



14 October 2020

Dear Councillor,

Your attendance is requested at an Ordinary Council Meeting of the Blayney Shire Council to be held in the Chambers, Blayney Shire Community Centre on Monday, 19 October 2020 at 6.00pm for consideration of the following business -

- (1) Livestreaming Video and Audio Check
- (2) Acknowledgement of Country
- (3) Recording of Meeting Statement
- (4) Apologies for non-attendance
- (5) Disclosures of Interest
- (6) Public Forum
- (7) Mayoral Minute
- (8) Confirmation of Minutes - Ordinary Council Meeting held on 21.09.20
- (9) Matters arising from Minutes
- (10) Reports of Staff
 - (a) Executive Services
 - (b) Corporate Services
 - (c) Infrastructure Services
 - (d) Planning and Environmental Services
- (11) Delegates Reports
- (12) Closed Meeting

Yours faithfully

Rebecca Ryan
General Manager

Meeting Calendar 2020

October

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
10.30am	14 October 2020	Central Tablelands Water Meeting	Grenfell
6.00pm	19 October 2020	Council Meeting	Community Centre

November

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
9.00am	6 November 2020	Country Mayors Meeting	Sydney
2.30pm	13 November 2020	Upper Macquarie Country Council Meeting	Kelso
6.00pm	16 November 2020	Council Meeting	Community Centre
9.00am	18 November 2020	Audit, Risk and Improvement Committee	Community Centre
6.00pm	19 November 2020	Sports Council Meeting	Community Centre
6.00pm	24 November 2020	Tourism, Towns and Villages Committee Meeting	Community Centre
9.00am	27 November 2020	Mining and Energy Related Councils Meeting	Community Centre

September

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
9.00am	4 December 2020	Central NSW JO Board Meeting	Bathurst
10.00am	11 December 2020	Traffic Committee Meeting	Community Centre
6.00pm	21 December 2020	Council Meeting	Community Centre

INDEX OF REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING
HELD ON MONDAY 19 OCTOBER 2020

MAYORAL MINUTE	5
01) Central Tablelands Local Land Services - Lighting the Path	5
CONFIRMATION OF MINUTES	6
02) Minutes of the Previous Council Meeting held 21 September 2020	6
EXECUTIVE SERVICES	16
03) Council Resolution Report.....	16
04) Risk, Work Health and Safety Quarterly Report	27
05) Western Regional Planning Panel.....	30
CORPORATE SERVICES.....	32
06) Report Of Council Investments As At 30 September 2020.....	32
07) Information Technology Quarterly Report.....	37
08) Review of Council Policies	40
09) Disclosures By Councillors and Designated Persons.....	53
10) Deeds Of Lease - Cadia Pipeline Agreements	55
INFRASTRUCTURE SERVICES.....	57
11) Director Infrastructure Services Monthly Report.....	57
12) Central West JO - Regional Bitumen Emulsion Contract.....	62
13) Minutes of the Blayney Shire Sports Council Meeting held Thursday 20 August 2020	64
14) Minutes of the Traffic Committee Meeting held 9 October 2020.....	67
PLANNING AND ENVIRONMENTAL SERVICES	72
15) Development Application 36/2020 - Cubby House - 555 Forest Reefs Road, Forest Reefs	72
16) Development Application 58/2020 - Erection of a Dwelling - 18 Piggott Place, Blayney.....	92
17) Development Application 48/2020 - Erection of Five (5) Farm Stay Accommodation Units and Utilities Building	118
DELEGATES REPORTS.....	156
18) Report of the Central NSW Joint Organisation Meeting held 27 August 2020	156
CONFIDENTIAL MEETING REPORTS.....	170
19) Blayney Netball Courts Tender.....	170

LIVE STREAMING OF COUNCIL MEETINGS

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

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

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Live 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) CENTRAL TABLELANDS LOCAL LAND SERVICES - LIGHTING THE PATH

Author: Mayor Scott Ferguson

File No: LP.PG.3

Recommendation:

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

Item:

Central Tablelands Local Land Services have provided Council with a copy of the recently launched Lighting the Path book.

Lighting the Path is a unique book which documents our ten year journey and exploration of the ancient practice of cultural burning and the use of cool burn techniques as a tool to restore the heath of the land and people of New South Wales. Lighting the Path was produced as a result of a collaboration with the Orange Local Aboriginal Land Council and has been generously funded through the Australian Government's former Caring for Country and National Landcare Program, as well as the NSW Government's Catchment Action initiative.

Lighting the Path is a record of the learnings and collaboration between Aboriginal people and the broader community in search of a better, more sustainable way to rehabilitate and care for our natural environment. The launch comes at a time of increased interest in how Aboriginal communities conduct fire burns as the benefits become more widely understood and appreciated.

The book will be available through the Blayney Library.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

02) MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 21 SEPTEMBER 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 21 September 2020, being minute numbers 2009/001 to 2009/002 be confirmed.

MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE, ON 21 SEPTEMBER 2020, COMMENCING AT 6.00PM

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

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

ACKNOWLEDGEMENT OF COUNTRY**RECORDING OF MEETING STATEMENT****APOLOGIES**

Cr Scott Denton – Leave of Absence approved at the August 2020 Council Meeting (Resolution No. 2008/002)

DISCLOSURES OF INTEREST

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

Councillor/ Staff	Interest	Item	Pg	Report	Reason
Cr Reynolds	Non Pecuniary (less than significant)	3	15	Tourism Event Development Program	The Reynolds garden may be used for the video production being applied for by the Millthorpe Garden Ramble
Cr Ewin	Pecuniary	15	68	Electric Vehicle Charging Stations	Employee of Newcrest
Cr Ferguson	Pecuniary	15	68	Electric Vehicle Charging Stations	Related to one of the business owners applying for EV charging station

<p>Director Planning and Environmental Services Mark Dicker</p>	<p>Pecuniary</p>	<p>17</p>	<p>83</p>	<p>Draft Blayney Settlement Strategy 2020</p>	<p>My wife and I own property at Springvale Lane Millthorpe, This land is zoned R5 Large Lot Residential, currently un-serviced and with a Minimum Lot Size of 4000m².</p> <p>The Settlement Strategy includes review of the Minimum Lot Size for all residential zones which are un-serviced within the Blayney Shire, in particular the RU5 village and R5 Large Lot Residential zones.</p> <p>A Pecuniary Interest, was declared to the General Manager prior to the review commencing, removing myself from involvement into the wider Millthorpe section including, the adjoining R5 Large Lot Residential lands of North Millthorpe, West Millthorpe and Forest Reefs.</p> <p>Subsequently Council's Manager Planning, Senior Town Planner and Elton Consulting specifically oversaw preparation of these sections.</p>
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PUBLIC FORUM

Mr Vincent Harris – Item 17 – Draft Blayney Settlement Strategy 2020

CONFIRMATION OF MINUTES

MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 17 AUGUST 2020

2009/001

RESOLVED:

That the Minutes of the Ordinary Council Meeting held on 17 August 2020, being minute numbers 2008/001 to 2008/019 be confirmed.

(Reynolds/Ewin)
CARRIED

MATTERS ARISING FROM THE MINUTES

Nil

EXECUTIVE SERVICES REPORTS**COUNCIL MEETING DATES****2009/002****RESOLVED:**

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

- Monday 19 October 2020
- Monday 16 November 2020
- Monday 21 December 2020
- Monday 15 February 2021
- Monday 15 March 2021
- Monday 19 April 2021
- Monday 17 May 2021
- Monday 28 June 2021
- Monday 19 July 2021
- Monday 2 August 2021
- Monday 27 September 2021

(Newstead/Ewin)

CARRIED**TOURISM EVENT DEVELOPMENT PROGRAM****2009/003****RESOLVED:**

1. That Council approves the following events under the 2019/20 Tourism Event Development Program;
 - a. \$1,000 for the Royal Hotel Mandurama new website
 - b. \$1,000 for Rosebank Gallery Art Exhibition
 - c. \$1,000 for Virtual Millthorpe Garden Ramble
2. That Council note the amendments to applications, previously approved.

(Somerville/Ewin)

CARRIED**BARRY BORE MOU****MOTION:**

That the General Manager be authorised to sign and execute the Memorandum of Understanding between Blayney Shire Council and Barry Community Supplementary Bore Incorporated.

(Somerville/Newstead)

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

That Council defer this item.

Cr Reynolds withdrew the amendment.

A further **AMENDMENT** was moved by Cr Reynolds and seconded by Cr Kingham:

1. That the General Manager be authorised to sign and execute the Memorandum of Understanding between Blayney Shire

Council and Barry Community Supplementary Bore Incorporated.

2. That the Memorandum of Understanding include a 12 month timeframe for the audit to be undertaken.

The amendment became the substantive motion and was put.

RESOLVED:

2009/004

1. That the General Manager be authorised to sign and execute the Memorandum of Understanding between Blayney Shire Council and Barry Community Supplementary Bore Incorporated.
2. That the Memorandum of Understanding include a 12 month timeframe for the audit to be undertaken.

(Reynolds/Kingham)

CARRIED

LGNSW ANNUAL CONFERENCE MOTION IPART RATING REVIEW MINING RATE

2009/005

RESOLVED:

That Council propose the following motion at the forthcoming LGNSW annual conference:

“That, in relation to recommendation 34 of the IPART Review into the Local Government Rating system, Local Government NSW lobbies the NSW government to either:

- (a) not implement the recommendation; or if it is to be adopted
- (b) meaningfully engage with all affected Councils before doing so, including a careful consideration of the rationale for and impacts of the recommendation and solutions for any adverse impacts on the financial viability of affected councils.”

(Reynolds/Somerville)

CARRIED

LGNSW ANNUAL CONFERENCE MOTION EMERGENCY MANAGEMENT REFORM

2009/006

RESOLVED:

1. That the Mayor formally write to the Local Members of Parliament in NSW and Australian Governments seeking support in Emergency Management Reform.
2. That Council propose the following motion at the forthcoming LGNSW annual conference:

“That LGNSW advocate to the NSW Government, specifically Resilience NSW to transfer responsibility for Emergency Management to the NSW Government to deliver the following outcomes:-

 - Decentralisation of emergency management roles to regional NSW providing stronger local knowledge and employment in the regions.
 - Improved capacity for resilience and recovery planning with that resource capable to transition directly into

- leading recovery (instead of local government).
- Significant efficiency gains in the emergency management space with a greater capacity for more on-ground professional emergency management personnel in each local government area or agreed combined areas.
 - More consistent emergency management outcomes regardless of the size or capacity of the council (which itself is highly variable).
 - Improved strategy and delivery of emergency services infrastructure through integration.
 - Improved alignment by allowing local councils and the NSW Police to focus on their core roles.
 - Improved facilities, support and training for emergency service volunteers.
 - A significant boost to the financial sustainability of all councils in NSW.
 - A greater capacity within local councils to develop and implement permanent resilience improvements (e.g. on critical infrastructure).
 - Local councils still have a critical role to play in emergency management planning and response through a ‘seat at the table’, and,

That the transfer of responsibility includes removal of the \$120m Local Government annual contribution to emergency services and the transfer of ownership of Rural Fire Services and State Emergency Services infrastructure from Local Government to the NSW Government”.

(Newstead/Ewin)

CARRIED

CORPORATE SERVICES REPORTS

REPORT OF COUNCIL INVESTMENTS AS AT 31 AUGUST 2020

2009/007

RESOLVED:

1. That the report indicating Council’s investment position as at 31 August 2020 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

(Kingham/Somerville)

CARRIED

2009/008 **AMENDMENT TO CODE OF CONDUCT AND PROCEDURES**
RESOLVED:

1. That Council adopt the Model Code of Conduct for Councillors, Model Code of Conduct for Council staff and Model Code of Conduct for Council Committee Members, Delegates of Council and Council Advisers and they be included in Council's policy register.
2. That Council adopt the Procedures for the Administration of the Model Code of Conduct and it be included in Council's policy register.

(Newstead/Reynolds)

CARRIED**2009/009** **SALE OF LOT 12 STREATFEILD CLOSE**
RESOLVED:

1. That Council endorse the action of the General Manager to accept the offer for sale of Lot 12 at Streatfeild Close (Lot 12 DP1264136) at the listed price of \$136,000.
2. That Council endorse execution of relevant contracts and associated documentation by the Mayor and General Manager under Council seal.

(Kingham/Ewin)

CARRIED**2009/010** **MINUTES OF THE BLAYNEY SHIRE AUDIT, RISK AND**
IMPROVEMENT COMMITTEE MEETING HELD 3 SEPTEMBER
2020
RESOLVED:

1. That the minutes of the Blayney Shire Audit, Risk and Improvement Committee meeting held 3 September 2020 be received.
2. That the update on the External Audit and Management Letter on the Interim Phase of the Audit for the year ended 30 June 2020 from the NSW Audit Office be received.
3. That the Annual Report on the operations of the Blayney Shire Audit, Risk and Improvement Committee for the period 1 January 2019 to 30 June 2020, as required under the Council's Audit, Risk and Improvement Committee Charter, be received.

