a future dwelling.

4.4 Dwelling Sites



Lot 12 has sufficient area and width to place a new dwelling with appropriate setbacks and solar orientation in accordance with the guidelines within Blayney DCP 2018.

4.5 Heritage

The land is situated within the Blayney Conservation Area C1 and the consent authority is required to assess the proposed development on how the subdivision would impact on the conservation area concerned.

4.5.1 Heritage Impact Statement

The proposed subdivision of 35 Ogilvy Street into two lots will have negligible to no impact on the heritage conservation objectives of the Blayney Conservation Area C1. No heritage items, archaeological sites, aboriginal objects or places are identified on the parcel.

4.6 Overshadowing, Privacy and Streetscape

The proposal will not adversely change the amenity for the surrounding residents or commercial operators by overshadowing or loss of privacy. A future dwelling on Lot 12 would be considered consistent and sympathetic to the existing streetscape of Railway Lane and Adelaide Lane.

4.7 Social and Economic Impacts

The development proposal will provide a positive social and economic impact in the area. Subdivision of the land will facilitate residential opportunities consistent with the objective of the R1 General Residential zone together with lifestyle choices for new and existing residents in Blayney.

4.8 Public Interest

The proposed development is considered to be of minor interest to the public due to the localised nature of potential impacts and changes to the property. As demonstrated in this report, the proposed development is consistent with the objectives within the zone in which the development is to be assessed. With appropriate conditions in the development consent and adherence to council standards, any potential impact to the public would be negligible.

5. CONCLUSION

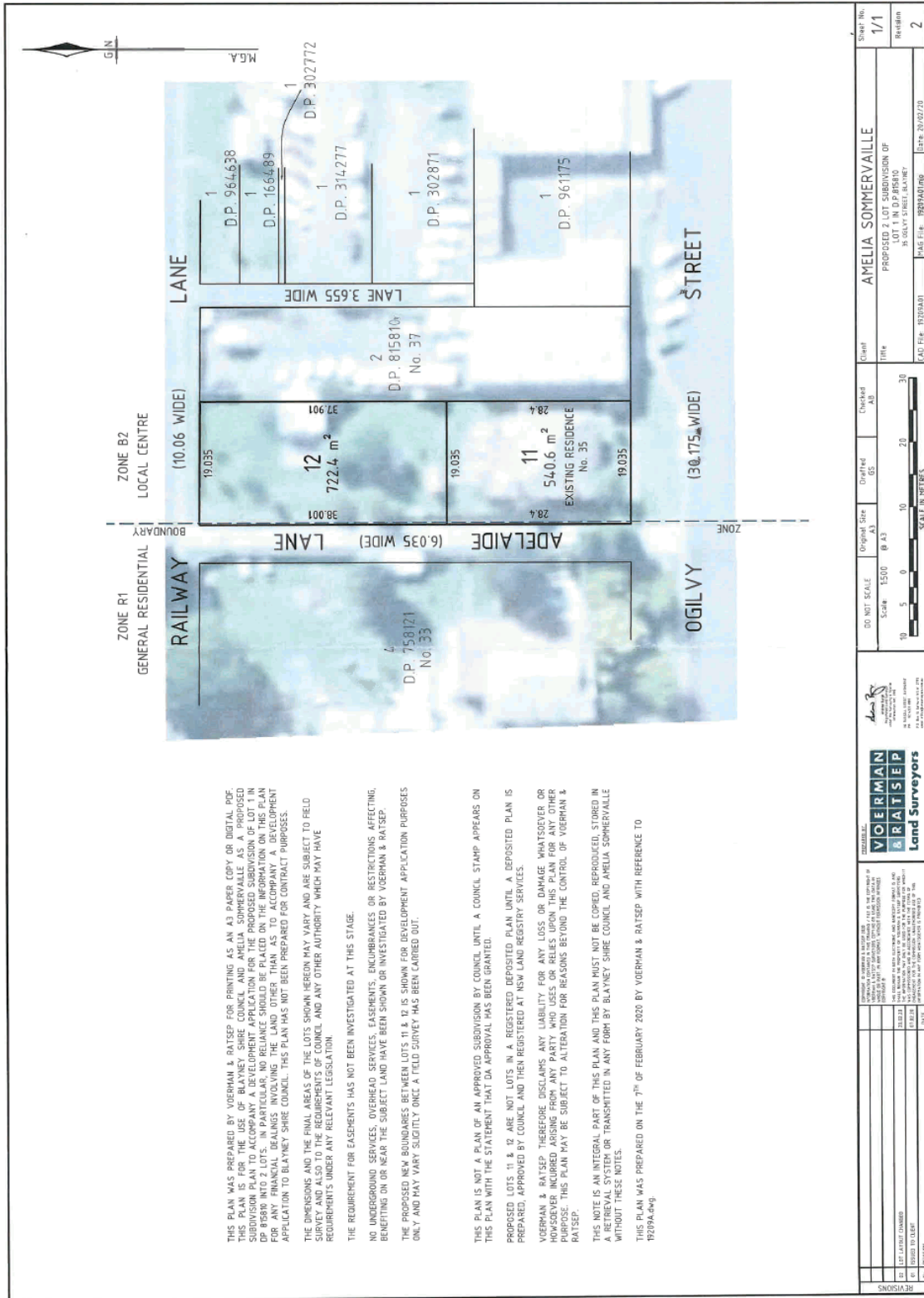
This report includes an assessment of the existing site conditions, details of the proposed subdivision and consideration of applicable planning instruments and controls.

The proposed development has been assessed in accordance with the objectives and provisions of the Blayney LEP 2012 and DCP 2018.

It is considered a sustainable development that will generate residential and lifestyle opportunity in the Blayney area. Therefore, it is recommended that the development application be approved subject to appropriate consent conditions.



**Appendix A
Proposed Subdivision
Lot Layout Plan**



THIS PLAN WAS PREPARED BY VOERMAN & RATSEP FOR PRINTING AS AN A3 PAPER COPY OR DIGITAL PDF. THIS PLAN IS FOR THE USE OF BLAYNEY SHIRE COUNCIL AND AMELIA SOMMERVALLE AS A PROPOSED SUBDIVISION PLAN TO ACCOMPANY A DEVELOPMENT APPLICATION FOR THE PROPOSED SUBDIVISION OF LOT 1 IN DP 8989 INTO 2 LOTS. IN PARTICULAR, NO RELIANCE SHOULD BE PLACED ON THE INFORMATION ON THIS PLAN FOR ANY PURPOSES OTHER THAN THE PROPOSED DEVELOPMENT APPLICATION. THE INFORMATION IS SUBJECT TO CHANGE WITHOUT NOTICE AND THIS PLAN HAS NOT BEEN PREPARED FOR CONTRACT PURPOSES.

THE DIMENSIONS AND THE FINAL AREAS OF THE LOTS SHOWN HEREIN MAY VARY AND ARE SUBJECT TO FIELD SURVEY AND ALSO TO THE REQUIREMENTS OF COUNCIL AND ANY OTHER AUTHORITY WHICH MAY HAVE REQUIREMENTS UNDER ANY RELEVANT LEGISLATION.

THE REQUIREMENT FOR EASEMENTS HAS NOT BEEN INVESTIGATED AT THIS STAGE.
 NO UNDERGROUND SERVICES, OVERHEAD SERVICES, EASEMENTS, ENCUMBRANCES OR RESTRICTIONS AFFECTING, BENEFITING OR NEAR THE SUBJECT LAND HAVE BEEN SHOWN OR INVESTIGATED BY VOERMAN & RATSEP.
 THE PROPOSED NEW BOUNDARIES BETWEEN LOTS 11 & 12 IS SHOWN FOR DEVELOPMENT APPLICATION PURPOSES ONLY AND MAY VARY SLIGHTLY ONCE A FIELD SURVEY HAS BEEN CARRIED OUT.

THIS PLAN IS NOT A PLAN OF AN APPROVED SUBDIVISION BY COUNCIL UNTIL A COUNCIL STAMP APPEARS ON THIS PLAN WITH THE STATEMENT THAT DA APPROVAL HAS BEEN GRANTED.
 PROPOSED LOTS 11 & 12 ARE NOT LOTS IN A REGISTERED, DEPOSITED PLAN UNTIL A DEPOSITED PLAN IS PREPARED, APPROVED BY COUNCIL AND THEN REGISTERED AT NSW LAND REGISTRY SERVICES.

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THIS PLAN WAS PREPARED ON THE 7th OF FEBRUARY 2020 BY VOERMAN & RATSEP WITH REFERENCE TO 19399A-049.

REV	DATE	DESCRIPTION
1	10/02/20	ISSUED FOR PERMIT
2	10/02/20	FOR PERMIT

Author	VOERMAN & RATSEP
Checked	AS
Drafted	GS
Original Size	A3
Scale	1:1500
Scale in metres	0 10 20 30

Client	AMELIA SOMMERVALLE
Title	PROPOSED 2 LOT SUBDIVISION OF LOT 1 IN DP 8989
File No.	19399A-049
Date	20/02/20
Revision	1/1
Sheet No.	2



Clause 4.6 Variation Request

Prepared for:

Amelia Somerville

Development:

Two Lot Subdivision

Location:

35 Ogilvy Street, Blayney



Amelia Somerville has engaged Voerman & Ratsep to prepare a Clause 4.6 Variation Request in support of a development application to be lodged with Blayney Council for a proposed subdivision of 35 Ogilvy Street, Blayney.

The applicant is: Voerman & Ratsep
PO Box 16
Bathurst NSW 2795



Andrew Burge
Registered Land Surveyor/Director

Date: 18th February 2020
Reference: 19209

The owner of the subject land is Amelia Somerville and she has provided consent to the lodgement of this development application.

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CLAUSE 4.6 VARIATION REQUEST

- **What is the name of the environmental planning instrument that applies to the land?**

Blayney Local Environmental Plan 2012.

- **What is the zoning of the land and what are the objectives of the zone?**

Zone B2 Local Centre

Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To preserve Adelaide Street as the retail and commercial centre of the Town of Blayney to support the needs of Blayney.

- **Identify the Development Standard to which this Clause 4.6 Variation applies?**

Clause 4.1 Minimum Lot Size (2) and (3)

(2) This clause 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.

(3) 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.

- **What are the objectives of the development standard?**

4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows—

- (a) to minimise the cost to the community of—
 - (i) the fragmented and isolated development of rural land, and
 - (ii) providing, extending and maintaining public amenities and services,
- (b) to ensure that the character and landscape setting of an area is protected and enhanced by any development,
- (c) 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,
- (d) to protect drinking water catchments from over-development that may impact on water quality and quantity in the catchment and drinking water systems.



- What is the numeric value of the development standard in the environmental planning instrument?

The minimum lot size of land zoned B2 Local Centre is 1000m².

How do the existing and proposed numeric values relate to the development standard? What is the percentage variation (between your proposal and the environmental planning instrument)?

Minimum Subdivision Lot Size			
Current Lot Size (m ²)	Minimum Lot Size Requirement under BLEP2012 (m ²)	Proposed Lot Size (m ²)	Percentage Variation
1263	1000	450	45%

- How is compliance with the development standard unreasonable or unnecessary in the circumstances of this particular case?

The NSW Land and Environment Court in Four2Five Pty LTD v Ashfield Council [2015] NSWLEC 90, considered how this question may be answered and referred to the earlier Court decision in Wehbe v Pittwater Council [2007] NSWLEC 827. The court provided five tests as follows that can be used as prompts to answer the above question in relation to your application.

Test 1: The objectives of the standard are achieved notwithstanding non-compliance with the standard:

The subject land is to be assessed as if zoned R1 General Residential using Blayney LEP 2012 Clause 5.3 Development near zone boundaries.

- (1) The objective of this clause is to provide flexibility where the investigation of the site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

The land is currently used for residential purposes. If a R1 General Residential land use was applied to the parcel, it would enable a more logical and appropriate development of the site.

- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.

The lot is approximately 19 metres wide and so the whole of the land is within 20 metres of the zone boundary.

- (3) This clause does not apply to—



- (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
- (a1) land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, or Zone R5 Large Lot Residential, or
- (b) land within the coastal zone, or
- (c) land proposed to be developed for the purpose of sex services or restricted premises.

The subject land and proposed land use complies.

- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—
 - (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (a) Dwelling houses are permitted in both zones.*
- (b) The existing dwelling is currently fully serviced, and so additional dwellings on separate residential lots can easily be fully serviced.*

- (5) This clause does not prescribe a development standard that may be varied under this Plan.

The minimum lot size for land in B2 Local Centre is 1000m². It is considered that compliance with this standard is unreasonable and unnecessary in the circumstances of this case and that there are sufficient environmental planning grounds to contravene the development standard. Apart from the minimum lot size, the proposed development meets all the Blayney LEP 2012 objectives and standards that apply to further residential development.

Test 2: The underlying object or purpose of the standard is not relevant to the development and compliance is unnecessary: (Give details)

Not applicable in this case.

Test 3: The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable: (Give details)

Apart from minimum lot size, the proposed development meets all the Blayney LEP 2012 objectives and standards that apply to further residential development of the land. If a minimum lot size of 450m² development standard were applied, the full objectives of R1 General Residential zoning can be achieved.



Test 4: The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable: (Give details)

Not applicable in this case.

Test 5: The compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone: (Give details)

The existing use of the land is residential and adjoins similar residential land. The residential dwelling and land use existed prior to adoption of Blayney LEP 2012. Under Blayney LEP 1998, the land was zoned No. 2(v) and residential subdivision creating a lot of 500m² would have been permitted under Clause 16 Subdivision of land in Zone No. 2 (v).

- **Are there sufficient environmental planning grounds to justify contravening the development standard?**
 - The current land use is residential and the development proposal is to maintain that land use.
 - The residential dwelling and land use existed prior to adoption of Blayney LEP 2012. Under Blayney LEP 1998, the land was zoned No. 2(v) and residential subdivision creating a lot of 500m² would have been permitted under Clause 16 Subdivision of land in Zone No 2 (v).
 - The lot is fully serviced by sewer and town water.
 - In the development application, Council have been requested to assess the Proposal as if zoned R1 General Residential using the provisions of Clause 5.3 Development near zone boundaries. The Proposal fulfills the objectives of Blayney LEP2012 R1 General Residential objectives:
 - To provide for the housing needs of the community.
 - To provide for a variety of housing types and densities.
 - To enable other land uses that provide facilities or services to meet the day to day needs of residents.

- **Is the proposed development, despite the contravention to the development standard, in the public interest?**
 - The development will enable the parcel to be subdivided and so provide additional lots for the further housing needs of the community, particularly close to the town centre and public transport links.
 - The development will provide the opportunity to create additional lots for a variety of housing types and higher density use of the land in an area that is already fully serviced.
 - Being close to the town centre the land can still be used if required for the provision of facilities or services for the needs of residents.



- Is there any other relevant information to be considered in order to justify varying the development standard?

In earlier correspondence with Blayney Shire Council Planning and Environmental Services, it was indicated that Clause 5.3 Development near zone boundaries would be support and can apply to this development proposal. Only section (5) could not allow a residential subdivision of the land to create a lot with an area less than 1000m². This Clause 4.6 Variation request is submitted to permit the full development standards of R1 General Residential to be applied including a minimum lot size of 450m².

Reasons for Conditions

Statutory and legislative requirement and public interest.

Approved Plans

1. Development in accordance with Approved Plans & Documentation

Development is to take place in accordance with:

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
1/1	Proposed 2 Lot Subdivision of Lot 1 inDP815810	Voerman & Ratsep Land Surveyors	2	20/02/20

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. Sign – Subdivision Works

A sign is to be erected in a prominent position on any site on which subdivision work is being carried out: (a) showing the name, address and telephone number of the principal certifying authority for the work, and (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and (c) stating that unauthorised entry to the site is prohibited.

Any such sign is to be maintained while the subdivision work is being carried out.

3. Appointment of Principal Certifying Authority

No work shall commence in connection with this Development Consent until:

- a) A construction certificate for the building work has been issued by:
 - the consent authority; or
 - an accredited certifier; and
 - b) the person having the benefit of the development consent has:
 - appointed a principal certifying authority for the building work, and
 - notified the principal certifying authority that the person will carry out the building work as an owner builder, if that is the case, and
- B1 the principal certifying authority has, no later than 2 days before the building work commences:
- a) notified the Council of his or her appointment, and
 - b) notified the person having the benefit of the development consent of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and
- B2 the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:

- a) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
- b) notified the principal certifying authority of such appointment, and
- c) unless that person is the principal contractor, notified the principal contractor of any critical stage inspections and other inspections that are to be carried out in respect of the building work, and the person having the person having the benefit of the development consent has given at least 2 days notice to the Council of the person's intention to commence the erection of the building.

Prior to Issue of a Construction Certificate

Nil.

Prior to Works Commencing

Nil.

During Construction

4. Separate Water Service

The applicant is to ensure that the water service to each lot is contained entirely within the boundary of the individual lot serviced. Any alterations that are necessary are to be at the applicants cost. The applicant is to arrange an inspection with Central Tablelands Water to ensure each property has a separate water supply within their respective boundaries.

5. Separate House Drainage

Plumbing work is to be carried out so that each lot has a separate and distinct house drainage service connected to Council's sewer main within the boundaries of that lot, in accordance with the Local Government (Approvals) Regulation 1999.

6. Reticulation – Subdivision

The construction of water and sewerage reticulation is to take place to serve each residential lot and, where required, each open space lot, in accordance with WBC Guidelines for Engineering Works.

The developer is to construct a 150 mm sewer riser at each property junction; each riser is to be constructed so that riser cap finishes 150 mm above the finished surface level of each allotment created.

7. Relocate Utility Services

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

Prior to Issue of Subdivision Certificate**8. 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 NBN lines, respectively, to serve each lot.

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

9. Section 7.11 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 \$6,434.50 per new lot created. The amount payable would be recalculated on the basis of the contribution rates that are applicable at the time of payment.

Evidence of payment of the contributions is to be provided to the Principle Certifying Authority prior to the issue of the Construction/Subdivision Certificate.

10. Sewerage Headworks

The applicant shall contribute \$2,932 per new lot created, towards sewer head works pursuant to Section 305 of the Water Management Act, 2000, and the Development Servicing Plan (Section 64), before the Subdivision Certificate is issued. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

11. Water Headworks

The applicant shall contribute towards water head works to Central Tablelands Water (CTW) pursuant to Section 305 of the Water Management Act, 2000, and the Development Servicing Plan (Section 64), before the Subdivision Certificate is issued. The amount applicable will be dependent upon the date on which payment is made and will be as per CTW's adopted fees and charges for the financial year in which payment is made

Ongoing Matters**12. No New Access**

Access to the proposed lot 12 is to occur only via Railway Lane.

Advisory Notes

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.

14) DA2020/4 - ERECTION OF A SHED - 6 PATRICK CLOSE BLAYNEY**Department:** Planning and Environmental Services**Author:** Manager Planning**CSP Link:** 5. The Natural Environment**File No:** DB.AB.1463**Recommendation:**

That Council consent to Development Application DA4/2020 for the construction of a shed at Lot 3 DP826736 – being 6 Patrick Close, Blayney.

Reason for Report:

Council's consent is sought for the construction of a shed and associated retaining walls at 6 Patrick Close, Blayney, being Lot 3 DP826736 (the 'subject property').

The key issue for consideration is whether it is appropriate that the total floor area of the shed exceed the applicable acceptable solution of 128m² by 61m².

Notwithstanding this exceedance, it is recommended that the proposed shed be approved on the basis that the proposed shed is consistent with the applicable visual impact and amenity objectives / performance criteria of the Blayney Development Control Plan 2018.

Report:

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

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

The subject property is located at the head of the Patrick Close cul-de-sac. The property comprises a total area in the order of 1,379m² and contains an existing dwelling. The subject property slopes down from south to north.

The proposed shed would be located to the rear of the subject property, in an area which has previously been cut and levelled. The shed would be setback 2m and 3m from the adjoining properties at 6 Haddon Place and 5 Athol Street, respectively.

The proposed shed is in the order 20m long and between 7 and 10.5m wide, having a total floor area in the order of 189m².