(Somerville/Reynolds)

CARRIED**INFRASTRUCTURE SERVICES REPORTS****2009/011** **DIRECTOR INFRASTRUCTURE SERVICES MONTHLY**
REPORT
RESOLVED:

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

(Newstead/Ewin)

CARRIED

PROPOSED FEE - BLAYNEY SHOWGROUND EQUESTRIAN - RACE ENTERTAINMENT & INDIVIDUAL RIDERS

2009/012

RESOLVED:

1. That the proposed seasonal hirer fee of \$1,240 for RACE Entertainment be exhibited for a period of not less than 28 days.
2. That the proposed Individual/Group Horse Riders fee of \$100 per hour (minimum 2 hours) for up to 5 Horse Riders be exhibited for a period of not less than 28 days.
3. Should no written submissions be received during the public exhibition, the 2020/21 Operational Plan be amended to include the 2 new fees and charges.

(Kingham/Ewin)

CARRIED**OPEN SPACE PROJECTS - STRATEGIC PLANNING (SUBMISSIONS)**

2009/013

RESOLVED:

That Council adopt the concept designs for Beaufort Street Park and the Belubula River Precinct, and seek funding to deliver these projects.

(Ewin/Newstead)

CARRIED**CENTRAL WEST JO - REGIONAL ROAD SIGNS CONTRACT**

2009/014

RESOLVED:

That Council:

1. endorse the Director Infrastructure Services signing the participation form in the Central NSW Joint Organisation Regional procurement for supply and delivery of road signs.
2. recommends that the Central NSW Joint Organisation Contract Management Fee is replaced by an upfront Contract Management Fee that is determined by a transparent and accountable basis.

(Reynolds/Ewin)

CARRIED

The Mayor, Cr Ferguson, having declared an interest departed the Chair and left the meeting. The Deputy Mayor, Cr Ewin, having declared an interest left the meeting.

Cr Kingham assumed the Chair.

ELECTRIC VEHICLE CHARGING STATIONS

2009/015

RESOLVED:

1. That Council endorse a program to provide a donation to private businesses for the sole purpose of installing an Electric Vehicle Charging Station at their premises.
2. That Council endorse the reallocation of Council funds to enable the program to be completed.

3. That Council endorse and place on public exhibition for a period of 28 days the Electric Vehicle Charging Stations Program proposal to provide financial assistance to the following businesses;
 - Angullong Cellars, Millthorpe
 - Millthorpe Motel, Millthorpe
 - Royal Hotel, Carcoar
 - Royal Hotel, Mandurama
4. Should no written submissions be received during the public exhibition, the Electric Vehicle Charging Stations Program be adopted and proceed.

(Newstead/Somerville)

CARRIED

The Mayor, Cr Ferguson, returned to the meeting and resumed the Chair.

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

PLANNING AND ENVIRONMENTAL SERVICES REPORTS

MINUTES OF THE BLAYNEY SHIRE ACCESS ADVISORY COMMITTEE HELD 29 JULY 2020

2009/016

RESOLVED:

That Council;

1. Undertake a staged upgrading of access doors at CentrePoint;
 - a. Stage 1 – The two primary entrance doors
 - b. Stage 2 – All other main paths of travel
2. Consider the Access Committee's suggested inclusions and prioritised projects regarding the Active Movement Strategy, including;
 - a. Adelaide Street and Burns Street intersection (condition and grades of footpath crossing)
 - b. Adelaide Street and Water Street intersection (condition and grades of footpath crossing)
 - c. Adelaide Street and Church Street intersection, (condition and grades of footpath crossing)
 - d. Blayney 14A – Stillingfleet St; Adelaide St to Osman St
 - e. Blayney 14B – Stillingfleet St & Queen St; Osman St to Lee Hostel & KGO
3. Purchase an additional aquatic wheel chair for CentrePoint.
4. Notes the Blayney Shire Access Committee endorsement of the annual report to 30 June 2020 of the Blayney Shire Disability Inclusion Action Plan.
5. Note Jenny McMahon and Iris Dorsett have been endorsed as Access Committee representatives on the KGO major upgrade reference group.

(Reynolds/Newstead)

CARRIED

Director Planning and Environmental Services, Mark Dicker, having declared an interest left the meeting.

- 2009/017** **DRAFT BLAYNEY SETTLEMENT STRATEGY 2020**
RESOLVED:
 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.
- (Reynolds/Ewin)

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

FOR	AGAINST	
Councillor Ewin		
Councillor Ferguson		
Councillor Kingham		
Councillor Somerville		
Councillor Reynolds		
Councillor Newstead		
Total (6)	Total (0)	CARRIED

Director Planning and Environmental Services, Mark Dicker, returned to the meeting.

LATE REPORTS

- 2009/018** **BUILDING BETTER REGIONS FUNDING ROUND IV - KICKING GOALS FOR GIRLS**
RESOLVED:
 That Council, invite tenders for the Kicking Goals for Girls Project at King George Oval by the selective tendering method following a public advertisement seeking Expressions of Interest.
- (Somerville/Ewin)
CARRIED

There being no further business, the meeting concluded at 7.58pm.

The Minute Numbers 2009/001 to 2909/018 were confirmed on 19 October 2020 and are a full and accurate record of proceedings of the Ordinary Meeting held on 21 September 2020.

Cr S Ferguson
MAYOR

Mrs R Ryan
GENERAL MANAGER

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

That Council notes the Resolution Report to September 2020.

Reason for Report:

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

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

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

Report:

This Council Outstanding Resolution Report includes Council Resolutions up to and including the previous Council Meeting.

Council currently has 22 resolutions 'in progress'.

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

Date of Meeting	Res. No	Resolution	Owner	Comments
18-Apr-17	1704/015	<p>Planning Proposal to amend Blayney Local Environmental Plan 2012 - Flood Planning Map RESOLVED That Council forward a Planning Proposal to the Minister for Planning and Environment seeking to amend the flood planning map within the Blayney Local Environmental Plan 2012.</p>	DPES	DPE approved Gateway time extension to 19 March 2021. Timeframe likely not to be met. Consider inclusion in PP after Settlement Strategy.

Date of Meeting	Res. No	Resolution	Owner	Comments
19-Aug-19	1908/019	<p>Minutes of the Blayney Shire Access Advisory Committee Meeting held on 17 July 2019 RESOLVED</p> <p>4. That Council proceed to cost the upgrade of the identified non-compliant car parking in the 2018 audit of accessible car parking across Blayney Shire for future grant funding opportunities and/or Operational Plan inclusion.</p>	DPES	In progress, referred to IS
16-Sep-19	1906/016	<p>Planning Proposal to Amend Blayney Local Environment Plan 2012 - RU1 Primary Production to E2 Environmental Conservation - Cadia Biodiversity Offset Areas RESOLVED</p> <p>1. That Council proceed to endorse the amendment to the Blayney Local Environmental Plan 2012,</p> <p>2. That Council, in exercising its delegation under Section 3.36 of the Environmental Planning and Assessment Act 1979, as endorsed by NSW Planning, Industry & Environment in the Gateway Determination, forward the relevant documents to Parliamentary Counsel for opinion, to amend the Blayney Local Environmental Plan 2012 by rezoning Lot 201 DP 1037198 and Lot 1422 DP 1168271 from RU1 Primary Production to E2 Environmental Conservation, and the making of the Local Environmental Plan.</p>	MP	In progress. DPIE approved Gateway time extension to March 2021. Waiting on Cadia to complete subdivision for LEP mapping to be updated.

Date of Meeting	Res. No	Resolution	Owner	Comments
16-Mar-20	2003/014	Minutes of the Blayney Cemetery Forum meeting held 27 February 2020 RESOLVED That; 3. A separate report be prepared for Council to endorse the Draft Cemetery Management Plan for public exhibition 6. Council prepare an information sheet for families when considering final resting options.	DPES	3. Report to be prepared for November Council meeting. 6. Not yet commenced.
18-May-20	2005/004	Sale of Land Frape Street Blayney RESOLVED 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 and 2 DP 1263957) Blayney.	GM	Title deed being amended from Lyndhurst Shire Council to Blayney Shire Council.
18-May-20	2005/011	Leabeater Street Bridge Scope Confirmation RESOLVED That Council approve an allocation of \$420,000 for the replacement of Leabeater Street bridge, contingent on receiving 50% grant funding.	MO	Funding application unsuccessful. Bridge inspection consultant engaged.
22-Jun-20	2006/002	CentrePoint Operational Review RESOLVED That Council; 4. Notes that a further report will be brought back to Council, prior to the September QBRS to vote the required supplementary funds to the 2020/21 Operational Plan following acceptance of the Management Agreement.	DPES	In progress

Date of Meeting	Res. No	Resolution	Owner	Comments
22-Jun-20	2006/003	Blayney Train Station Platform Art Cultural Hub Project RESOLVED That Council approves the General Manager to sign and execute a Community Use Licence Agreement with Sydney Trains for the Blayney Train Station 'Platform' Project for a period of 5 years with a 5 year option, with the intention of establishing a Sub-Licence Agreement with the Blayney Town Association.	GM	In progress.
22-Jun-20	2006/015	Minutes of the Traffic Committee Meeting Held 12 June 2020 RESOLVED 2. That Council install line marking on Water Street, including road centreline, and fog lines to provide 3.0m lane widths between Adelaide and Osman Streets.	DIS	Line marking deferred until reseal completed.
20-Jul-20	2007/008	Building Better Regions Funding Round IV - Kicking Goals for Girls RESOLVED That Council authorise the General Manager to sign and accept the Building Better Regions Funding Agreement for \$750,000 for the Kicking Goals for Girls Project at King George Oval, Blayney.	GM	Extension for final agreement provided until 31/01/2021.

Date of Meeting	Res. No	Resolution	Owner	Comments
20-Jul-20	2007/011	<p>Sale of Land for Unpaid Rates RESOLVED</p> <p>1. That the report on the Sale of Land for Unpaid Rates and Charges be received and noted.</p> <p>2. That Council, pursuant to s.713 of the Local Government Act, 1993:</p> <p>a. Sell the listed properties at a public auction to be held at the Blayney Shire Council Chambers on Tuesday 10 November 2020 commencing at 10:00 am;</p> <p>b. Authorise Council staff to proceed with the necessary arrangements pertaining to the sale of the properties as set out by the Local Government Act 1993; and</p> <p>c. Authorise the General Manager to set the reserve price on the day of auction.</p> <p>3. That Council not withdraw any property from the sale unless all unpaid rates and charges are paid in full.</p> <p>4. That Council undertake Land Title searches to verify land descriptions and owners for the preparation of Sale documents.</p> <p>5. That Council advertise all land in accordance with the Local Government Act, 1993.</p> <p>6. That Council endorse execution of relevant contracts and associated documentation by the Mayor and General Manager under Council seal.</p>	DCS	Auction scheduled for 10 November 2020 and purchase orders raised for parties all engaged.
20-Jul-20	2007/014	<p>Renewable Energy Action Plan Review RESOLVED</p> <p>1. That Council endorse the Renewable Energy Action Plan 2020.</p> <p>2. That a report comes back to Council with options.</p>	GM	In progress.

Date of Meeting	Res. No	Resolution	Owner	Comments
17-Aug-20	2008/012	Minutes of the Financial Assistance Committee Meeting held 21 July 2020 RESOLVED 5. That Council consider amending the guidelines to allow community groups, who rely on revenue from the use of their facilities and who lost substantial revenue due to COVID-19, to apply for a grant to help cover administrative costs and overheads.	DCS	Amendment of guidelines to incorporate funding opportunities for community groups affected by COVID-19 in progress.

Date of Meeting	Res. No	Resolution	Owner	Comments
17-Aug-20	2008/015	<p>Minutes of the Traffic Committee Meeting held 7 August 2020 RESOLVED</p> <p>2. That Council:-</p> <p>a. increase the 50km/h speed zone (R4-1) signs on Mount Macquarie Road to C size.</p> <p>b. seek Transport for NSW approval for the relocation of the existing repeater sign (R4-1A) on Naylor Street to provide a 300m spacing from the initial speed zone sign, a further repeater (R4-1A) sign be installed 30m North of the intersection with Eulamore Street, and provide 50km ahead (G9-79A) signage on the approach from Mount Macquarie Road.</p> <p>3. That the current Low Bridge High Vehicle G9-3(R) sign be relocated to between 40 and 60m west of Henry St in accordance with Australian Standard AS1742.2.</p> <p>4. That a G9-5-1(R) Detour for High Vehicles be erected at the intersection of Burns and Henry Streets.</p> <p>5. That additional signage be provided to further inform the detour and heavy vehicle access remains available to the Sealink facility.</p> <p>6. That Council obtain concurrence from Transport NSW to install modified steep descent signage (WS-12 & W8-17-1 (1km)) on Carcoar Road, 2.6km South of the intersection of Browns Creek and Carcoar Roads.</p> <p>7. That Short Steep Descent signage (W5-12 & W8-17-1 (1km)) be installed on Errowanbang Road, in accordance with AS1742.2, 3.3km South West of the intersection of Errowanbang and Tallwood Roads.</p> <p>8. That Council refuse the request for the conversion of the existing Give Way (R1-2) signs to Stop (R1-1) signs at the intersection of Henry and Burns Streets, Blayney.</p>	DIS	In progress.