The key issue for consideration is whether it is appropriate that the total floor area of the shed exceed the applicable acceptable solution of 128m² by 61m².

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

- Will not dominate views from Patrick Close or other key public places;
- Is in keeping with the scale and setting of the relevant land use zone, streets and locality character;
- Will suitably integrate with the surrounding dwelling, building and landscape; and
- Will not significantly impact on the amenity of neighbouring properties.

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

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

Proposed Development

The proposed shed is in the order 20m long, between 7 and 10.5m wide and 3.6m high (ridge height). The location of the proposed shed and elevations are illustrated in the attached plans.

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

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

Section 4.15 - Evaluation

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

Blayney Local Environmental Plan 2012

Part 1 – Preliminary

Clause 1.2 Aims of Plan

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

Clause 1.7 Maps

Land zoning:	R1 General Residential
Lot size:	450m ² Minimum Lot Size
Heritage:	N/A
Terrestrial biodiversity:	N/A
Groundwater vulnerability:	N/A
Drinking water catchment:	N/A
Watercourse:	N/A
Flood:	N/A

Clause 1.9A – Suspension of Covenants, Agreements and Instruments

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

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

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

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

Notwithstanding, it is noted that an easement for the purpose of draining water is located along the eastern boundary of the subject property.

The proposed shed is located adjacent to the easement.

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

The subject property is zoned R1 General Residential.

The objectives of the R1 General Residential zone seek to:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.

- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed development is not inconsistent with the foregoing objectives.

Part 6 – Additional local provisions

Clause 6.2 Stormwater management

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

Council's Infrastructure Services Department has recommended a condition of consent requiring that all drainage is to be conveyed to the gutter in Patrick Close or any other 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.

Essential services are available to the subject property.

State Environmental Planning Policy 55 – Remediation of Land

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

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

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

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

Not applicable.

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

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

C3 Garages, Carports, Sheds, Outbuildings & Pools/Spas

C3.1 Use

C3.1 seeks to ensure that outbuildings, garages and sheds are not to be used as dwelling, habitable room, or home business / industry.

A condition of consent will be applied requiring that the approved building must not be used for any other purpose other than the approved use i.e. a shed. Any proposed change of use shall only be permitted with the consent of Council.

C3.2 Visual Impact / Amenity

C3.2 seeks to ensure that outbuildings and garages / carports will not dominate views from the street or key public spaces; will be in keeping with the scale and setting of the relevant land use zone, streets and locality character; will integrate with dwelling design and surrounding landscaping and buildings; and will not significantly impact on the amenity of neighbouring properties.

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

Further, given the location of the shed and that it will be cut into the site, it is considered that the shed is unlikely to have a detrimental impact on the amenity of adjoining residential properties.

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

C3.3 seeks to achieve the same objectives as C3.2, however the acceptable solutions are prescriptive in terms of building siting, maximum building height and cumulative building floor area. Specifically, a detached shed in the R1 General Residential zone should:

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

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

While proposed shed would result in a cumulative floor area 61m² more than the acceptable solution, in this circumstance it is considered that the proposal is still consistent with the relevant visual impact and amenity objectives. In particular, it is noted that the proposed shed:

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

Further, it is noted that the subject property is in the order of 1,379m² which is substantially larger than the 900m² threshold.

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

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

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

C8 Site Planning, Earthworks & Utilities

C8.1 Site Planning

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

The proposed development is consistent with the relevant objectives / performance criteria. In particular, it is noted that the site has been cut to achieve a level building pad.

The effect of the cut will ensure that the perceived bulk and scale of the proposed shed will be reduced as it will be less prominent than if built at Natural Ground Level.

C8.2 Water & Energy Efficiency

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

Not applicable.

C8.3 Design Principles

Advisory only. No assessment required.

C8.4 Earthworks

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

The proposed development is consistent with the relevant acceptable solutions.

It is noted that the subject property has already been cut for the purpose of achieving a level building pad. The applicant has submitted structural details for a retaining wall to avoid any impact on the adjoining property.

C8.5 Buildings near Utilities / Easements

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

The proposed development is consistent with the relevant acceptable solutions. It will be located outside of an existing easement along the eastern boundary of the subject property.

C8.6 Connection to Utilities

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

As previously addressed under the heading *Clause 6.8 Essential services*, it is understood that all essential services are available to the subject property.

C8.7 Siting & Visibility of Utilities

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

A condition of consent has been recommended that any new utilities, connections or structures be located underground.

C8.8 Water Tanks

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

Not applicable.

C8.9 On-Site Sewage Management

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

Not applicable.

C8.10 Re-Use of Water

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

Not applicable.

C8.11 Solid Waste Management

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

Not applicable.

C8.12 Letterboxes

C8.12 seeks to ensure that letterboxes are provided for new dwellings.
Not applicable.

C8.13 Street Numbering

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

Not applicable.

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

Not applicable.

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

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

- **Buildings to be Upgraded (Clause 94)**
Not applicable.

- **BASIX Commitments (Clause 97A)**
Not applicable.

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

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

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

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

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

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

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

No submissions were received.