Date of Meeting	Res. No	Resolution	Owner	Comments
21-Sep-20	2009/003	Tourism Event Development Program RESOLVED 1. That Council approves the following events under the 2019/20 Tourism Event Development Program; a. \$1,000 for the Royal Hotel Mandurama new website b. \$1,000 for Rosebank Gallery Art Exhibition c. \$1,000 for Virtual Millthorpe Garden Ramble 2. That Council note the amendments to applications, previously approved.	MTC	In progress
21-Sep-20	2009/004	Barry Bore MOU RESOLVED 1. That the General Manager be authorised to sign and execute the Memorandum of Understanding between Blayney Shire Council and Barry Community Supplementary Bore Incorporated. 2. That the Memorandum of Understanding include a 12 month timeframe for the audit to be undertaken.	GM	In progress
21-Sep-20	2009/009	Sale of Lot 12 Streatfeild Close RESOLVED 1. That Council endorse the action of the General Manager to accept the offer for sale of Lot 12 at Streatfeild Close (Lot 12 DP1264136) at the listed price of \$136,000. 2. That Council endorse execution of relevant contracts and associated documentation by the Mayor and General Manager under Council seal.	DCS	Correspondence sent to sale agent and solicitor notified for contract finalisation. Awaiting contract exchange.

Date of Meeting	Res. No	Resolution	Owner	Comments
21-Sep-20	2009/012	<p>Proposed Fee - Blayney Showground Equestrian - RACE Entertainment & Individual Riders RESOLVED</p> <p>1. That the proposed seasonal hirer fee of \$1,240 for RACE Entertainment be exhibited for a period of not less than 28 days.</p> <p>2. That the proposed Individual/Group Horse Riders fee of \$100 per hour (minimum 2 hours) for up to 5 Horse Riders be exhibited for a period of not less than 28 days.</p> <p>3. Should no written submissions be received during the public exhibition, the 2020/21 Operational Plan be amended to include the 2 new fees and charges.</p>	DIS	Fees advertised.
21-Sep-20	2009/014	<p>Central West JO - Regional Road Signs Contract RESOLVED</p> <p>That Council:</p> <p>2. recommends that the Central NSW Joint Organisation Contract Management Fee is replaced by an upfront Contract Management Fee that is determined by a transparent and accountable basis.</p>	DIS	In progress.

Date of Meeting	Res. No	Resolution	Owner	Comments
21-Sep-20	2009/015	<p>Electric Vehicle Charging Stations RESOLVED</p> <p>1. That Council endorse a program to provide a donation to private businesses for the sole purpose of installing an Electric Vehicle Charging Station at their premises.</p> <p>2. That Council endorse the reallocation of Council funds to enable the program to be completed.</p> <p>3. That Council endorse and place on public exhibition for a period of 28 days the Electric Vehicle Charging Stations Program proposal to provide financial assistance to the following businesses;</p> <ul style="list-style-type: none"> <input type="checkbox"/> Angullong Cellars, Millthorpe <input type="checkbox"/> Millthorpe Motel, Millthorpe <input type="checkbox"/> Royal Hotel, Carcoar <input type="checkbox"/> Royal Hotel, Mandurama <p>4. Should no written submissions be received during the public exhibition, the Electric Vehicle Charging Stations Program be adopted and proceed.</p>	DIS	In progress.

Date of Meeting	Res. No	Resolution	Owner	Comments
21-Sep-20	2009/016	<p>Minutes of the Blayney Shire Access Advisory Committee held 29 July 2020 RESOLVED That Council;</p> <p>2. Consider the Access Committee's suggested inclusions and prioritised projects regarding the Active Movement Strategy, including;</p> <p>a. Adelaide Street and Burns Street intersection (condition and grades of footpath crossing)</p> <p>b. Adelaide Street and Water Street intersection (condition and grades of footpath crossing)</p> <p>c. Adelaide Street and Church Street intersection, (condition and grades of footpath crossing)</p> <p>d. Blayney 14A – Stillingfleet St; Adelaide St to Osman St</p> <p>e. Blayney 14B – Stillingfleet St & Queen St; Osman St to Lee Hostel & KGO</p>	DPES	To be considered in Active Movement Strategy review.
21-Sep-20	2009/017	<p>Draft Blayney Settlement Strategy 2020 RESOLVED That Council:</p> <p>1. Endorse the Draft Blayney Shire Settlement Strategy 2020 as attached to this report for public exhibition</p> <p>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</p> <p>3. Authorise the General Manager to approve minor amendments and changes to the Draft Blayney Shire Settlement Strategy 2020, prior to exhibition commencing.</p>	MP	In progress.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

04) RISK, WORK HEALTH AND SAFETY QUARTERLY REPORT

Department: Executive Services

Author: WHS and Risk Coordinator

CSP Link: 2. Local Governance and Finance

File No: GO.ME.1

Recommendation:

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

Reason for Report:

To update Council on Risk, Work Health and Safety activities and performance for the period of July to September 2020

Report:

Council's Insurance Renewal for 2020/2021 has been finalised.

WHS & Risk Coordinator in conjunction with Council's insurer have set up a risk profile spreadsheet to record and review under deductible claims to highlight any trends that may be emerging.

Infrastructure GPS system stolen from station point at Lowe Street.
Replacement GPS required to be purchased.

StateCover:

The Wellbeing 2020 Program has recommenced with COVID restrictions easing. Skin checks will be conducted on 15 and 16 October. Manual handling sessions for staff were held in August.

StateCover's online WHS Self-Audit, was conducted on 7 August by Council's WHS & Risk Coordinator. This self-audit provides Council with valuable information regarding WHS Performance including benchmarking against previous performance and Council's peers. WHS & Risk Coordinator and StateCover representative met and tailored an action plan to Council's specific results and needs.

Statewide

The next round of Continuous Improvement Program [CIP] Workbooks have been released for 2020/2021. The CIP program is a Statewide Mutual Insurance Risk Management initiative that looks at how Council has integrated operational risk exposure areas against planning and reporting requirements. The WHS & Risk Coordinator will organise meeting times with relevant staff to complete workbooks. The CIP Workbooks for 2020/2021 are: Building & Assets, Events, Footpaths.

COVID-19:

Blayney Shire facilitated several drive through NSW Health COVID clinics with a high attendance from the public at both Blayney and Millthorpe. No positive cases were reported.

As COVID restrictions ease, Council continues to assist the public, schools, businesses, sporting groups, committees groups and camping grounds with enquiries on COVID information.

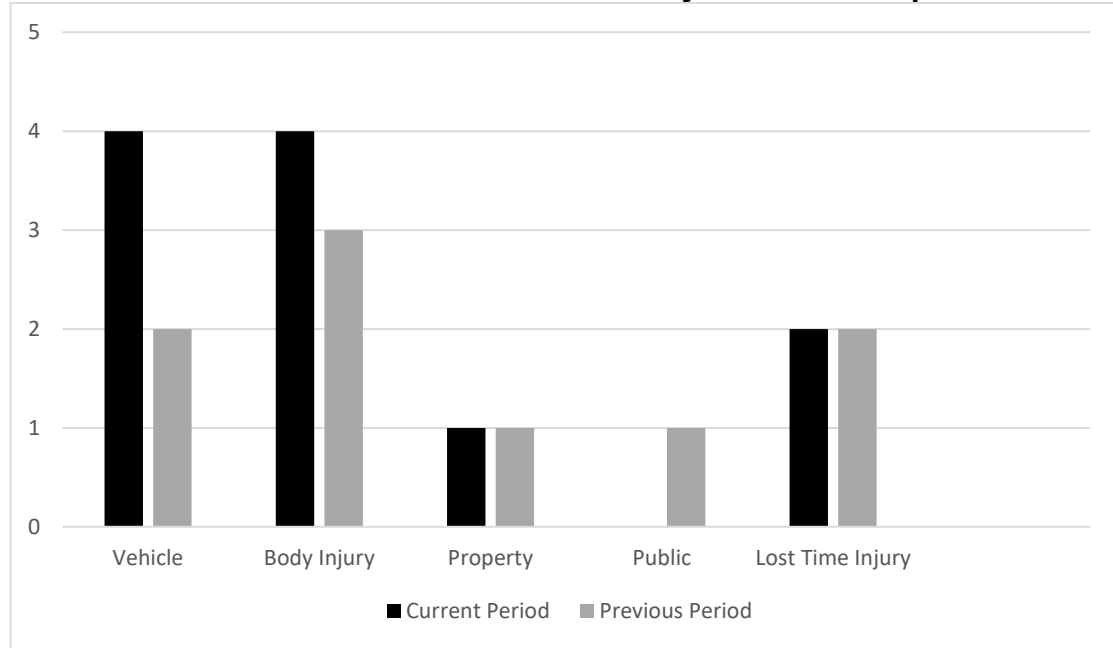
Council COVID registered plans are now under the Service NSW QR codes. Service NSW will manage attendance registers for locations and any recall information that may be required by NSW Health.

Hand sanitiser bollard at Heritage Park was vandalised along with an attempt to start a fire in the amenities sink. Incident notified to Police.

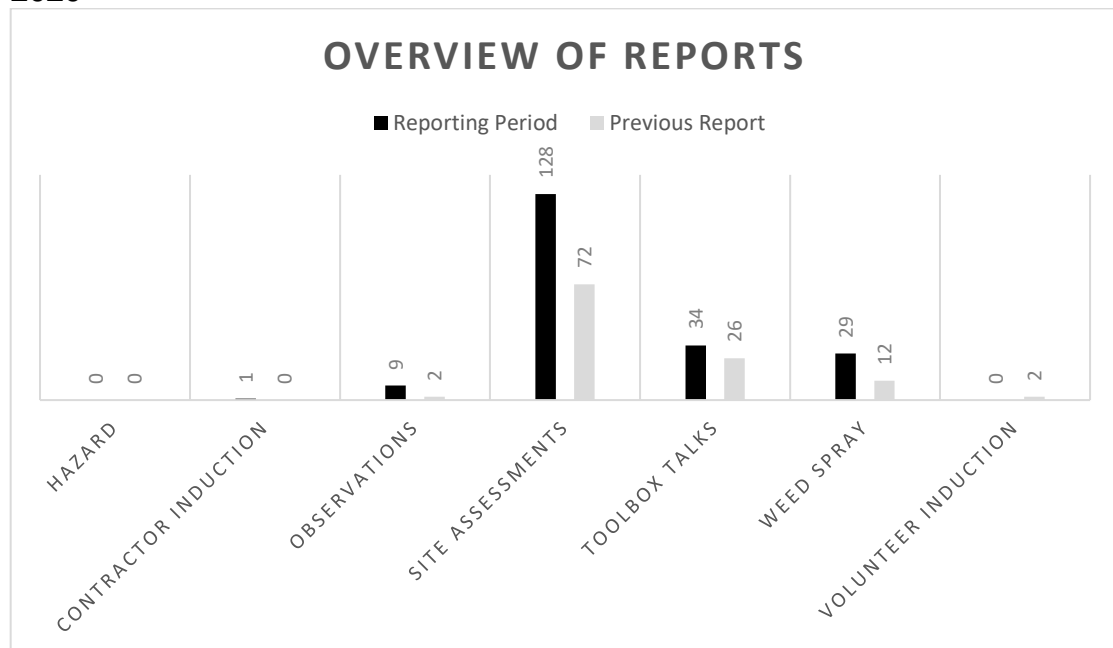
1. Performance Summary

WHS Performance Indicators	Current report period	Previous Reporting Period
Number of WHS Quality Improvements closed.	5	1
Number of WHS Quality Improvements remaining.	8	7
Number of training /refresher sessions attended by BSC staff.	3	1
Number of Workplace inspections	1	1
Number of Project Site Inspections conducted [contractor]	2	0
Number of StateCover audits conducted <i>WHS Self –Audit</i>	1	0
Number of StateWide initiatives conducted	0	0

2. Incidents notifications submitted for 1 July 2020 to 30 September 2020



3. Internal WHS documents submitted for 1 July 2020 to 30 September 2020



Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

05) WESTERN REGIONAL PLANNING PANEL**Department:** Executive Services**Author:** General Manager**CSP Link:** 5. The Natural Environment**File No:** GO.ME.1**Recommendation:**

1. That Council endorse and nominate Heather Nicholls – Director of Environmental Services, Cabonne Council as one Blayney Shire Council member of the Western Regional Planning Panel.
2. That Council endorse and nominate Cr Somerville as one Blayney Shire Council member of the Western Regional Planning Panel.
3. That Council endorse and nominate Councillor Ferguson as an alternate Blayney Shire Council member of the Western Regional Planning Panel.