Section 4.15(1)(e) The public interest

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

Summary / Conclusion

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

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

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

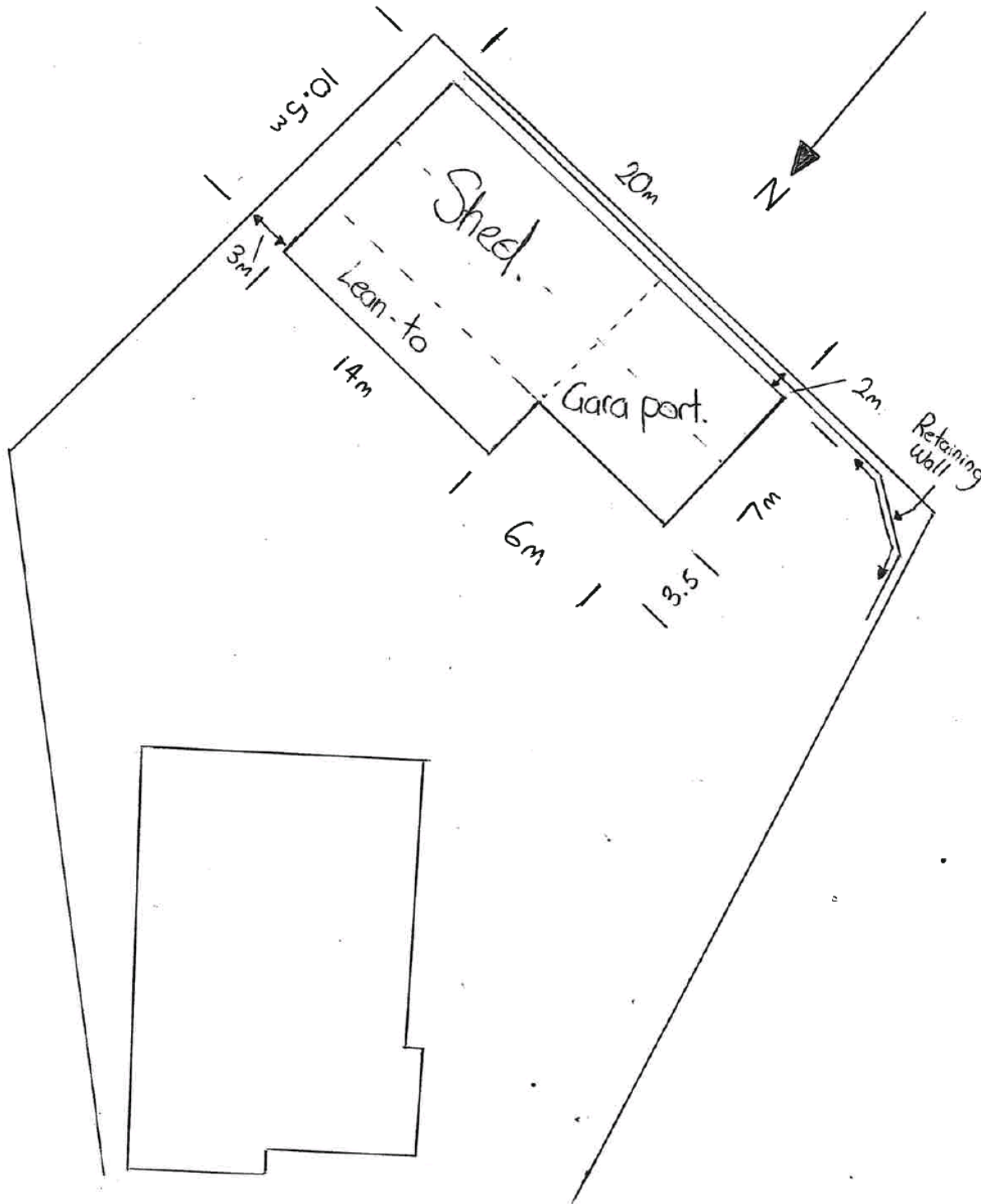
Nil

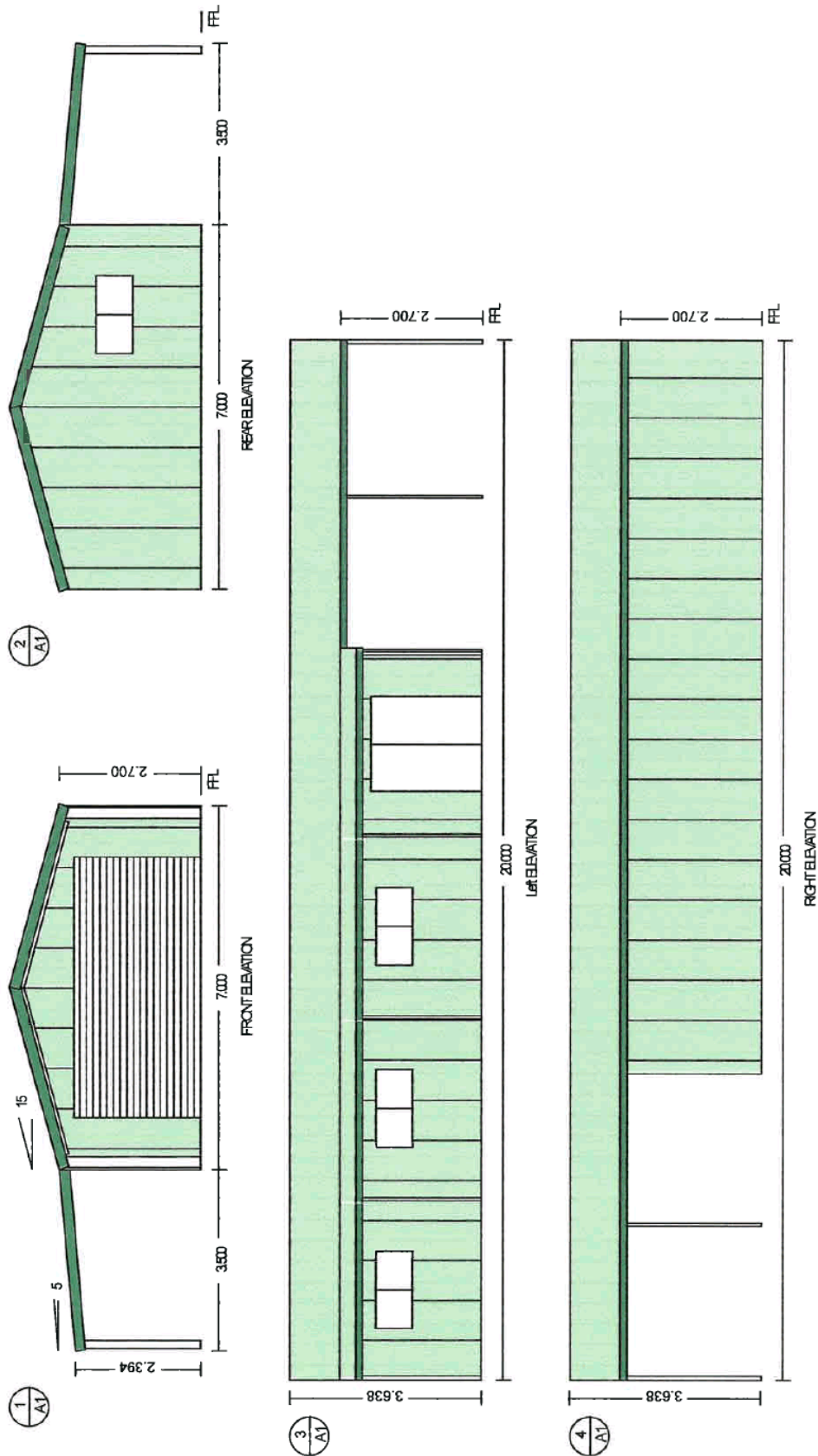
Enclosures (following report)

- | | | |
|---|---------------------|---------|
| 1 | Plans | 3 Pages |
| 2 | Proposed Conditions | 6 Pages |

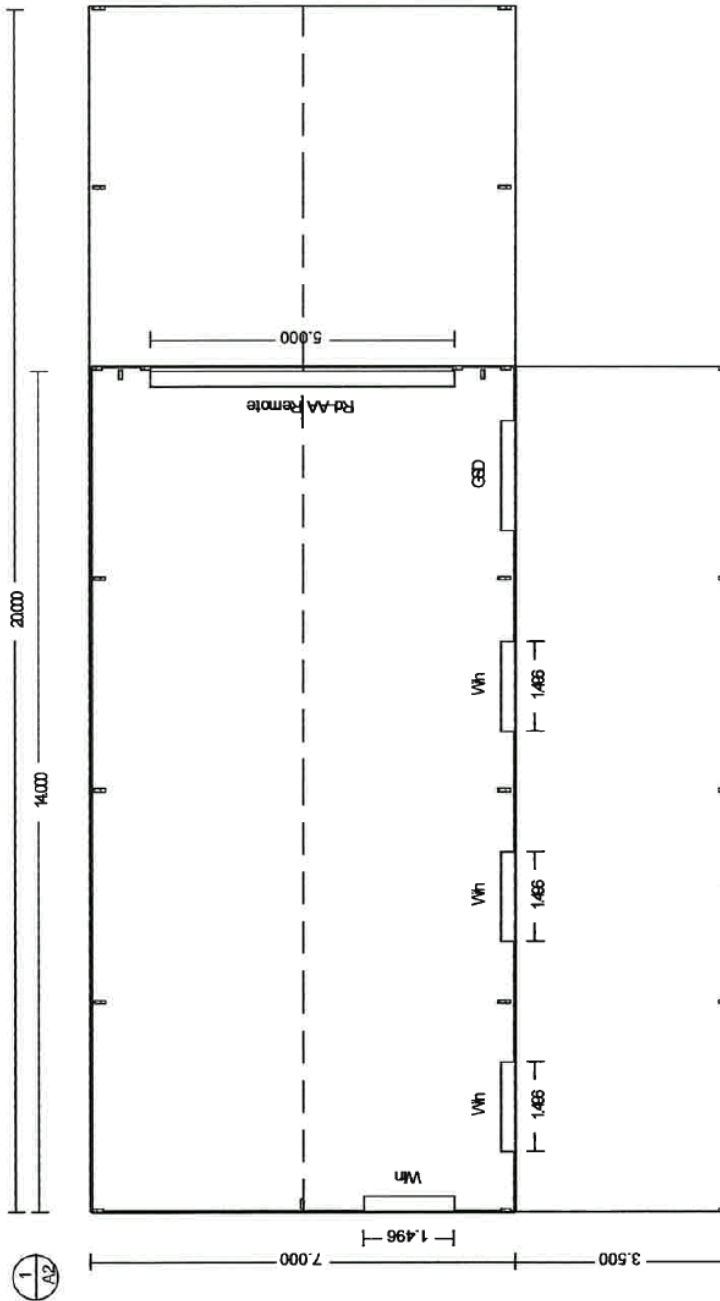
Attachments (separate document)

Nil





Proposed Shed 10,600x20,000x2,394x2,700NB A TBA Blayney For Andrew Cole		CLIENT
DRAWING		DVGAP1 Ref: 250304124 Scale 1001
ARCHITECTURAL DRAWINGS		



CLIENT

Proposed Street 10.000x20.000x2.394x2.700NG
At TBA Blayney
For Andrew Cole

DRAWING

DWG#P2 Ref: 202004214 Scale 10:1

ARCHITECTURAL DRAWINGS

SCHEDULE A
CONDITIONS ISSUED WITH DEVELOPMENT APPLICATION NO.
4/2020

Reasons for Consent

Statutory and legislative requirement and public interest.

Approved Plans

1. Development in Accordance with Approved Plans & Documentation

Development is to take place in accordance with:

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
-	Statement of Environmental Effects	Applicant	-	-
-	Site Plan	Applicant	-	-
DWGAP2	Architectural Drawings (floor plan)	Shed World	-	-
DWGAP1	Architectural Drawings (Elevations)	Shed World	-	-

as amended in accordance with any conditions of this consent.

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

Prescribed Conditions

2. Building Code of Australia

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

3. Identification of Site

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

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

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

4. Contract of Insurance

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

5. Home Building Act

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

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

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

6. Excavation Work

Where any excavation work on the site extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) Protect and support the adjoining premises from possible damage from the excavation, and
- b) Where necessary, underpin the adjoining premises to prevent any such damage.

Prior to Issue of a Construction Certificate

7. Structural Details for a 1.3kpa Ground Snow Load

Prior to the issue of the Construction Certificate, structural details for the shed, designed for a 1.3kPa ground snow load, shall be submitted to Council.

8. 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.

Prior to Works Commencing**9. Commencement of Work & Appointment of PCA**

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

During Construction**10. Excavation Work**

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.

11. Erosion and Sediment Control

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

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

12. Hours for Construction or Demolition

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

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

13. Rubbish and Debris

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

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

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

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

14. Toilet Facilities

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

Each toilet must:

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

15. Cladding

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

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

Note 2: Zincolume will be not accepted.

16. Road and Interallotment Drainage

All road and inter allotment drainage is to be conveyed to the gutter in Patrick Close and any legal point of discharge.

17. Relocate Utility Services

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

Prior to Issue of Occupation Certificate

18. Occupation Certificate

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

Ongoing Matters**Approved Use**

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

Advisory Notes**Inspection Schedule**

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

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

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

Notice of Commencement

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

Telstra Corporation Limited

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 pant 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.

15) DA2020/23 - TWO (2) LOT SUBDIVISION & ERECTION OF A DWELLING (DUAL OCCUPANCY) - 7 OSMAN STREET BLAYNEY

Department: Planning and Environmental Services

Author: Manager Planning

CSP Link: 5. The Natural Environment

File No: DB.AB.1481

Recommendation:

That Council consent to Development Application DA23/2020 for Dual occupancy and two lot Torrens Title subdivision at Lot 1 DP538785 – being 7 Osman Street, Blayney.

Reason for Report:

Council's consent is sought for the construction of a new dwelling (Dual occupancy) and two lot subdivision at 7 Osman Street, Blayney, being Lot 1 DP538785 and 7 Queen Street, Blayney, being Lot 4 DP239160 (the 'subject properties').

The key issue for consideration is whether the proposed development meets the relevant objectives / performance criteria and acceptable solution of the Blayney Development Control Plan for a dual occupancy / two lot subdivision in an urban area.

In particular, it is to be noted that the application seeks approval to reduce the minimum battle-axe handle width from 4m to 3.6m, being a reduction of 10%.

Despite the proposed reduction, it is noted that Council's Infrastructure Services Department has confirmed that reduced width will still meet the relevant objectives.

Report:

The subject property is a regularly shaped lot comprising a total area 848.18m². The proposed lot has recently been developed with a dwelling approved under DA70/2018.

Properties adjoining and proximate to the subject property have typically been developed for a residential purpose, with the exception of the Blayney Hospital located at 1 Osman Street. 1 Osman Street adjoins the south western corner of the subject property, having a common boundary in the order of 4.5m.

The key issue for consideration is whether the proposed development meets the relevant objectives / performance criteria and acceptable solution of the Blayney Development Control Plan for a dual occupancy / two lot subdivision in an urban area.

In particular, it is to be noted that the application seeks approval to reduce the minimum battle-axe handle width from 4m to 3.6m, being a reduction of 10%. Despite the proposed reduction, it is noted that Council's Infrastructure Services Department has confirmed that reduced width will still meet the relevant objectives.