Reason for Report:

To nominate Blayney Shire Council members to the Western Regional Planning Panel.

Report:

Regional Planning Panels provide independent, merit-based decision making on regionally significant development. Applications for regionally significant development are notified and assessed by local council professional staff and then determined by the relevant regional panel.

Regional panels determine the following types of regional development:

- development with a capital investment value (CIV) over \$20 million,
- development with a CIV over \$5 million which is:
 - council related,
 - lodged by or on behalf of the Crown (State of NSW)
 - private infrastructure and community facilities, or
 - eco-tourist facilities
- extractive industries, waste facilities and marinas that are designated development,
- certain coastal subdivisions,
- development with a CIV between \$10 million and \$20 million which are referred to the regional panel by the applicant after 120 days,
- modifications to regional development under Section 96 (2) of the *Environmental Planning and Assessment Act 1979* (the Act), and
- crown development applications (with a CIV under \$5 million) referred to the regional panel by the applicant or local council after 70 days from lodgement as undetermined, including where recommended conditions are in dispute.

Developments that meet State Significant Development criteria are not determined by regional panels.

Regional panels may also have a role in planning proposals (rezonings), where the Minister for Planning has appointed the regional panel to act as the relevant planning authority (RPA) or has requested the regional panel to undertake a pre or post Gateway review.

There are 6 regional panels across New South Wales including one for the Western region. Council is required to nominate a minimum 2 persons as nominees to the Regional Panel to sit on proposals within the Blayney Local Government Area.

In accordance with Schedule 4 of the Environmental Planning & Assessment Act 1979, at least 1 of the nominated persons must have expertise in planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering or tourism.

The General Managers of Blayney Shire Council and Cabonne Council have agreed each respective Director of Planning can be the other Council's professional nominee for the Western Regional Planning Panel.

Risk/Policy/Legislation Considerations:

The membership and operation of Regional Planning Panels is provided in the Environmental Planning and Assessment Act.

Budget Implications:

Councillors travel expenses in undertaking their duties, roles and responsibilities include representing Council are addressed in Council's Payment of Expenses and Provisions of facilities to Mayors and Councillors Policy.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

06) REPORT OF COUNCIL INVESTMENTS AS AT 30 SEPTEMBER 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 September 2020 be received.
2. That the certification of the Responsible Accounting Officer be received and the report be adopted.

Reason for Report:

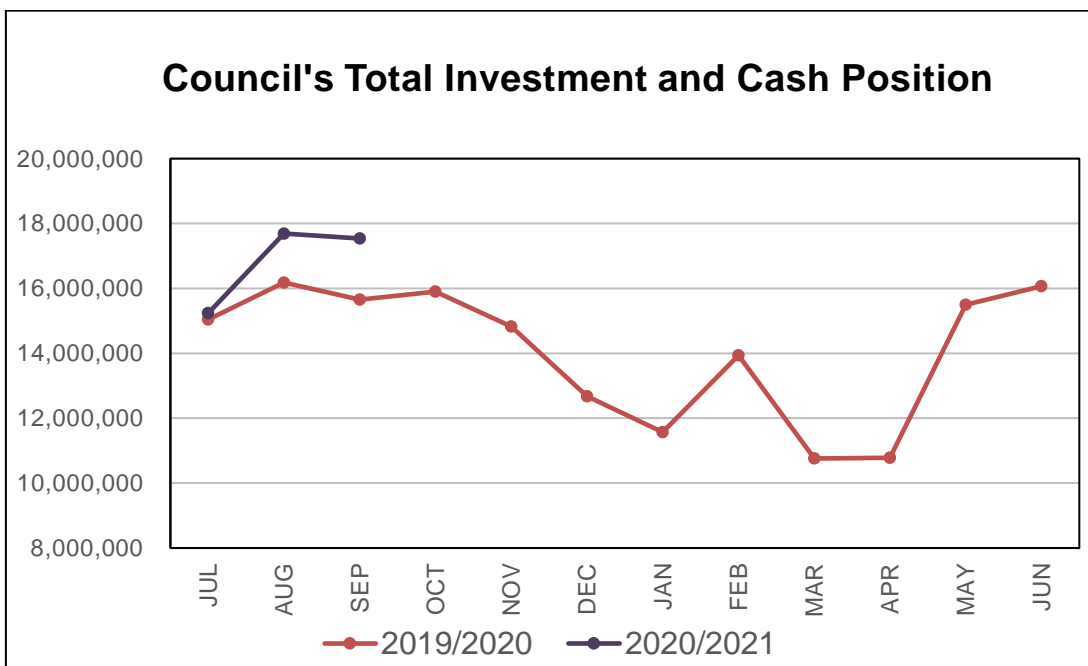
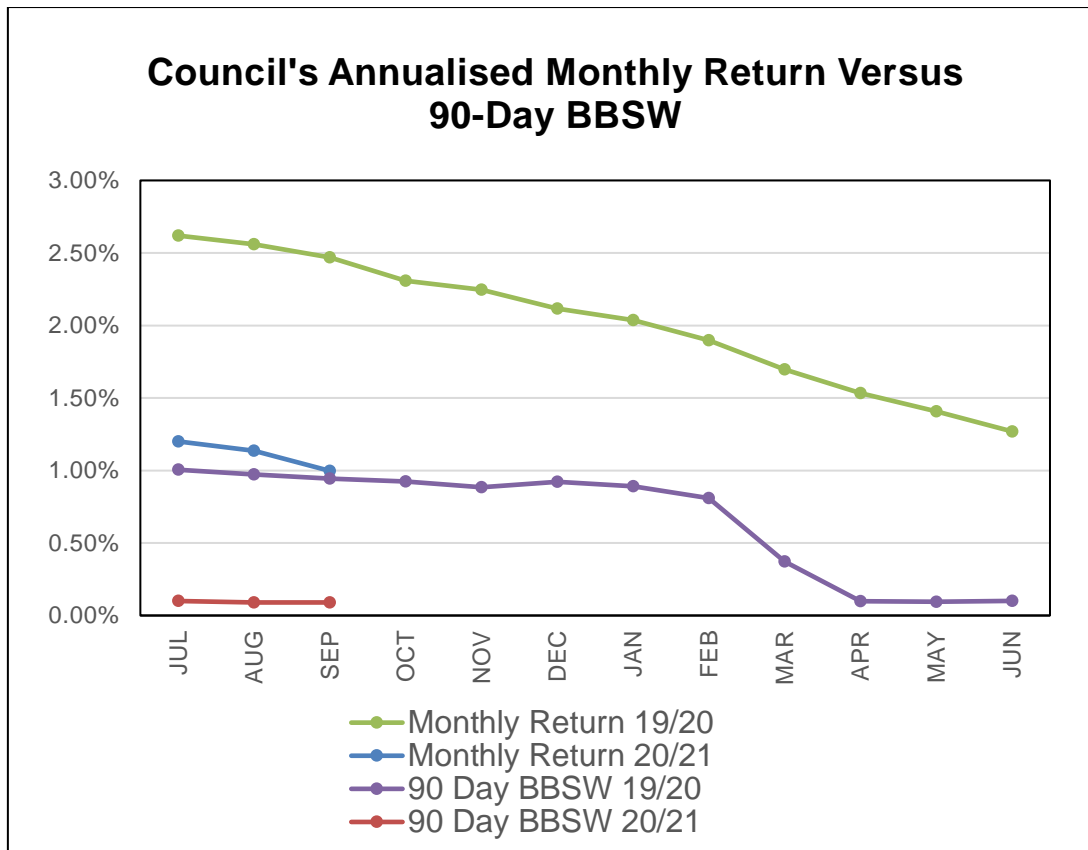
For Council to endorse the Report of Council Investments as at 30 September 2020.

Report:

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

Council's total investment and cash position as at 30 September 2020 is \$17,538,916. Investments earned interest of \$12,603 for the month of September 2020.

Council's monthly net return on Term Deposits annualised for September of 1.00% outperformed the 90 day Bank Bill Swap Rate of 0.09%.



REGISTER OF INVESTMENTS AND CASH AS AT 30 SEPTEMBER 2020				
Institution	Rating	Maturity	Amount \$	Interest Rate
Auswide Bank Ltd	A2/BBB	13/10/2020	500,000	1.700%
NAB	A1+/AA-	27/10/2020	500,000	1.040%
CBA	A1+/AA-	11/11/2020	500,000	0.720%
NAB	A1+/AA-	17/11/2020	500,000	0.970%
Macquarie Bank	A1/A+	24/11/2020	500,000	1.550%
Macquarie Bank	A1/A+	01/12/2020	500,000	0.850%
NAB	A1+/AA-	08/12/2020	500,000	0.960%
NAB	A1+/AA-	12/01/2021	500,000	0.960%
NAB	A1+/AA-	26/01/2021	500,000	0.850%
NAB	A1+/AA-	09/02/2021	500,000	0.830%
NAB	A1+/AA-	23/02/2021	500,000	0.770%
MyState Bank Ltd	A2/BBB+	02/03/2021	500,000	1.650%
AMP Bank	A2/BBB	16/03/2021	500,000	1.800%
Macquarie Bank	A1/A+	23/03/2021	500,000	0.850%
Bank of Queensland	A2/BBB+	30/03/2021	500,000	1.050%
CBA	A1+/AA-	13/04/2021	500,000	0.610%
CBA	A1+/AA-	27/04/2021	500,000	0.610%
NAB	A1+/AA-	11/05/2021	500,000	0.970%
NAB	A1+/AA-	25/05/2021	500,000	1.000%
Westpac	A1+/AA-	01/06/2021	500,000	0.940%
Westpac	A1+/AA-	08/06/2021	500,000	0.940%
Westpac	A1+/AA-	22/06/2021	500,000	0.980%
CBA	A1+/AA-	06/07/2021	500,000	0.680%
CBA	A1+/AA-	20/07/2021	500,000	0.680%
AMP Bank	A2/BBB	03/08/2021	500,000	0.800%
Westpac	A1+/AA-	17/08/2021	500,000	0.770%
NAB	A1+/AA-	31/08/2021	500,000	0.750%
CBA	A1+/AA-	14/09/2021	500,000	0.700%
CBA	A1+/AA-	28/09/2021	500,000	0.700%
Total Investments			14,500,000	0.954%
Commonwealth Bank - At Call Account ⁽¹⁾			2,504,882	0.450%
Commonwealth Bank Balance - General ⁽¹⁾			534,034	0.100%
TOTAL INVESTMENTS & CASH			17,538,916	
Benchmarks:	BBSW 90 Day Index ⁽¹⁾			0.090%
	RBA Cash Rate ⁽¹⁾			0.250%

1. % Interest rates as at 30/09/2020

Summary of Investment Movements - September 2020		
Financial Institution	Investment/(Recall)	Commentary
NAB	(502,340)	Term Deposit Matured 01/09/2020
NAB	500,000	Term Deposit Reinvested 01/09/2020
ME Bank	(507,978)	Term Deposit Redeemed 15/09/2020
CBA	500,000	New Term Deposit 15/09/2020
CBA	500,000	New Term Deposit 16/09/2020
CBA	500,000	New Term Deposit 22/09/2020
CBA	500,000	New Term Deposit 22/09/2020
Westpac	1,235	Quarterly Interest 24/09/2020
Bendigo & Adelaide	(503,596)	Term Deposit Redeemed 29/09/2020
CBA	500,000	New Term Deposit 29/09/2020
CBA	500,000	New Term Deposit 29/09/2020

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%	72%	10,500,000
A- Category	40%	10%	1,500,000
BBB+ Category ⁽²⁾	30%	7%	1,000,000
BBB Category ⁽²⁾	10%	10%	1,500,000
BBB- Category and below: Local ⁽³⁾ ADI's	5%	0%	-
2. BBB+ / BBB categories are not to exceed 30% collectively 3. ADI's located within the Local Government Area			14,500,000

Institution Limits	Rating	Policy Maximum \$	Current Holding
AMP Bank	A2/BBB	500,000	1,000,000
Auswide Bank Ltd	A2/BBB	500,000	500,000
Bank of Queensland	A2/BBB+	1,000,000	500,000
CBA	A1+/AA-	5,000,000	3,500,000
Macquarie Bank	A1/A+	2,900,000	1,500,000
MyState Bank Ltd	A2/BBB+	5,000,000	500,000
NAB	A1+/AA-	5,000,000	5,000,000
Westpac	A1+/AA-	5,000,000	2,000,000

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

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

CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER

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

Risk/Policy/Legislation Considerations:

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

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

Budget Implications:

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

Enclosures (following report)

Nil

Attachments (separate document)

Nil

07) INFORMATION TECHNOLOGY QUARTERLY REPORT**Department:** Corporate Services**Author:** Manager Information Technology**CSP Link:** 2. Local Governance and Finance**File No:** GO.ME.1**Recommendation:**

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

Reason for Report:

To update Council on Information Technology activities and performance for the period of July to September 2020.

Report:

The Information Technology team have been focused upon progressing through audit recommendations from the Cyber Security Audits (Internal, External and Wireless Assessment and Cyber Resilience Assessment), conducted in March 2020, All action items from the Internal, External and Wireless Assessment have been actioned and completed. The outstanding items from the Cyber Resilience Assessment continue to be actioned and includes the creation of various policies in line with Cyber Security NSW standards. The new policies being drafted include the Information Security Policy, Cloud Security Policy, Access Control Policy, Malware Policy and Patch Management and Vulnerability Management Process.

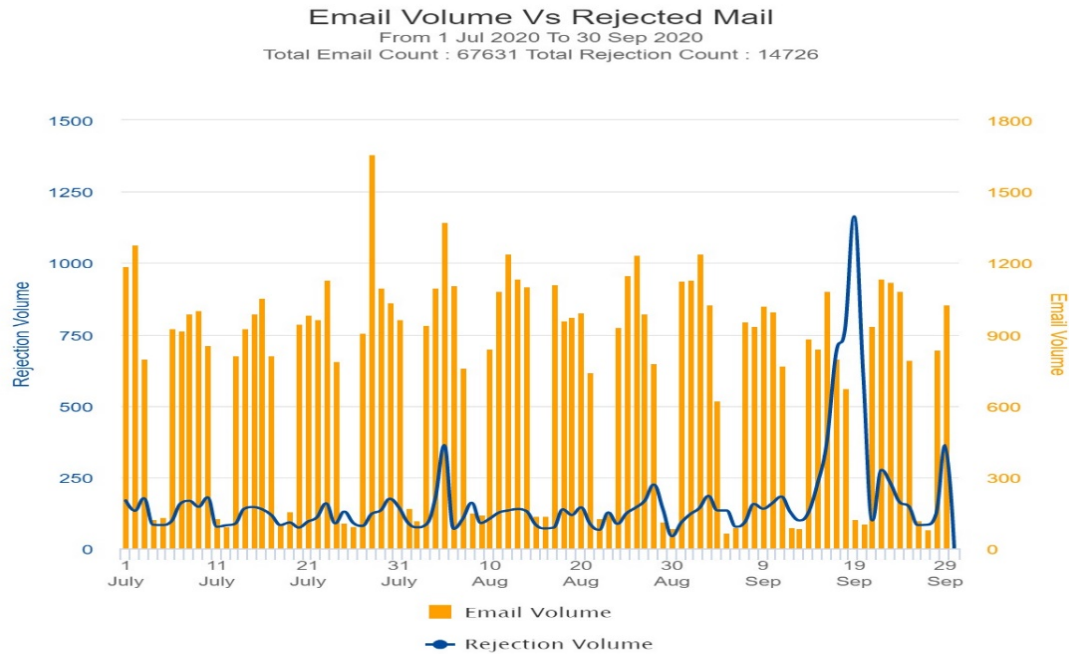
Training options for staff and Councillors on Cyber Security Awareness are being sought with the aim for training to be completed early 2021. The goal is to ensure Councillors and staff are aware of the latest Cyber Security threats and trends to better prepare themselves in the event of an attack.

The Anti-Virus Software on our internal network reported zero threats encountered for period 1 July 2020 to 30 September 2020.

Server hardware has been replaced in line with the hardware replacement lifecycle. This will ensure Council is running the latest technology to meet current and future workload demands. Current servers will be moved into our Disaster Recovery Environment and used in the event the Business Continuity Plan is invoked.

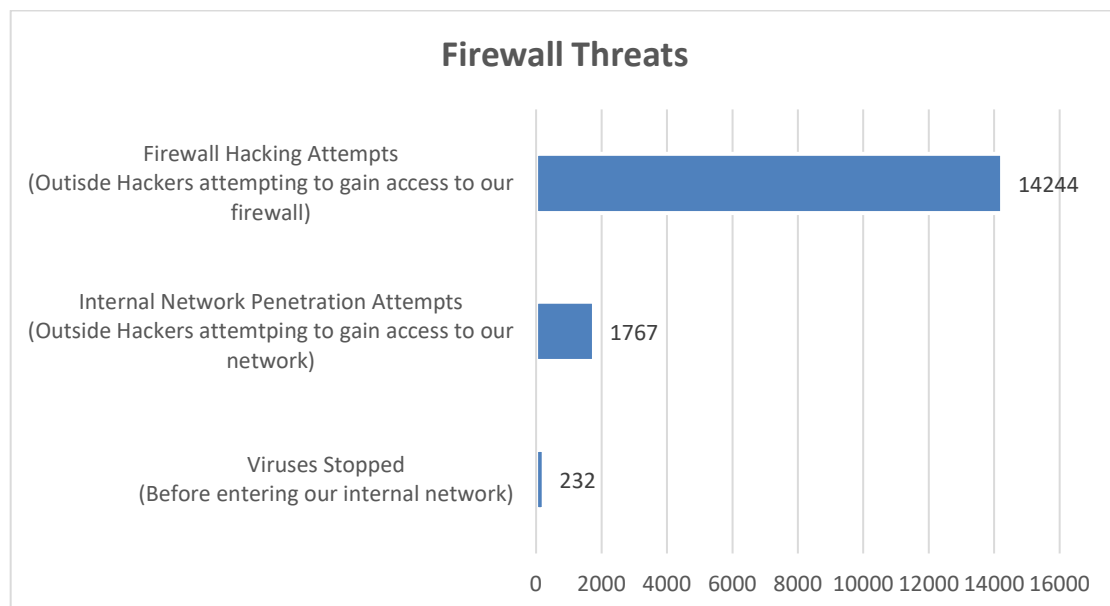
Email Filtering Statistics for July - September 2020

Council has not had any malicious emails enter our network with all being stopped by the email filtering service.



Firewall Statistics for July - September 2020

There have been no successful penetrations of our firewall or to our internal network, despite there being a high number of recent attempts.



Risk/Policy/Legislation Considerations:

Cyber threats are noted within Council's Corporate Risk Register with mitigating controls in place.

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

08) REVIEW OF COUNCIL POLICIES**Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 2. Local Governance and Finance**File No:** GO.PO.1**Recommendation:**

That Council

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

Reason for Report:

For the Council to review a number of Council's strategic policies.

Report:

Council has undertaken a review of policies recently.

The following policy has been reviewed with amendments of a substantial nature required. This policy, as amended, is proposed for public exhibition for a period of not less than 28 days.

No.	Policy Name	Nature of amendments
9A	Work Health and Safety	Policy has been reviewed and updated to better define the commitment by Council, responsibilities for duty holders and compliance obligations.

The following policies have been reviewed with amendments of a minor or statutory nature required. These policies, as amended, are proposed for adoption by Council.

No.	Policy Name	Nature of amendments
9I	Community Banner	Policy amendment proposes removal of definition of Commercial or profit enterprise, not referenced elsewhere in policy, and includes reference to economic benefit under definition of Community benefit.
1C	Code of Meeting Practice	Policy amendment required following advice from Office of Local Government (OLG) of extension to retention timeframe to 12 months for recordings of meetings on Council's website.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

- | | | |
|---|--|---------|
| 1 | Work Health and Safety policy | 4 Pages |
| 2 | Community Banner Usage policy | 5 Pages |
| 4 | OLG Circular 20-31 New requirement for councils to retain recordings of meetings on websites | 2 Pages |

Attachments (separate document)

- | | | |
|---|--------------------------|----------|
| 3 | Code of Meeting Practice | 36 Pages |
|---|--------------------------|----------|



Work Health and Safety Policy

Policy	9A
Officer Responsible	WHS and Risk Coordinator
Last Review Date	xx/xx/2020

Strategic Policy

Objective Purpose

~~*To demonstrate Council's commitment Council is committed to providing a safe and healthy working environment to ensure the health, safety and welfare of all persons for all our employees, volunteers, contractors, trainees, visitors including Council's elected members, that may be affected by works undertaken by Council, through the elimination or minimisation of risks. staff, trainees, contractors, volunteers and visitors by adopting principles defined in the Work Health and Safety Policy.*~~

Work Health and Safety Policy Statement

~~Blayney Shire Council is will demonstrate its commitment to Work Health and Safety to providing a safe and healthy work environment by:~~

- ~~*Promoting a culture where harm to people through work is unacceptable*~~
- Applying a risk management processes approach to all specific work related Council activities and initiating controls where risk is identified, monitoring, and recording the same;
- Ensuring compliance with relevant safety legislation, codes of practice and standards wherever possible;
- Conducting inspections of the workplace to identify and control hazards and report these outcomes to the monthly WH&S committee;
- ~~*maintaining safe systems of work, premises and facilities to achieve industry best practice and a safe working environment;*~~
- ~~*Ensuring*~~ when procuring or using plant, ~~*substances*~~, equipment and materials that they are fit for purpose, ~~*safe when used and handled*~~ properly, ~~*used, handled,*~~ stored and transported ~~*without risk to health and safety of personnel.*~~
- Identifying any foreseeable hazards Blayney Shire Council will provide appropriate information, training and resources to control or eliminate the risk;
- Promoting to all levels of management and staff to take responsibility, be accountable and assume authority for the management of work, health and safety within the workplace;
- ~~*Consulting ion with staff management, employees, volunteers, and contractors on work health and safety issues; to ensure they are included in the decision-making process impacting on work, health and safety including changes to work methods, workplace design or the purchase of new plant or equipment;*~~
- Provision and circulation of appropriate work, health and safety information;
- Ensuring those injured ~~*are assisted in returning*~~ to duties in a safe and timely manner;
- Providing an environment where health and safety issues can be discussed openly and freely.

- Council's Work Health and Safety Policy, practices and systems being monitored and reviewed to ensure the achievement of the highest safety standards possible. ~~at WHS committee meetings.~~

~~Blayney Shire Council will support and co-operate with regulatory bodies in case of any notifiable incidents occurring.~~

~~It is through this cooperation and understanding that together we are able to ensure the health and safety of all people.~~

Responsibilities

While the obligation for each person is different, all persons must ensure that the way they carry out their work does not interfere with the health and safety of themselves and other persons at the place of work.

Duty Holders

Person conducting a business or undertaking (Council)

Council must ensure, so far as is reasonably practicable, the health and safety of:

- Workers engaged, or caused to be engaged by the person, and
- Workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.

The General Manager has ultimate responsibility for the implementation of Council's WHS Protocol, reviewing overall organisational health and safety performance and health and safety performance review of executive management.

Officer duties

Officers of Council have a duty to exercise 'due diligence' to ensure that Council complies with its duty to reasonably ensure health and safety. Officers are defined as a person who makes, or participates in making decisions that affect the whole or a substantial part of a business or undertaking.

Council shall fulfill these responsibilities through the appointed General Manager, Directors, and Managers who are responsible and accountable for the safety of workers including contractors, volunteers and Council property under their control.

All workers

All workers have responsibility for:

- Taking reasonable care for their own health and safety;
- Taking reasonable care that their acts or omissions do not adversely affect the health and safety of other persons;
- Following all WHS legislation, Council safety requirements and relevant codes of practice;

- Co-operating with management in the support of promotion of Health and Safety in the workplace;
- Not undertaking any task without the relevant induction, training or competency;
- Promptly reporting all hazards, injuries and safety incidents;
- Presenting for work in a fit state that does not prevent them carrying out their duties in a safe and responsible manner.

Compliance with health and safety requirements

Council employees must observe Council’s health and safety policies, protocols, procedures and instructions. If a breach occurs, it may be necessary for disciplinary action in accordance with disciplinary procedures under the Local Government (State) Award.

Relevant Documents include

Work Health and Safety Regulation 2017
 Occupational Health and Safety Management System (OHMS) (AS/NZIS 4801)
 Work Health and Safety Act 2011
 Local Government Act 1993
 Corporations Act 2001
 Blayney Shire Council Health & Safety Committee Constitution
 Blayney Shire Council Risk Management Policy [and Plan](#)
[Blayney Shire Council Risk Management Procedure](#)

Adopted:	08/07/2002	Minute:198
Last Reviewed:	18/06/2007	Minute:131
	11/11/2013	Minute:1311/006
	21/05/2018	Minute: 1805/014
Next Reviewed:	19/04/2022	



Community Banner Poles Policy

Policy	91
Officer Responsible	Manager Tourism and Communications
Last Review Date	XX/XX/2020

Strategic Policy

Objective

To set out Council's policy for the approval of banner displays by community organisations wishing to utilise banner poles provided by Council.

1. PURPOSE

- 1.1 To describe Blayney Shire Council's approach to the approval of banner displays for installation on permanent purpose built banner poles, at designated community banner pole sites on Council managed land.
- 1.2 To establish a framework to assist community groups to determine if a proposed banner display can be approved for display at Council managed community banner pole sites.