Given the advice of Council's Infrastructure Services Department, it is considered that the proposed variation should be supported.

Further, it should be noted that the proposed development relies upon a boundary adjustment with the adjoining property at 7 Queen Street, Blayney in order to achieve the 450m² Minimum Lot Size. The boundary adjustment would increase the area of the subject property by 67.42m², allowing for the creation of two lots in the order of 453m² and 461m².

As the boundary adjustment is exempt development, it does not require the consent of Council. Notwithstanding, in the event that Council resolve to support the proposed development, it is pertinent that a condition of consent be applied to require the boundary adjustment to be completed prior to the issue of either an Occupation Certificate for the dwelling or Subdivision Certificate for the subdivision.

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

Proposed Development

Council's consent is sought for the construction of a new dwelling (Dual occupancy) and two lot subdivision at 7 Osman Street, Blayney, being Lot 1 DP538785 (the 'subject property'), and 7 Queen Street, Blayney, being Lot 4 DP239160.

The proposed dwelling will comprise a total floor area in the order of 195m² consisting of three bedrooms; an open plan kitchen, living and dining area; separate bathroom and laundry; and a double garage.

The proposed layout of the subject property is illustrated in the attached plans.

The existing conditions of the subject properties are shown below in Figure 1.



Figure 1: The subject property - existing conditions (Note 1: The dwelling at 7 Osman Street has been completed. Note 2: 7 Queen Street is shown to the immediate left (west) of 7 Osman Street)

ASSESSMENT - ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

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

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

Section 4.15 - Evaluation

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

Blayney Local Environmental Plan 2012

Part 1 – Preliminary

Clause 1.2 Aims of Plan

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

Clause 1.7 Maps

Land zoning:	R1 General Residential Zone
Lot size:	450m ²
Heritage:	N/A
Terrestrial biodiversity:	N/A
Groundwater vulnerability:	N/A
Drinking water catchment:	N/A
Watercourse:	N/A
Flood:	N/A

Clause 1.9A – Suspension of Covenants, Agreements and Instruments

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

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

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

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

Part 2 – Permitted or prohibited development

Clause 2.3 – Zone objectives and Land Use Table

The subject property is zoned R1 General Residential Zone. A *Dwelling* is permissible in the in R1 General Residential Zone.

The objectives of the R1 General Residential Zone seek to:

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

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

Part 4 – Principal development standards

Clause 4.1 Minimum subdivision lot size

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

Clause 4.1 applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of the LEP. 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 Lot Size Map identifies that the Minimum Lot Size for the subject property is 450m². In this regard, it is noted that the proposed development relies upon a boundary adjustment with the adjoining property at 7 Queen Street, Blayney in order to achieve the 450m² Minimum Lot Size. The boundary adjustment would increase the area of the subject property by 67.42m² and allow for the creation of two lots in the order of 453m² and 461m².

As the boundary adjustment is exempt development, it does not require the consent of Council. Notwithstanding, in the event that Council resolves to support the proposed development, it is pertinent that a condition of consent be applied to require the boundary adjustment to be completed prior to the issue of either an Occupation Certificate for the dwelling or Subdivision Certificate for the subdivision.

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 Infrastructure Services Department has recommended a condition of consent requiring that inter allotment drainage is to be conveyed to Council's

underground drain in Osman Street, in accordance with WBC Guidelines for Engineering Works.

Further, Council's Senior Building Surveyor has recommended a condition of consent requiring that 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.

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.

Given that the subject property is located within a residential area and shows no evidence of a potentially contaminating land use, it is considered unlikely to be contaminated.

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

Not applicable.

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

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

The proposed development includes the construction of a detached dual occupancy which would typically require assessment against *Part C5 Medium Density Housing (including Urban Dual Occupancies)*. However, given that the proposed development also includes a two lot Torrens Title subdivision, it is considered more appropriate to apply the provisions of *C2 Single Dwelling in Urban Areas*.

C2 Single Dwellings in Urban Areas

C2.1 Dwelling Siting & Setbacks

C2.1 seeks to increase residential amenity for both the proposed dwelling(s) and adjacent dwelling(s) through appropriate building separations that minimise overshadowing and maximise privacy of primary living and open spaces and separation from noise sources; and provide sufficient building separations or design mechanisms for fire protection in accordance with the National Construction Code (NCC).

The proposed development is consistent with the relevant acceptable solutions.

C2.2 Site Coverage

C2.2 identifies that all dwellings must provide sufficient area without buildings or impermeable hard surfaces to encourage development that responds to the site opportunities and constraints; avoids overdevelopment of the site and protects the area character; protects existing significant trees and their root systems and promotes additional landscaping; allows for infiltration of water, and significant landscaping and plantings; provides ground level open spaces and recreation areas; encourages passive solar design and energy efficiency; and maximises building separations and residential amenity and privacy.

The proposed development is consistent with the relevant objectives / performance criteria.

In particular, it is considered that the proposed site coverage and detailed design of the dwelling present an appropriate response to the opportunities and constraints of the property.

Further, it is considered that the proposed site coverage will allow for a suitable area of private open space and landscaping; assist in achieving passive solar design and energy efficiency; and allow for infiltration of water.

C2.3 Height & Scale

C2.3 seeks to ensure that the height and scale of proposed dwellings and ancillary buildings is sympathetic or consistent with the existing and/or desired future character of urban streets and adjacent buildings.

The proposed development is consistent with the relevant acceptable solutions.

C2.4 Building Elevations

C2.4 seeks to promote variations in building elevations (especially those facing street frontages) to minimise the bulk and scale of larger buildings; avoid large blank walls and facades and provide visual interest; encourage casual surveillance of public spaces for safety; and integrate with the desired character of the area and street.

The proposed development is consistent with the relevant acceptable solutions.

In particular, it is noted that the proposed dwelling will generally be obscured from view from within Osman Street.

C2.5 Noise & Visual Privacy

C2.5 seeks to increase residential amenity for both the proposed dwelling and adjacent dwelling(s) through appropriate building separations and window alignments that minimise noise impacts and maximise privacy of primary living and open spaces.

The proposed development is generally consistent with the forgoing objectives and acceptable solutions outlined in the DCP.

It is noted that the previous development consent for the subject property included a condition of consent requiring that a 1.8m fence be established around the perimeter of the subject property (behind the front building line).

While this fence will generally address any potential privacy concerns, it is appropriate to apply a condition of consent requiring that the fence be extended to incorporate the land being adjusted from 7 Queen Street.

C2.6 Fencing

C2.6 seeks to balance security and privacy with the community need for new development to reflect traditional and/or rural village styles and materials and the style of the associated building(s); provide opportunities for casual surveillance of the street; avoid large solid fence sections unsympathetic to the street character; and ensure sight-lines for vehicle and pedestrian safety.

Refer to comment above under the heading *C2.5 Noise & Visual Privacy*.

C2.7 Landscaping & Private Open Space

C2.7 seeks to ensure all dwellings are provided with appropriate areas of landscaped private open space that promotes recreation, environmental, privacy benefits, reduces the visual impact of buildings and allows water infiltration.

The proposed development is consistent with the relevant acceptable solutions.

C7 Access & Parking**C7.1 Vehicle Parking**

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

The proposed development is consistent with the forgoing objectives and acceptable solutions outlined in the DCP.

The proposed dwelling includes a double garage which will provide for two off-street car parking spaces.

C7.2 New Driveways & Entrances (Urban Areas)

C7.2 seeks to ensure new driveways and garage entrances are located to maximise vehicle and pedestrian safety with appropriate sight-lines and separations from intersections / other driveways / pedestrian access paths; that for developments (other than a single dwelling, secondary dwelling, or dual occupancy on a lot) all vehicles can enter and leave the site in a forward direction; and that driveways, garages and carports do not dominate the street or the proposed development, are integrated with the design, and there is sufficient landscaping to soften visual impact.

The proposed development is consistent with the relevant acceptable solutions. The existing and proposed dwelling will each be served by a 3m wide driveway.

C8 Site Planning, Earthworks & Utilities**C8.1 Site Planning**

C8.1 seeks to ensure that the design of any significant new development is based on a site analysis of any relevant opportunities and constraints of the site and (taking into account any other relevant controls in BLEP2012 and this DCP).

Based on the foregoing assessment, it is considered that the proposed development has been appropriately designed to respond to the opportunities and constraints of the subject property including its topography and climate; the residential use and amenity; the surrounding built form and landscape character.

These matters are addressed in the body of this report.

C8.2 Water & Energy Efficiency

C8.2 seeks to promote dwelling design that is water and energy efficient, thermally comfortable, and minimises the need for mechanical heating and cooling in accordance with NSW State Government requirements. The proposed development is consistent with the forgoing objectives and acceptable solutions outlined in the DCP.

A BASIX Certificate was submitted with the development application addressing water and energy efficiency.

C8.3 Design Principles

Advisory only. No assessment required.

C8.4 Earthworks

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

The proposed development is consistent with the forgoing objectives and acceptable solutions outlined in the DCP.

The proposed development will require negligible earthworks.

C8.5 Buildings near Utilities / Easements

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

The proposed development is consistent with the relevant acceptable solutions.

There are no known pipelines or easements within the subject property.

C8.6 Connection to Utilities

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

As previously addressed under the heading *Clause 6.8 Essential services*, it is understood that all essential services are available to the subject property. Notwithstanding, Council's Infrastructure Services Department has recommended conditions of consent requiring that:

- Water mains are to be constructed such that there is a separate and distinct water main connection wholly within the boundary of each proposed lot;
- Arrangements are to be made, satisfactory to the appropriate electrical authority and telecommunications authority, for the provision of underground electrical power and NBN lines to serve each lot; and
- Plumbing work is to be carried out so that each lot has a separate and distinct house drainage service connected to Council's sewer main within the boundaries of that lot, in accordance with the Local Government (Approvals) Regulation 1999 and WBC Guidelines for Engineering Works.

C8.7 Siting & Visibility of Utilities

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

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

C8.8 Water Tanks

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

The proposed development is consistent with the relevant acceptable solution.

C8.9 On-Site Sewage Management

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

Not applicable.

C8.10 Re-Use of Water

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

Not applicable.

C8.11 Solid Waste Management

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

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

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

C8.12 Letterboxes

C8.12 seeks to ensure that letterboxes are provided for new dwellings.

It is recommended that a condition of consent be applied requiring the erection of a mailbox prior to the issue of an occupation certificate.

The mail box must be located where it is easily visible from road frontage and accessible to Australia Post employees and be clearly marked with correct house number.

C8.13 Street Numbering

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

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

Part F: Subdivision & Roads**Part F2 Site Planning & General Subdivision**

Part F2 applies to site planning and general subdivision requirements. Part F2 identifies that 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.

Part F2 technically applies to the proposed development on the basis that it includes a two lot subdivision. However, it is noted that the provisions are intended to deal with a new subdivision of vacant lots, as opposed to a two lot subdivision of an approved dual occupancy.

As such, it should be noted that as the proposed detached dual occupancy is considered appropriate it is also generally suitable for subdivision.

Notwithstanding, a brief assessment of the relevant provision is provided below.

F2.1 Site Planning

F2.1 identifies that 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.

Site planning has previously been addressed under the heading C8.1 Site Planning.

The proposed development is consistent with the relevant objectives / 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.

Earthworks have previously been assessed under C8.4 Earthworks.

The proposed development is consistent with the relevant acceptable solutions.

F2.3 Lot Size and 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 relevant acceptable solutions.

As previously noted, it is pertinent that a condition of consent be applied to require the boundary adjustment to be completed prior to the issue of either an Occupation Certificate for the dwelling or Subdivision Certificate for the subdivision.

F2.4 On-Site Effluent Management

Not applicable.

F2.5 Access & Entrances

F2.5 seeks to ensure that all lots are provided with safe legal and practical vehicle access and manoeuvring.

The proposed development is consistent with the relevant acceptable solutions.

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.

The proposed development is consistent with the relevant acceptable solutions. See assessment under F3.2 Access to Battle-Axe Lots (Limited Road Frontage) regarding battle-axe handle width.

F2.7 Utilities / Easements

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

Utilities and easements have previously been addressed under Clause 6.8 Essential services, *C8.6 Connection to Utilities* and *C8.7 Siting & Visibility of Utilities*

The proposed development is consistent with the relevant acceptable solutions. Council's Infrastructure Services Department has recommended a condition of consent requiring that separate utility services be provided to each lot.

Further, Council's Infrastructure Services Department has recommended a condition of consent requiring easements to be established as appropriate.

F2.8 Staging

Not applicable.

F3 Residential Subdivision in Urban Areas

F3 applies to applications for subdivision of land for the purposes of residential accommodation / dwellings in Zone R1 General Residential (Town of Blayney); Zone RU5 Village (All other settlements); and Zone R5 Large Lot Residential where the existing or proposed lot is less than or equal to 1 hectare in area.

Similar to F2, it should be noted that as the proposed detached dual occupancy is considered appropriate it is also generally suitable for subdivision.

Notwithstanding, a brief assessment of the relevant provision is provided below.

F3.1 Lot sizing and arrangements – general

The objective of F3.1 is to promote lot sizes, shapes and orientation that will maximise the number of lots with potential solar access to the future living spaces and private open spaces of new dwelling sites and to ensure new subdivisions in or adjacent to existing urban areas complements the existing subdivision pattern and character of the existing urban area.

The proposed development is consistent with the relevant acceptable solutions.

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

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

Notably, the acceptable solutions for F3.2 include a requirement that each battle-axe allotment have a minimum access handle width of 4m for access to a single lot.

In this instance, the development application has been submitted showing an access handle of 3.6m.

Accordingly, the applicant has sought Council's approval for a variation to the DCP acceptable solution pursuant to Part A1.11 – Variations to Controls, which requires the applicant to address the following matters:

- a) Compliance with the particular control within this DCP is unreasonable or unnecessary in the circumstance of the case; and
 - b) The objectives of the particular control are met or sufficiently addressed;
- and

- c) There are sufficient environmental planning grounds to justify the departure from the particular control within this DCP; and
- d) The impacts of the non-compliant proposal will not be significantly greater than a compliant proposal or may enhance the outcome.

A copy of the applicant's written request is attached to this report.

The issue is essentially an engineering matter for which Council's Infrastructure Services Department is responsible.

Having reviewed the request, and the proposed development in its totality, the Infrastructure Department has advised that while the reduced access width will meet the relevant requirements of the DCP (i.e. a 3.6m wide access will achieve the same outcome as a 4m wide access in terms of servicing and vehicle access).

Given the applicant's written request and the advice provided by Council's Infrastructure Services Department, it is accepted that the proposed variation should be supported.

Section 7.11 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.

The contributions to be paid are currently \$6,434.50 per new lot created/per new dwelling. The amount payable would be recalculated on the basis of the contribution rates that are applicable at the time of payment.

Evidence of payment of the contributions is to be provided to the Principle Certifying Authority prior to the issue of the Construction/Subdivision Certificate.

Section 64 Water and Sewer Headwork Charges

Under the *Local Government Act 1993* (the 'LG Act') S64 *Construction of works for developers* water and sewer headwork charges are also applicable to the proposal.

Such charges are calculated at the time of a Subdivision Certificate for the proposed development. Attached are draft conditions requiring the payment of the required contribution prior to the issue of a Subdivision Certificate.

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

Not applicable.

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

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

- **In the case of a development application for the carrying out of development on land that is subject to a subdivision order made under Schedule 7 to the Act, the provisions of that order and of any development plan prepared for the land by a relevant authority under that Schedule (Clause 92)**
Not applicable.

- **Fire safety and other considerations (Clause 93)**
Not applicable.

- **Buildings to be Upgraded (Clause 94)**
Not applicable.

BASIX Commitments (Clause 97A)

Not applicable.

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

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

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

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

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

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

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

No submissions were received.

Section 4.15(1)(e) The public interest

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

Summary / Conclusion

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

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

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

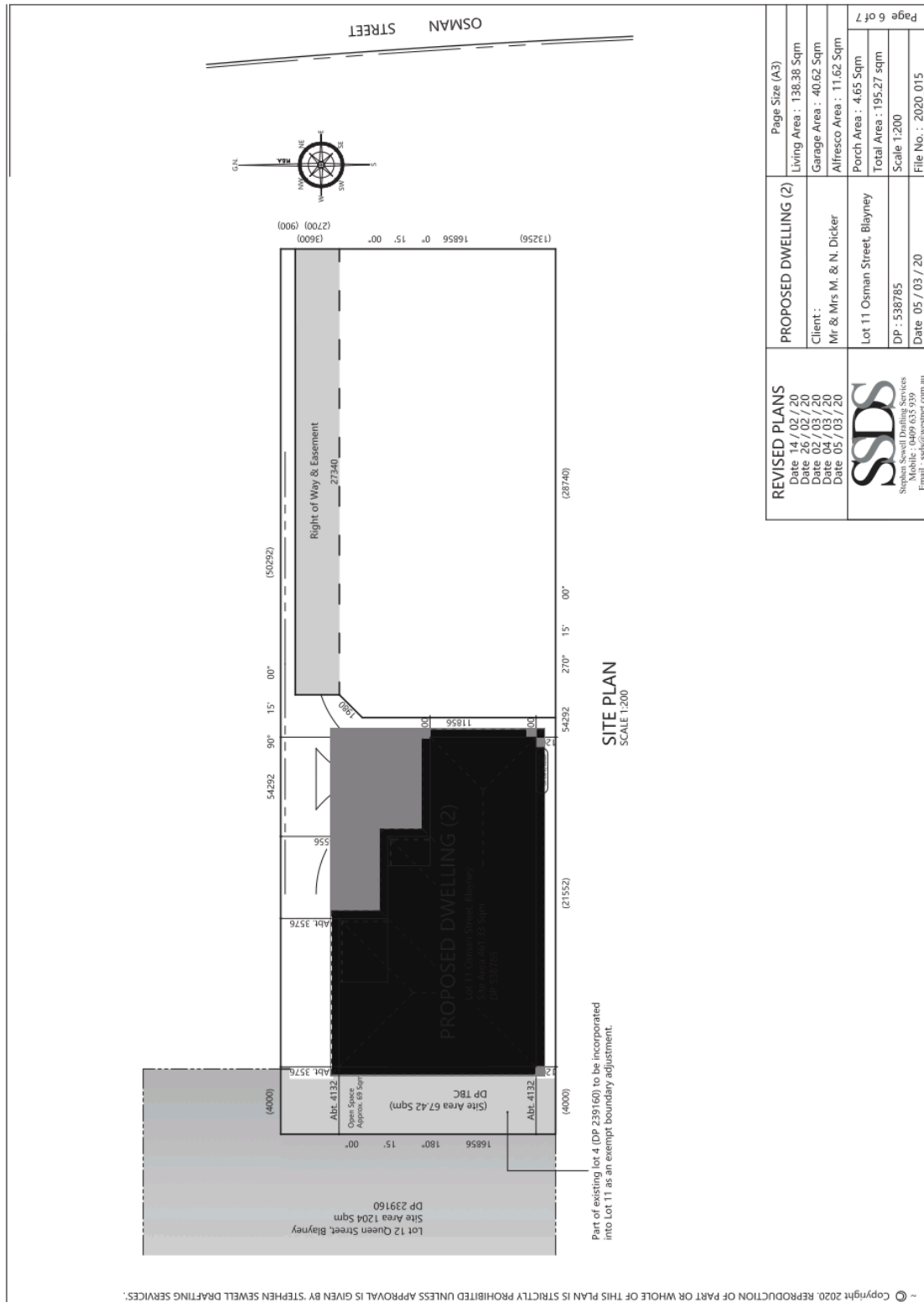
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Enclosures (following report)

1	Plans	4 Pages
2	A1.11 Variation	2 Pages
3	Proposed Conditions	13 Pages

Attachments (separate document)