2. DEFINITIONS

~~2.1 Commercial or for-profit enterprise is defined as any group that is NOT a non-profit organisation and which operates for the profit or gain of its individual members, whether these gains would have been direct or indirect.~~

2.2 Community benefit generally refers to an outcome, usually of an event, program or activity, that delivers an improvement to the welfare or well-being of a community or which seeks to reduce a social or economic disadvantage within a community. In broad terms a community benefit involves an activity which;

- Responds to needs of special populations such as persons living in poverty and other disenfranchised persons
- *Provides economic benefit to the entire community, foster community pride and strengthen community relationships*
- Aims to supply, augment or maintain a social services or program that would likely be discontinued or reduced without financial assistance
- Responds to a public health or public safety need
- Raises community awareness or involves education or research that improves overall community health and well-being
- Supports the active participation of residents in community and civic life who otherwise might face barriers which would prevent their participation usually generates a low or negative financial return

2.3 Community event is an event whose primary purpose is not to generate income for private gain and which is generally open to all residents to attend. Where an entry fee is payable, the level of the fee is generally determined on a cost recovery basis or alternatively has been imposed to raise funds for a charitable purpose usually in conjunction with an advertised community appeal.

2.4 Community or not-for-profit organisation is taken to refer to a community association or legal entity registered under the Associations Incorporation Act 2009 which has generally been established for the purpose of engaging in small-scale, non-profit and non-commercial activities. A not-for-profit organisation is one which does not operate for the profit or gain of its individual members, whether these gains would have been direct or indirect. A not-for-profit organisation may generate income to operate; including profit, but this

income must be used to carry out its purposes and cannot be distributed to owners, members or other private people.

3. SCOPE

This Policy applies to community organisations and other entities requesting to display banners at Council managed banner poles sites.

4. BACKGROUND

4.1 In response to requests from not-for-profit community organisations to erect banners in Blayney to promote community events and activities, Council has erected permanent banner poles.

5. PRINCIPLES

5.1 Council acknowledges that it has a role in assisting community organisations to raise awareness about issues impacting on residents and to promote activities and events which are undertaken for the community's benefit.

5.2 Council recognises that working in partnership with community groups to promote community events and to publicise public health and safety messages will complement Council's strategic and operational objectives.

5.3 Council has established community banner pole sites to provide safe and permissible locations for the display of banners by community organisations. Council's primary aim in establishing these sites is to support local community groups, with limited access to funds, to undertake promotional activities. Council will operate these sites in a way that minimises the cost to community organisations of accessing these sites for the display of banners deemed to be in the community interest.

5.4 Approval to display a banner at a designated community banner pole site managed by Council may convey an implied association between Council and the banner applicant. In providing a community organisation with access to a community banner pole site for the purpose of promotion and/or information sharing, there will be an obligation on the part of the banner applicant to ensure that the text of the banner is appropriate and is consistent with the principles outlined in this Policy. While the text and content of a banner remains the responsibility of the banner applicant, the banner applicant should be aware that the wording and intent of a banner displayed at a community banner pole site may be perceived by the community as communicating information which Council has approved or endorsed.

5.5 Where a banner which has been approved for display is subsequently determined to be in breach of the provision of Clause 4.2 or 4.4 Council reserves the right to remove and impound a banner without reference to the banner applicant.

6. BANNER SPECIFICATIONS

- 6.1 The banner specifications for banners may be adopted and amended as recommended, if and when required, by the General Manager.

7. SPONSORSHIP CONTENT

- 7.1 Council acknowledges that a degree of sponsorship is typically negotiated to assist in the staging of a banner campaign. The advertising slogan or corporate or organisational logo of such a sponsor may be allowed to occupy some space on a flag or banner. Such advertising on a banner can occupy a maximum of 10% of its total area. If there are a number of companies or organisations sponsoring an event, a maximum of 20% of the area of the banner may be allocated for advertising.

8. MESSAGE GUIDELINES

- 8.1 Messages on banners must relate to an event or activity that promotes community events affecting; or with the potential to affect the Blayney Shire LGA.
- 8.2 Potentially offensive messages or images will not be permitted.
- 8.3 Politically or religiously biased messages will not be permitted.
- 8.4 Material deemed to be inappropriate or offensive to the community at large, or a particular community sector, will not be permitted

9. SUITABLE EVENTS FOR PROMOTION

- 9.1 As a guide Council considers events including, but not limited to, those listed below to be suitable for promotion:-
- Community
 - Recreational
 - Cultural
 - Economic development
 - Educational
 - Artistic
 - Tourism
 - Sustainability
 - Environmental
 - Awareness raising
 - Commemorative
 - Celebratory

10. UNSUITABLE EVENTS FOR PROMOTION

10.1 Blayney Shire Council does not consider the following events suitable for promotion:

- Events promoting the manufacture, distribution and wholesaling of tobacco related products, pornography and addictive drugs;
- Events coordinated by those found guilty of illegal or improper conduct by ICAC or any other legal authority;
- Events which promote political fields; and
- Events that involve services or products that are considered to be injurious to health, or are seen to be in conflict with Council’s policies and responsibilities to the Community.

11. SPECIAL CONSIDERATIONS

11.1 Special consideration may be given at an ordinary meeting of Council, regarding promotion of a significant New South Wales company or advertising event, e.g. a bicentennial of a company, award recipients etc.

12. ADMINISTRATION OF POLICY

12.1 Administration of this policy will be conducted in conjunction with the Community Banner Poles Guideline.

13. APPROVAL PROCESS

13.1 Applications will be assessed on a merit basis in accord with requirements of policy.

END

Adopted:	Date: 13/07/2015	Minute:1507/005
Lasted Reviewed:	Date: 13/07/2015	Minute:1507/005
	15/02/2016	Minute:1602/019
	21/05/2018	Minute:1805/014
Next Reviewed:	Date: 19/04/2022	

Circular Details	20-31 / 14 August 2020 / A717113
Previous Circular	20-08 Release of the Guide to Webcasting Council and Committee Meetings
Who should read this	Councillors / General Managers / Council Governance Staff
Contact	Council Governance / (02) 4428 4100 / olg@nsw.gov.au
Action required	Council to Implement

New requirement for councils to retain recordings of meetings on their websites for a minimum of 12 months

What's new or changing

- Since 14 December 2019, councils have been required to webcast meetings of the council and committees that comprise only of councillors. The webcasting requirement may be met simply by posting an audio or video recording of the meeting on the council's website.
- The *Model Code of Meeting Practice for Local Councils in NSW* requires councils to specify in their codes of meeting practice, the minimum time period that a webcast recording will be made publicly available on a council's website but does not prescribe a minimum period.
- Based on NSW State Archives and Records guidance, the Office of Local Government's (OLG) [Guide to Webcasting Council and Committee Meetings](#) recommends that webcast recordings of meetings should be retained on councils' websites for a minimum of 12 months.
- The requirement for councils to retain recordings of meetings on their websites for at least 12 months is now prescribed under the *Local Government (General) Regulation 2005*.

What this will mean for your council

- Councils must amend their codes of meeting practice to require recordings of meetings of the council and committees that comprise only of councillors to be retained on the council's website for 12 months or more if they do not already provide for this.
- Councils are still required to livestream their meetings via an audio-visual link where members of the public are excluded from attending meetings due to COVID-19.

Key points

- The amendments to the Regulation require each meeting of a council or committee that comprises only of councillors to be recorded by means of an audio or audio-visual device.
- The recording is to be made publicly available on the council's website at the same time as the meeting is taking place, or as soon as practicable after the meeting.
- The recording of a meeting is to be made publicly available on the council's website for at least 12 months after the meeting.

Office of Local Government
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- At the start of each meeting of a council or council committee, the chairperson must inform the persons attending the meeting that the meeting is being recorded and made publicly available on the council's website, and persons attending the meeting should refrain from making any defamatory statements.
- These requirements do not apply to any part of a meeting that has been closed to the public in accordance with section 10A of the *Local Government Act 1993*.
- The requirements do not apply to joint organisations.

Where to go for further information

- Contact OLG's Council Governance Team by phone on (02) 4428 4100 or by email at olg@olg.nsw.gov.au.



Tim Hurst
Deputy Secretary
Local Government, Planning and Policy

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09) DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: PE.DI.1

Recommendation:

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

Reason for Report:

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

Report:

In accordance with clause 4.13, all returns disclosing interests of Councillors and designated persons, for the period 1 July 2019 to 30 June 2020, must be tabled at the first meeting of Council following the last day for lodgement of the returns. This date was 30 September 2020.

Accordingly, a copy of the returns will be tabled at this meeting for each Councillor, who held office at 30 June 2020, and the following designated persons as determined by the General Manager:

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

Risk/Policy/Legislation Considerations:

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

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

Budget Implications:

Nil

Enclosures (following report)

Nil

Attachments (separate document)

Nil

10) DEEDS OF LEASE - CADIA PIPELINE AGREEMENTS

Department: Corporate Services

Author: Director Corporate Services

CSP Link: 2. Local Governance and Finance

File No: CA.FC.1

Recommendation:

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

Reason for Report:

To obtain Council approval for the renewal of 2 pipeline leases with Cadia Holdings Pty Limited.

Report:

Council, in conjunction with Cabonne Council, has been in negotiation with Cadia Holdings Pty Ltd over the past 2 years over renegotiation of leases of land for pipeline. The pipelines serve as a concentrate delivery network to the De-watering facility.

There are 2 pipeline agreements in place as follows:

- Pipeline 1 (Dated 22 March 2001) – This lease expired 10 November 2018 and renewal option exercised for a further period of 21 years.
- Pipeline 2 (Dated 4 February 2014) – This lease expired 21 November 2018 and renewal option exercised for a further period of 21 years.

The delays in negotiations can be significantly attributed to the specialised valuation process required for such an arrangement and agreement for the basis of increase. In accordance with the lease, it was agreed that increases to lease amounts be based on movement in value of land, determined by the Valuer, as at Market Review dates in the lease.

Council has now received the Deeds of Lease for the Cadia Pipelines for execution and Council approval is sought to this end.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Council has provision in its 2020/21 Operational Plan for these arrangements and will be increased to reflect the increased lease fees and retrospective adjustments in the 2020/21 1st Quarterly Budget Review.

Enclosures (following report)

Nil

Attachments (separate document)

- | | | |
|----------|---|----------|
| 1 | Lease Negotiation Calculation | 1 Page |
| | <i>This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.</i> | |
| 2 | Schedule of Fees | 1 Page |
| | <i>This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.</i> | |
| 3 | Pipeline Agreement 1 | 12 Pages |
| | <i>This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.</i> | |
| 4 | Pipeline Agreement 2 | 30 Pages |
| | <i>This matter is considered to be confidential under Section 10A(2) (di) of the Local Government Act, as it deals with commercial information of a confidential nature that would, if disclosed (i) prejudice the commercial position of the person who supplied it.</i> | |

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

That the Director Infrastructure Services Monthly Report for October 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****Blayney to Demondrille Railway (Cowra Lines)**

The Mayor and Director Infrastructure Services recently attended a presentation from Transport for NSW with the other Councils and Members of Parliament The Hon. Paul Toole MP and The Hon. Steph Cooke, on the outcomes of the feasibility study for this strategic transport link.

The study identified that the reinstatement of the lines did not achieve the required Benefit Cost Ratio at present, but it showed potential, and TfNSW will now seek to undertake high level design and planning, which is expected to help refine costings and update the Business Case. This work may take 18 months and is subject to TfNSW work programs.

Major Works**Hobbys Yards Road**

Work has commenced with a substantial amount completed despite some significant weather delays. Sub-base is due to be stabilised week commencing 5 October with an estimated completion by the end of October.

Carcoar Street

Service locating has been completed and the drainage design for the southern end near Quamby Place has been completed. Pipes have been ordered for this and work is expected to commence in week of 26 October. Quotations for the relocation of a street light have also been sought and a contractor will be engaged in week of 19 October.

Newbridge Road

Project scoping has been completed and Geotechnical Engineer has been engaged for investigation and pavement design.

Victoria Street Underpass Footpath

Preliminary design for this project should be completed by week of 19 October. Suitable contractors will then be consulted for quotations.

Quotations for the relocation of two street lights have also been sought and a contractor will be engaged in week of 19 October. The footpath project is funded under the NSW Government Drought Stimulus program.

Recycled Water Pipeline

Works on the recycled water pipeline to King George Oval from the repurposed Cadia wastewater transfer line continue with an expectation that pipe laying works and the pump station shed will be completed in the week commencing 12 October. The pipeline work is funded under the Australian Government Drought Communities Program.

Carcoar Sportsground Amenities Block

All works on the carpark and driveway are now complete. The fence between the carpark and the playground has been quoted on and the contractor is hopeful to have this completed in November.

Central West Equestrian and Livestock Centre (CWELC)

The storage shed design has been finalised and is expected to be installed by the end of October.

Power upgrades are still not expected to be completed until November.

Boondaroo Road Bridge

Council has engaged suitably qualified contractors to commence the investigation works for the geotechnical investigation, survey and hydraulic data collection to inform a future Design and Construction Contract, for this bridge that was damaged by the storm event in February.

Road Maintenance Works

Road maintenance works including pot hole patching, vegetation management, signage, grading and drainage work have been undertaken on Burtons Lane, Carbine Road, Kings Plains Road, Kentucky Road, Geghamstown Road and Jones Lane.

Tallwood Road

Geotechnical investigation has commenced for heavy patching pavement design.

Errowanbang Road Culvert

With the dryer conditions, Natural Disaster repair work is due to recommence in the week of 19 October.

Footpaths

Footpath works in Neville have been completed. The works in Charles Street have commenced, which will link the existing Charles Street path to the Carcoar Street Shared path.

An RFQ is currently being prepared for the shared path in Boomerang Street, Millthorpe - Stage 3A of the Active Movement Strategy. The majority of this work will be completed with subcontractors as required under the funding provided through the NSW Government Drought Stimulus Program.

Assets

Assets staff are working with consultants Morrison Low to undertake a peer review of the recently completed Valuation of the Transportation Asset Class, with the objective of identifying any improvements in Council's adopted useful lives (depreciation) and Special Schedule 7.

Gravel road inspections have been completed. Staff are finalising the September Quarter reconciliations for all asset classes and preparing data for the Parks and Gardens Valuation for June 2021.

Parks and Recreation

With the increased wet conditions and resultant spring growth, the mowing of ovals and open space is taking a considerably greater amount of time.

Despite the wetter conditions staff continue to apply greater amounts of water than might have been expected, to the CWELC arena to maintain a suitable moisture profile. Evaporation rates indicate the level of activity to maintain this will be higher than anticipated, despite the increased wet climatic conditions.

Staff have undertaken significant activities with trees in the past month, with tree plantings undertaken at Newbridge Showground, replacement and maintenance of street trees in Blayney, Carcoar and Newbridge, and the removal of storm damaged trees at Dakers Oval, Blayney and Newbridge cemeteries.

Routine maintenance has continued with the flat leaf weed spraying program throughout the Shire, environmental weed control at Carcoar Cemetery, and the weeding of garden beds, and parks general maintenance.

Showground Eastern Access Road

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

The boundary fence and signage contract was awarded and installation works have commenced. The installation has been halted due to the wet ground conditions preventing vehicle access to the fence line and will recommence once favourable conditions are met.

An extension of time has been approved for these projects due to the wet weather.

These works have been funded under the NSW Government Showground Stimulus Program.

Newbridge Showground Pavilion Refurbishment

Demolition of the existing building is still underway. The majority of quotes have been received for the new building and are being assessed by Council staff. Final plans have been submitted to Planning and Environmental Services, and are awaiting issue of a Construction Certificate. This project is funded under the Australian Government Drought Communities Program.

Dakers Oval Cricket Fence

The Contractor engaged for the construction and installation of the new fence. Anticipates commencing work toward the end of November with works expected to be completed prior to Christmas. This project is funded under the Australian Government Drought Communities Program.

Dakers Oval Amenities Building

The building design work has been completed, and the slab design is currently underway. Fill material and sewer extension are yet to commence due to the wet ground conditions. This project is funded under the NSW Government Drought Stimulus Package.

Lyndhurst Recreation Grandstand and Cricket Pitch

The old shelter has been removed by the local community, with the local contractor expected to complete the new structure install shortly. The new cricket pitch has been installed and synthetic turf overlay due for completion at the time of writing this report. This project is funded under the Australian Government Drought Communities Program.

Belubula River Heritage Walk Stage 2.

A Request for Quotations has been issued, for the removal of noxious trees and weeds. This project is funded under the NSW Government Drought Stimulus Package.

Community Recreation Shelter at Redmond Oval

Works to relocate an existing shelter and table unit to a new location and remove old seating is expected to commence this month. Structural designs of the shelter are complete and responses to an RFQ should be returned in the week commencing 12 October. All contractors submitting a quote have indicated works can be completed by Christmas. New tables and seating are being fabricated from natural timber and will be manufactured to enable wheelchair access. This project is funded under the Australian Government Drought Communities Program.

Blayney Tennis Club Amenities Building

The old toilet block has been removed and services capped. Work is now underway for the new slab. This project is funded under the Australian Government Drought Communities Program.

Stillingfleet Netball Court Resurfacing

A separate report is provided for Councillor consideration.

Wastewater

The additional 33kW solar system installation is commencing with completion of cable installation and posts to mount the new arrays.

There has been issues with a build-up of Red Azola (aquatic weed) choking our final dam and cells of the wetlands. Staff have raked the weed out and we are looking for a suitable means to manage this into the future.

The wet weather has increased the flows through the plant. All treatment processes are working satisfactorily and licence conditions still being met.

Fleet and Plant

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

Requests for Tender for the replacement of a Truck (P31) and Dog Trailer (P171) have now closed and are currently being assessed by staff. There were 5 submissions, of which 2 were non-conforming and 3 have been shortlisted. A decision is expected in the coming week following an inspection of some of the vehicles.

Requests for Quotations for the replacement of 2 Kubota mowers have been sent to 3 suppliers and a selection made in the coming weeks.

Requests for Quotations for the purchase of a Plant Implement Trailer was sent to three manufacturers. This has been awarded to a suitable manufacturer, with a lead time of 4-6 weeks.

Risk/Policy/Legislation Considerations:

Information report only

Budget Implications:

Information report only

Enclosures (following report)

Nil

Attachments (separate document)

Nil

12) CENTRAL WEST JO - REGIONAL BITUMEN EMULSION CONTRACT**Department:** Infrastructure Services**Author:** Director Infrastructure Services**CSP Link:** 1. Public Infrastructure and Services**File No:** GO.ME.1**Recommendation:**

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

Reason for Report:

To seek Council endorsement of the participation form to participating in the regional purchase of bitumen emulsion through Central NSW Joint Organisation (CNSWJO).

Report:

Council has participated in regional contracts for the purchase of bitumen emulsion for the past 16 years through Centroc and Council's endorsement to the Director of Infrastructure's provision of support for the next contract which will commence 1 April 2021.

The Supply Management Group first decided to conduct a procurement process for a regional contract for bitumen emulsion in 2004 which culminated in a three year regional contract in 2005 with the process repeated at the completion of that contract in 2008, and again in 2011, 2014 and 2018. The latest contract has also been extended for 12 months and is due to conclude on 31 March 2021. As the conclusion of the current contract nears, CNSWJO seeks to repeat the procurement process on behalf of its members.

The involvement by CNSWJO members procuring under this arrangement from 1 July 2018 to 30 June 2020 is as follows:

Council	Participating in Current Contract
Bathurst	Yes
Blayney	Yes
Cabonne	Yes
Central Tablelands Water	No
Cowra	Yes
Forbes	Yes
Lachlan	Yes

Oberon	Yes
Orange	Yes
Parkes	Yes
Weddin	Yes

At its meeting on 27 August 2020, the CNSWJO Board resolved to commence a new procurement process in 2020 with the intent for a new contract to commence on 1 April 2021.

Should Council agree to participate in a regional procurement process, CNSWJO will issue a Request for Tender/Quotation (RFx) on behalf of member councils, and proceed to a contract.

Advice regarding service and pricing under a regional contract will be provided to members.

Benefits of a regional approach include:

- cost savings to members through bulk procurement;
- time saved by Council staff through centralised coordination and
- income stream to CNSWJO from the Service Provider/s with a view to reducing fees

Member councils have the opportunity to be involved in the procurement process, where the Evaluation Committee consists of representatives from member councils, with CNSWJO staff acting as the procurement facilitator.

CNSWJO manages the procurement process including all costs of advertising and response assessment and takes a contract management fee. At its 27 August meeting the CNSWJO Board resolved to include a 0.5% contract management fee to be recouped from the Contractor on a quarterly basis on the value of spend by each participating council.

Through the Best Practice in Aggregated Procurement Program, CNSWJO and the other participating JOs are reviewing ways to generate income for the JO conducting aggregated procurement. Outcomes of this review will be provided to CNSWJO member councils in due course.

Risk/Policy/Legislation Considerations:

An email was received, and the Director Infrastructure Services has signed the Participation Form to be involved in the regional purchase of bitumen emulsion through Central NSW Joint Organisation (CNSWJO).

Upon completion of the regional procurement, a report will be provided to Council seeking its approval to sign a contract with a successful supplier.

Budget Implications:

Expenditure on the supply and delivery of bitumen emulsion is accounted for within Council's existing budget allocations.

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

Department: Infrastructure Services

Author: Director Infrastructure Services

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

File No: PR.ME.1

Recommendation:

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

MINUTES OF THE BLAYNEY SHIRE SPORTS COUNCIL MEETING HELD ON THURSDAY 20 AUGUST 2020 AT THE BLAYNEY SHIRE COMMUNITY CENTRE

Meeting commenced at 6.00pm.

PRESENT

Cr David Kingham (Chair), Cr John Newstead, Grant Baker (Blayney Shire Council), Christine Smith (Heritage County Schools PSSA), Cassandra Hopping (Blayney Little Athletics), Geoff Redmond (Blayney Bears Junior Rugby League and Blayney Shire Horse Sports), Lorraine Dunkley (Lyndhurst Village Committee), Julie Prosper (Blayney Cricket Club and Blayney Netball Association), Rosemary Reid (Blayney A&P), Cheryl Rutherford (Blayney Tennis), Cr Scott Ferguson, Rebecca Scott (Blayney Senior Football Club),

APOLOGIES

RECOMMENDED: That the apologies submitted on behalf of Gareth Wilson (Sailability Club), Paige Dickie (Blayney Little Athletics), Bill Burdett (Blayney Town Association) and Adam Hornby (Blayney Senior Rugby League) be accepted.

(Cr John Newstead / Rosemary Reid)

MINUTES FROM PREVIOUS MEETING – 20 FEBRUARY 2020

RECOMMENDED: That the minutes from the previous Blayney Shire Sports Council Meeting held on 20 February 2020 be adopted.

(Julie Prosper / Lorraine Dunkley)

MATTERS ARISING FROM THE MINUTES

ACTION: Sport and Recreation Masterplan to be discussed at the November Sports Council Meeting.

DISCLOSURES OF INTEREST

Nil

EVENT CALENDAR UPDATE

- Little Athletics calendar to be sent to Blayney Shire Council.
- Soccer competition running through to September.
- 11 October – Tennis Tournament.

GRANT FUNDING UPDATE

As Tabled.

PROJECTS UPDATE

As Tabled.

CORRESPONDENCE

Lorraine Dunkley – Play by the Rules Awards

ACTION: Lorraine Dunkley to provide information to Blayney Shire Council.

MEMBERSHIP

- Nomination of Olivia Bird as representative from Blayney Bears Senior Rugby League received.
- In accordance with the requirements of section 355 Committee of Blayney Shire Council, Council must consider all nominations for membership..

RECOMMENDED: That Blayney Shire Council accept the nomination of Olivia Bird as the new representative for Blayney Bears Senior Rugby League on the Blayney Shire Sports Council.

(Julie Prosper / Geoff Redmond)

- Nomination of Ashley Clark as representative from Lyndhurst Cricket Club received.
- In accordance with the requirements of section 355 Committee of Blayney Shire Council, Council must consider all nominations for membership.

RECOMMENDED: That Blayney Shire Council accept the nomination of Ashley Clark as the new representative for Lyndhurst Cricket Club on the Blayney Shire Sports Council.

(Lorraine Dunkley / Cr John Newstead)

GENERAL BUSINESS

10.1 – SPORTING GROUND HIRE FEES

Concern about King George Oval casual hire fee for minimal hours is too expensive for casual use.

Concern about school's seasonal hire charge being too high.

ACTION: Christine Smith to provide an email to Blayney Shire Council offering details of concerns related to usage fees.

RECOMMENDED:

That Council review:-

a. part day usage charges for sporting grounds.

b. the seasonal hire charge for school use of sporting grounds.

(Christine Smith / Rebecca Scott)

10.2 – UPDATES

Addressed in Grant Funding and Project Update Reports.

10.3 – SPORTING GROUNDS – BLAYNEY SHOWGROUND

Rebecca Scott spoke about issues related to hiring of Blayney Showground by both horse events and soccer clubs at the same time.

It was noted the matter had been resolved.

10.4 - RACE ENTERTAINMENT

Blayney Showground (CWELC) User Group meeting had agreed to allow. The matter was noted by Sports Council.

NEXT MEETING

Next meeting will be held Thursday 19 November 2020 at 6.00pm in the Blayney Shire Community Centre.