Nil



NOTES

- All Measurements Given in Millimeters Unless Otherwise Stated
- All Measurements Take Preference
- The Plan Is To Be Read In Construction With A Specification Booklet Supplied By Builder
- All Work Is To Comply In Accordance With The Australian Standard AS/NZS 3602:2011
- All Measurements Must Be Checked On Site Before Any Construction Is To Be Started
- All Work To Be Done In Accordance With Council / Shire Approval & Specifications
- All Building Services To Comply With The Current NCC
- All Work Areas To Comply With Part 3.8.1 Of The Current NCC
- All Building Services To Comply With Part 3.8 Of The Current NCC
- Construction Must Comply With Part 3.12 (Energy Efficiency) of The Current NCC
- Comply With Part 3.12.3 Of The Current NCC
- All External Doors & Windows To Contain Seals
- All Building Services To Comply With Part 3.12.1 Of The Current NCC
- All Building Services To Comply With Part 3.12.2 Of The Current NCC
- Terminals Protection Must Comply With Part 3.14 Of The Current NCC
- Staircases To Comply With Part 3.14 Of The Current NCC
- Stairways / Drainage To Comply With Part 3.15 Of The Current NCC
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- Comply With Part 3.49 Of The Current NCC
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- Comply With Part 3.97 Of The Current NCC
- Comply With Part 3.98 Of The Current NCC
- Comply With Part 3.99 Of The Current NCC
- Comply With Part 4.00 Of The Current NCC

REVISED PLANS

Date 14 / 02 / 20
 Date 26 / 02 / 20
 Date 02 / 03 / 20
 Date 05 / 03 / 20
 Date 05 / 03 / 20

SSS
 Stephen Sewell Drafting Services
 Mobile : (0409 635 939)
 Email : sss@stephen.com.au

PROPOSED DWELLING (2)

Client :
 Mr & Mrs M. & N. Dickler
 Lot 11 Osman Street, Blayney
 DP : 538785
 Date : 05 / 03 / 20
 Scale : 1:100

Living Area : 138.38 Sqm
 Garage Area : 40.62 Sqm
 Alfresco Area : 11.62 Sqm
 Porch Area : 4.65 Sqm
 Total Area : 195.27 sqm
 File No. : 2020_015

LEFT ELEVATION
SCALE 1:100

FRONT ELEVATION
SCALE 1:100

Page Size (A3)
 Page 2 of 7

NOTES

- All Measurements Given in Millimeters Unless Otherwise Stated
- All Measurements Take Preference Over Dimensions
- This Plan Is To Be Used In Construction With A Specification Booklet Supplied By Builder
- All Work Is To Comply In Accordance With The Building Code Of Australia (BCA) & All Applicable Regulations
- All Measurements Must Be Checked On Site Before Any Construction Is To Be Started
- Builder To Advise On Approval & Built In Accordance With Engineers & Local Council / Shire Approval & Specifications
- Verify All Documents Of This Part As To The Accuracy & Suitability
- All Work Areas To Comply With Part 3.8.1 OF The Current NCC
- To Comply With Part 3.8 OF The Current NCC
- Construction Must Comply With Part 3.12 (Energy Efficiency) of The Current NCC
- Comply With Part 3.12.3 OF The Current NCC
- All External Doors & Windows To Contain Seals
- All Building Materials Must Comply With Part 3.12.1 OF The Current NCC
- All Building Services To Comply With Part 3.14 OF The Current NCC
- Termite Protection Must Comply With Part 3.14 OF The Current NCC
- Sewerwater / Drainage To Comply With Part 3.5.3 OF The Current NCC
- To Comply With Part 3.8.7 OF The Current NCC
- Building Materials To Comply With Part 3.7.1 (Fire Properties For Materials) OF The Current NCC
- With Part 3.2.5 OF The Current NCC
- Mechanical Ventilation To Comply With Part 3.9.5 OF The Current NCC

REVISED PLANS

Date 14 / 02 / 20
 Date 26 / 02 / 20
 Date 02 / 03 / 20
 Date 05 / 03 / 20
 Date 05 / 03 / 20

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PROPOSED DWELLING (2)

Client :
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Lot 11 Osman Street, Blayney

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Scale 1:100

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Page 3 of 7
 File No. : 2020_015

RIGHT ELEVATION
SCALE 1:100

REAR ELEVATION
SCALE 1:100

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Page Size (A3)

Part A1.11 – Variation to Control F3.2 Access to Battle-Axe Lots (Limited Road Frontage)**A) The control is considered unreasonable and unnecessary in this particular instance**

As the front dwelling is existing, 4m cannot physically be obtained in this instance. The front dwelling was designed to allow for an additional dwelling, but only part C7.2 was ever considered as the lot was less than the MLS to allow for Torrens Title subdivision, as such F3.2 was never considered. There is no difference between 3.6m and 4m; all vehicles can access the rear lot with a 3.6m handle, 4m width is retained towards Osman St to ensure clear sight lines and safety, therefore it is unreasonable and unnecessary to require compliance in this instance.

B) The objectives of the particular control are met or sufficiently addressed

The development will provide 4176mm from the rear of the garage on existing dwelling 1 to the front property boundary in Osman St (900mm handle for rear lot, 3600mm easement and 576mm will not be fenced in). It is only for the 13m from the rear of the garage on existing dwelling 1 to the 1980mm corner point where 4m will not be obtained.

It is noted that part C7.2 (2)a of the DCP only requires a 3m minimum width of a driveway.

- There is nothing gained by requiring 500mm either side of the driveway for a battle axe block, except either additional concrete or grass strips that require maintenance.
- Council only requires a 3m wide vehicular crossing.
- A minimum 3.6m handle is proposed all the way to proposed dwelling 2, trucks can fit down this handle.

- **Objective O1. To promote safe and efficient access to urban residential lots**

It is considered with a minimum 3.6m width the entire length (4176mm from the rear of the garage forward to the property boundary of Osman St as fence does not start until the rear of the garage) achieves the same outcome as a 4m minimum the entire length. Over 4m is obtained for the 15m from the rear of the garage on existing dwelling 1 to the property boundary and footpath in Osman Street.

Each dwelling would have a separate vehicular crossing in the road reserve of Osman St.

- **Objective O2. To provide sufficient driveway widths & design for battle-axe lots to minimise impacts on adjacent residential lots and accommodate traffic requirements.**

There is a minimum 3.6m clear handle provided the entire handle which is more than enough for all vehicles including trucks during construction.

Over 4m is obtained for the 15m from the rear of the garage on existing dwelling 1 to the property boundary and footpath in Osman Street.

Each allotment and dwelling would have a separate vehicular crossing in the road reserve of Osman St.

It is considered there is no impact on adjoining residential lots whether a 3.6m or 4m handle is provided.

C) There are sufficient environmental planning grounds to justify the departure from the particular control within this DCP; and

There is no environmental planning impact from granting the departure. The departure is 10% which is minor and can be considered under council officer delegation.

D) The impacts of the non-compliant proposal will not be significantly greater than a compliant proposal or may enhance the outcome.

If a compliant proposal is required, the subdivision and additional dwelling cannot proceed, with Blayney in short supply of quality housing stock the impact of not granting the proposal is considered significantly greater than a 10% variation which will have no impact on the outcome of the quality of the development.

The DCP allows for such situations, which is considered to have nil impact on adjoining residences and we seek Councils support in this instance.

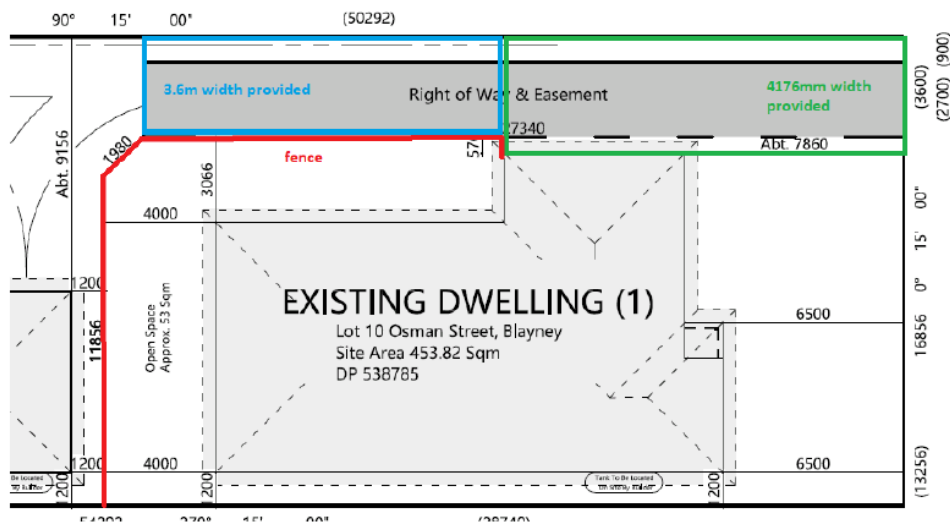


Figure 1: Shows;

- The proposed fencing layout (red),
- 3.6m width is only for 13m (blue) of the access handle,
- 4176mm is provided for the 15m (green) between the rear of the garage of the existing dwelling 1 and the Osman St Boundary.

SCHEDULE A
CONDITIONS ISSUED WITH DEVELOPMENT APPLICATION NO.
23/2020

Reasons for Conditions

Statutory and legislative requirement and public interest.

Approved Plans

1. Development in Accordance with Approved Plans & documentation

Development is to take place in accordance with:

Plan/Doc No.	Plan/Doc Title	Prepared by	Issue	Date
-	Statement of Environmental Effects		-	
1 of 7	Floor Plan	Stephen Sewell Drafting Services	-	05/03/2020
2 of 7	Left Elevation / Front Elevation	Stephen Sewell Drafting Services	-	05/03/2020
3 of 7	Right Elevation / Rear Elevation	Stephen Sewell Drafting Services	-	05/03/2020
4 of 7	Section Through	Stephen Sewell Drafting Services	-	05/03/2020
5 of 7	Basix Commitments	Stephen Sewell Drafting Services	-	05/03/2020
6 of 7	Site Plan	Stephen Sewell Drafting Services	-	05/03/2020
7 of 7	Combined Site Plan	Stephen Sewell Drafting Services	-	05/03/2020
1085042S	Basix Certificate	Stephen Sewell Drafting Services	-	05/03/2020

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.

Stage 1 – Dual Occupancy**Prescribed Conditions****2. Building Code of Australia**

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

3. Identification of Site

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

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

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

4. Contract of Insurance

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

5. Home Building Act

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

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

If arrangements for doing the residential building work are changed while the work is in progress so that the information under this condition becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates

(not being the Council) has given the Council written notice of the updated information.

6. Excavation Work

Where any excavation work on the site extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- a) Protect and support the adjoining premises from possible damage from the excavation, and
- b) Where necessary, underpin the adjoining premises to prevent any such damage.

Prior to Issue of a Construction Certificate

7. Structural Plans for Dwelling Slab

Prior to the issue of the Construction Certificate, structural plans for the dwelling slab prepared by a professional engineer, are to be submitted to Council for approval.

8. Engineering Plans

The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to Condition(s) 22, 23, 24, 26. Further, the works are to comply with WBC Guidelines for Engineering Works.

9. 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.

10. 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.

Prior to Works Commencing

11. Commencement of Work & Appointment of PCA

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

12. 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.

During Construction

13. Hours for Construction or Demolition

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

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

14. Rubbish and Debris

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

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

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

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

15. Toilet Facilities

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

Each toilet must:

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

16. Basix Certificate

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

17. Excavations and Backfilling

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

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

18. Erosion and Sediment Control

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

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

19. Cladding

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

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

Note 2: Zincolume will be not accepted.

20. Rainwater Tank Overflow

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

21. 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.

B	Drainage	* After laying of pipes and prior to backfill; * Pits after rendering openings and installation of step irons.
D	Sewerage	* After laying of pipes and prior to backfill; * Main - air pressure testing; * Manhole - water test for infiltration, exfiltration.
E	Concrete Footway Crossings	* After placing of formwork and reinforcement, and prior to concrete placement;

22. Footway Crossing – Square

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

23. Access Driveway – Battleaxe lots

The construction is to occur, within and for the full length of the access handle of the hatchet shaped lot and over the footway, of a concrete vehicular driveway 2.4m wide (minimum), designed to WBC Guidelines for Engineering Works. Further, the applicant is to obtain a Compliance Certificate pursuant to Section 109C of the Environmental Planning and Assessment Act as amended, or inspection report, at the completion of construction of the footway crossing, from Council or an accredited certifying authority, certifying that the works have been completed in accordance with WBC Guidelines for Engineering Works and that the levels are in accordance with those issued.

24. Road and Interallotment Drainage

All road and inter allotment drainage is to be conveyed to Council's underground drain in Osman Street, in accordance with WBC Guidelines for Engineering Works.

25. Water Connection

Water mains are to be constructed such that there is a separate and distinct water main connection wholly within the boundary of each proposed residential lot, in accordance with the Local Government (Approvals) Regulation 1999 and in accordance with *WBC Guidelines for Engineering Works*.

26. Separate House Drainage

Plumbing work is to be carried out so that each lot has a separate and distinct house drainage service connected to Council's sewer main within the boundaries of that lot, in accordance with the Local Government (Approvals) Regulation 1999 and WBC Guidelines for Engineering Works.

27. Relocate Utility Services

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

28. Utilities Located Underground

All new utilities (i.e. water, sewer and electricity) must be located underground.

29. Naturally Occurring Asbestos

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

Section 68 Requirements**30. House Drainage Fall**

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

31. Licensed Plumber

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

32. Notice of Plumbing Works

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

33. Inspections

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/drainage shall be on site at the time of the inspection, and the drainage lines shall be charged.

34. Prior to the Issue of an Occupation Certificate

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

Prior to Issue of Occupation Certificate**35. Occupation Certificate**

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

36. 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 Condition(s) 24 and 26 in AutoCAD 2000 format. Further, the works are to comply with WBC Guidelines for Engineering Works.

37. Electrical and Telecommunications Authorities

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 NBN lines, respectively, to serve each lot.

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

38. 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 22, 23, 24 and 26 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.

39. Section 7.11 Contributions (type a - residential)

Contributions are to be paid to Council towards the provision or improvement of amenities or services (residential subdivision/works) under the Blayney Local Infrastructure Contributions Plan 2013 (see Council's web site). The contributions to be paid are currently \$6,434.50 per new lot created/per new dwelling. The amount payable would be recalculated on the basis of the contribution rates that are applicable at the time of payment.

Evidence of payment of the contributions is to be provided to the Principle Certifying Authority prior to the issue of the Occupation Certificate.

40. Sewerage Headworks

The applicant shall contribute \$2,932 per new lot created/per new dwelling, towards sewer head works pursuant to Section 305 of the Water Management Act, 2000, and the Development Servicing Plan (Section 64), before the Occupation Certificate is issued. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

41. Water Headworks

The applicant shall contribute towards water head works to Central Tablelands Water (CTW) pursuant to Section 305 of the Water Management Act, 2000, and the Development Servicing Plan (Section 64), before the Occupation Certificate is issued. The amount applicable will be dependent upon the date on which payment is made and will be as per CTW's adopted fees and charges for the financial year in which payment is made.

42. Water Services

Water services are to be provided to each allotment prior to the issue of the Occupation Certificate. All costs are to be met by the applicant.

43. Garbage Bins

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

44. Boundary Adjustment

Prior to the issue of an Occupation Certificate evidence must be provided that the boundary adjustment shown the approved plans has been lodged with NSW Land Registry Service.

45. Boundary Fence

Prior to the issue of an Occupation Certificate a 1.8m fence must be established around the side and rear boundaries of the subject properties (the portion affected by the approved development only). The 1.8m fence must match the existing.

Ongoing Matters

46. Approved Use

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

Stage 2 – Two Lot Subdivision (Torrens Title)

Note: A number of conditions contained in Stage 2 are duplicates of conditions Contained in Stage 1.

In some cases, it will be unnecessary to apply a condition contained in Stage 2 if it has already been fulfilled under Stage 1 e.g. sewerage headworks and water headworks.

The developer will need to confirm with Council staff which conditions under Stage 2 will apply once Stage 1 has been completed and an occupation certificate for the detached dual occupancy has been issued.

Prescribed Conditions

Nil.

Prior to Issue of a Construction Certificate**47. Construction Certificate – Subdivision**

Unless the development is deemed as exempt, 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 either Council or an accredited certifying authority, which complements the detail provided in the development consent, that the proposed works are in accordance with *WBC Guidelines for Engineering Works*, prior to any subdivision works commencing.

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

Note 2: YOU MUST NOT COMMENCE WORK UNTIL YOU HAVE RECEIVED THE CONSTRUCTION CERTIFICATE, even if you made an application for a Construction Certificate at the same time as you lodged this development application.

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

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

Prior to Issue of Subdivision Certificate
--

48. 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 Condition(s) 24 and 26 in AutoCAD 2000 format. Further, the works are to comply with WBC Guidelines for Engineering Works.

49. 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 NBN lines, respectively, to serve each lot.

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

50. 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 22, 23, 24 and 26 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.

51. Easement required - Adjacent Land

The creation and registration of an easement over the adjoining land as required for:

- a) a right of carriageway 2.7 metres wide within Proposed Lot 10 and in favour of Proposed Lot 11.
- b) an easement for services over the land affected by the right of way and in favour of Proposed Lot 11.
- c) an easement to drain within Proposed Lot 10 and in favour of Proposed Lot 11.

52. Easement for Sewer

The final plan of survey is to show an easement for sewer, 3 metres wide, over all lots affected and in favour of Council. For sewer mains of 300mm or greater diameter, the easement is to be 5 metres wide with the main centrally located.

53. Section 7.11 Contributions (type a - residential)

Contributions are to be paid to Council towards the provision or improvement of amenities or services (residential subdivision/works) under the Blayney Local Infrastructure Contributions Plan 2013 (see Council's web site). The contributions to be paid are currently \$6,434.50 per new lot created/per new dwelling. The amount payable

would be recalculated on the basis of the contribution rates that are applicable at the time of payment.
Evidence of payment of the contributions is to be provided to the Principle Certifying Authority prior to the issue of the Construction/Subdivision Certificate.

54. Sewerage Headworks

The applicant shall contribute \$2,932 per new lot created/per new dwelling, towards sewer head works pursuant to Section 305 of the Water Management Act, 2000, and the Development Servicing Plan (Section 64), before the Subdivision Certificate is issued. The amount applicable will be dependent upon the date on which payment is made and will be as per Council's adopted fees and charges for the financial year in which payment is made.

55. Water Headworks

The applicant shall contribute towards water head works to Central Tablelands Water (CTW) pursuant to Section 305 of the Water Management Act, 2000, and the Development Servicing Plan (Section 64), before the Subdivision Certificate is issued. The amount applicable will be dependent upon the date on which payment is made and will be as per CTW's adopted fees and charges for the financial year in which payment is made.

56. Water Services

Water services are to be provided to each allotment prior to the issue of the Subdivision Certificate. All costs are to be met by the applicant.

57. Letter Boxes

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

58. Street Numbering

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

59. Boundary Fence

Prior to the issue of a Subdivision Certificate a 1.8m fence must be established around the side and rear boundaries of the subject properties (the portion affected by the approved development only). The 1.8m fence must match the existing.

60. Boundary Adjustment

Prior to the issue of a Subdivision Certificate evidence must be provided that the boundary adjustment shown on the approved plans has been lodged with NSW Land Registry Service.

Advisory Notes

Compliance with the Building Code of Australia (Volume 2)

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

- a. The dwelling frame and roof must be designed for a snow load in accordance with AS/NZS 1170.3-2003 in Part 1.4.

Inspection Schedule

AN2. The Principal Certifying Authority is required to ensure all work is carried out in accordance with the consent, Building Code of Australia (BCA), and relevant standards, which is done during inspections at nominated stages of the work. The "Inspection Schedule" lists the mandatory and other required inspections that must be carried out by Blayney Shire Council during construction of the work.

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

- a. Slab/footing inspection when steel is laid prior to the pouring of concrete.
- b. Floor framing prior to laying the floor
- c. Frame inspection
- d. Hot and cold water prior to internal lining.
- e. Waterproofing prior to tiling.
- f. Final/stormwater inspection at time of completion of all works.

Notice of Commencement

AN3. Notice of commencement of building works – The attached form needs to be completed and emailed, faxed or mailed to Council at least 2 days before any work commences on the site.

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.

16) GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW

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