MEETING CLOSE

There being no further business the meeting closed at 7.20 pm.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

14) MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 9 OCTOBER 2020

Department: Infrastructure Services

Author: Director Infrastructure Services

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

File No: TT.ME.1

Recommendation:

1. That the minutes of the Blayney Traffic Committee Meeting, held on Friday 9 October 2020, be received and noted.
2. That Council:-
 - a. Support the request from WIRES in principle subject to the use of Transport for NSW (TfNSW) approved Injured Wildlife sign (G6-361-1),
 - b. The signage be installed in accordance with relevant standards,
 - c. Council provide a quote to WIRES for the installation of the signs, and,
 - d. Council refer the request for wildlife signage on the State classified network to TfNSW for consideration.
3. That Council endorse the Traffic Management Plan for the Bathurst Cycling Club – Trunkey Creek Loop event on Sunday 3 October 2021. The event shall be classified as a Class 2 event, and approved subject to the conditions detailed in the Director Infrastructure Services' Report.
4. That Council approve the installation of school bus route signage along Spring Hill Road to the Cabonne Council boundary in accordance with Australian Standards, subject to approval of the route.
5. That Council refuse the request to change Stop signs to Give Way signs at the Carcoar/Browns Creek Road intersection.
6. That parking be restricted, and No Stopping signs be installed across the driveway access to the Westside Petroleum Service Station, being 27 Orange Road, Blayney.
7. That Council:-
 - a. Establish a 10t Load Limit across Vittoria Road from Park Street, Millthorpe to the Cabonne Local Government Area boundary, to mitigate any further deterioration to Vittoria Road, and provide a consistent message to residents/local landholders and transport operators.
 - b. Installation Truck Prohibited (R6-10-2) signage in accordance with Road Rule 104, and a supplementary 10t Gross Limit plate, at the Cabonne LGA boundary, at Park Street Millthorpe, and at side road interfaces in the rural area, beyond the Village of Millthorpe.
 - c. Write to landholders adjoining Vittoria Road, advising of its decision, and explaining that access remains available to service their property.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL TRAFFIC COMMITTEE
MEETING HELD IN THE BLAYNEY SHIRE COUNCIL COMMUNITY
CENTRE ON 9 OCTOBER 2020, COMMENCING AT 10:00AM**

PRESENT

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

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

APOLOGIES

Nil

CONFIRMATION OF MINUTES**MINUTES OF THE PREVIOUS MEETING BLAYNEY TRAFFIC COMMITTEE
MEETING HELD 7 AUGUST 2020**

RECOMMENDATION: That the Minutes of the previous Traffic Committee Meeting held on Friday 7 August 2020, be confirmed to be a true and accurate record of that meeting.

(Reg Rendall/Michael Chooi)

MATTERS ARISING FROM THE MINUTES

Nil.

REPORTS**20201009:01 REQUEST - INSTALLATION OF WILDLIFE SIGNAGE**

RECOMMENDATION: That Council:-

1. Support the request from WIRES in principle subject to the use of Transport for NSW (TfNSW) approved Injured Wildlife sign (G6-361-1),
2. The signage be installed in accordance with relevant standards,
3. Council provide a quote to WIRES for the installation of the signs, and,
4. Council refer the request for wildlife signage on the State classified network to TfNSW for consideration.

(Reg Rendall/Angie Drooger)

ACTION: Road Safety Officer to provide education support.

**20201009:02 STREET EVENT - BATHURST CYCLING CLUB RACE -
2021**

RECOMMENDATION: That Council endorse the Traffic Management Plan for the Bathurst Cycling Club – Trunkey Creek Loop event on Sunday 3 October 2021. The event shall be classified as a Class 2 event, and approved subject to the conditions detailed in the Director Infrastructure Services' Report.

(Angie Drooger/Reg Rendall)

ACTION: Council to follow up on detailed TCP/TMP (Condition e.).

ACTION: Bathurst Cycling Club to direct application to NSW Police.

20201009:03 PROPOSED BUS ROUTE - SPRING HILL ROAD

RECOMMENDATION: That Council approve the installation of school bus route signage along Spring Hill Road to the Cabonne Council boundary in accordance with Australian Standards, subject to approval of the route.

(Cr Bruce Reynolds/Michael Chooi)

ACTION: TfNSW to provide advice on the route approval process for rural school bus routes.

20201009:04 REGULATORY SIGNAGE - CARCOAR AND BROWNS CREEK ROADS

RECOMMENDATION: That Council refuse the request to change Stop signs to Give Way signs at the Carcoar/Browns Creek Road intersection.

(Michael Chooi / Reg Rendall)

ACTION: Council to refer matter to NSW Police for enforcement purposes.

ACTION: Council to review existing signage for consistency and any excess signage on all approaches to the intersection.

20201009:05 REGULATORY SIGNAGE - NO STOPPING ORANGE ROAD

RECOMMENDATION: That parking be restricted, and No Stopping signs be installed across the driveway access to the Westside Petroleum Service Station, being 27 Orange Road, Blayney.

(Michael Chooi / Reg Rendall)

20201009:06 REGULATORY SIGNAGE - LOAD LIMIT VITTORIA ROAD

RECOMMENDATION: That Council:-

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

(Angie Drooger / Cr Bruce Reynolds)

TRAFFIC REGISTER

20171215:11 NEVILLE ROAD SPEED ZONE

ACTION: Council to write to TfNSW – Alistair Lunn chasing up Neville Speed Zone Assessment (20171215:11).

20190405:05 SPEED AWARENESS CAMPAIGN WITH NEWCREST

ACTION: Remove from Traffic Register.

20190607:06 MANDURAMA – MANDURAMA ROAD SPEEDING COMPLAINT

ACTION: Council to install Traffic Counters on Mandurama Road between 50km signage and Railway Crossing.

GENERAL BUSINESS**20201009:07 RURAL BUS STOP - HOBBS YARDS ROAD**

The matter was deferred to the December meeting.

ACTION: Council to review any existing “School Bus Route” signage along the route.

20201009:08 INTERSECTION - LUCKS LANE, BLAYNEY

ACTION: That Council refer the matter to Transport for NSW for remediation.

20201009:09 REGULATORY SIGNAGE - CARCOAR ROAD, CARCOAR

ACTION: That Council seek TfNSW approval to replace the existing Derestricted Speed Limit (r4-2) signs on Carcoar Road, Carcoar, with End 80 (r4-12) and Reduce Speed to Conditions (g9-318-1) signs.

20201009:10 ADVISORY SIGNAGE - HORSE AND RIDER

ACTION: That Horse and Rider (W5-243n) signage be installed on Hobbs Yards Road and Three Brothers Road on the approaches to Hobbs Yards, in accordance with AS1742.2..

20201009:11 SPEEDING CONCERNS - VICTORIA STREET, MILLTHORPE

ACTION: Council to provide Metrocount raw file dataset to TfNSW – Angie Drooger to investigate school zone compliance.

HEAVY VEHICLE USE - GLENORIE ROAD, MILLTHORPE

Noted.

SPEED LIMIT – FOREST REEFS ROAD

Discussions on criteria for change in speed zone.

20201009:12 BEND SIGNS ON ROADS

It was noted that Curve Speed Advisory signs are not used in NSW on unsealed roads.

ACTION: Council to assess Errowanbang Road for Curve Speed Advisory signs and prepare report back to December meeting.

MID WESTERN HIGHWAY

Discussion on “Linfern” driveway approaches on Mid-Western Highway "The Bends" realignment.

INFORMAL MATTERS

**20201009:13 MONTHLY ROAD SAFETY REPORT - ANDREW CUTTS,
ROAD SAFETY OFFICER - SEPTEMBER 2020**

That the information be noted.

**20201009:14 CHIFLEY LOCAL AREA COMMAND - SERIOUS/FATAL
MVA REPORT - JULY 2020**

That the information be noted.

**20201009:15 CHIFLEY LOCAL AREA COMMAND - SERIOUS/FATAL
MVA REPORT - AUGUST 2020**

That the information be noted.

FUTURE MEETING DATES - 2020

- Friday, 11 December 2020

There being no further business, the meeting concluded at 12:35pm.

Enclosures (following report)

Nil

Attachments (separate document)

Nil

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

Department: Planning and Environmental Services

Author: Manager Planning

CSP Link: 5. The Natural Environment

File No: DB.AB.1531

Recommendation:

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

Executive Summary

Council's consent is sought for the ongoing use of an existing cubby house at 555 Forest Reefs Road, Forest Reefs, being Lot 2 DP1254385 (the 'subject property').

The existing cubby house was erected without development consent in December 2019 / January 2020.

The existing cubby house is located in the north western corner of the subject property. Specifically, the proposed cubby house is set back 1.9m from the adjoining rural property to the west at 573 Forest Reefs Road and 20m (approx.) from the adjoining large lot residential property to the north at 569 Forest Reefs Road.

The subject property comprises a total area of 2ha. The property has been developed with a dwelling and detached garage / shed throughout 2020.

While the adjoining property at 573 Forest Reefs Road continues to be used for the purpose of primary production, it is noted that it forms part of the large lot residential area which extends along Forest Reefs Road between the villages of Millthorpe and Forest Reefs.

The *Blayney Shire Development Control Plan 2018* includes provisions which deal specifically with outbuildings at Part C3.2. The key objectives seek to ensure that outbuildings:

- Will not dominate views from the street or key public places;
- Will be in keeping with the scale and setting of the relevant land use zone, streets and locality character;
- Will integrate with the dwelling design and surrounding landscaping and buildings; and
- Will not significantly impact on the amenity of neighbouring properties (e.g. shadow, noise)

Part C3.2 also includes a note stating that “*generally, impacts from these structures increase on smaller lots and decrease on larger lots*”.

The acceptable solutions for outbuildings in large lot residential areas with lot sizes greater than 1ha does not include a minimum setback requirements from an adjoining property.

Given the proximity of the existing cubby house to the properties at 573 and 569 Forest Reefs Road, the Development Application was referred to those land owners only.

One objecting submission was received. In general, the submission states that the existing cubby house should be re-sited to be a minimum of 5m from the common boundary. However, the submission is detailed and addresses a number of issues. The submission should be read in its entirety.

Notwithstanding the objecting submission, it is considered that the ongoing use of the cubby house in its current location should be approved subject to the recommended conditions of consent. The relevant matters are addressed in the body of this report.

Background

The proposed cubby house was constructed in December 2019 / January 2020 without Development Consent or meeting the relevant exempt development provisions under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

The matter was raised with Council staff immediately following the 2019 Christmas break.

Council staff subsequently wrote to the landowner / applicant on 6 January 2020 advising that if the cubby house did not meet the relevant exempt development provisions, it would be necessary to lodge a Development Application with Council.

Given that the cubby house has already been constructed, Council is able to consent to its ongoing use only.

A Construction Certificate cannot be issued for a building retrospectively.

Notwithstanding, Council’s Senior Building Surveyor has recommended conditions of consent to ensure the structural adequacy of the cubby house.

Proposed Development

Council’s consent is sought for the ongoing use of an existing cubby house at 555 Forest Reefs Road.

The existing cubby house is depicted in Figure 1 below. A site context plan is provided at Figure 2.



Figure 1: The Cubby House



Figure 3: Site Context Plan (Red star indicates approx. location of cubby house. Refer to site plan for precise details)

ASSESSMENT - ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

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

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

Section 4.15 - Evaluation

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

Blayney Local Environmental Plan 2012

Part 1 – Preliminary

Clause 1.2 Aims of Plan

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

Clause 1.7 Maps

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

Clause 1.9A – Suspension of Covenants, Agreements and Instruments

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

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

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

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

A search of Council's records indicates that the subject property is not affected by any of the foregoing covenants, instruments, agreements or plans. It is noted that the subject property is affected by a Section 88B instrument which states:

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

The authority empowered to release, vary or modify this restriction is Blayney Shire Council.”

It is noted that the cubby is located outside the area denoted (C) on the Deposited Plan.

Notwithstanding, it is considered that the foregoing restriction is not applicable to a cubby house as it is not a dwelling house, cottage or other erection or construction which is for the purpose of or capable of use as a residential premises or residential use.

Part 2 – Permitted or prohibited development

Clause 2.3 – Zone objectives and Land Use Table

The subject property is zoned R5 Large Lot Residential zone.

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

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

It is considered that the proposed development is not inconsistent with the foregoing objectives.

Part 6 – Additional local provisions

Clause 6.2 Stormwater management

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

Given the negligible size of the cubby house, it is considered that it will not result in any stormwater impact.

Clause 6.4 Groundwater vulnerability

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

The cubby house will not have a detrimental effect on ground water.

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.

No essential services are required for the cubby house.

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 been rezoned, subdivided and developed with a dwelling, contamination would have previously been considered.

It is unlikely that the area in which the cubby house is located would be contaminated.

Further, it is noted that the cubby house is elevated off the ground, minimising any possible exposure path.

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

Not applicable.

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

Blayney Shire Development Control Plan 2018

Part C – Residential

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

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

C3.1 Use

C3.1 seeks to ensure that outbuildings, garages and sheds are not to be used as a dwelling, habitable room, or home business / industry without approval. A condition of consent will be applied requiring that the cubby house only be used for the purpose of a cubby house.

C3.2 Visual Impact / Amenity

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

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

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

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

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

- A ridge height of 6m from existing ground level;
- A cumulative floor area greater than 300m²; and

- A minimum setback of:
 - a. 10m; or
 - b. Where the dwelling on the allotment is within 50m of a public road, the outbuilding should be located behind the front building line of any dwelling.

The proposed development is consistent with the relevant acceptable solutions.

Notably, the foregoing requirements do not require a minimum side boundary setback.

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)**
Council's Senior Building Surveyor has identified the following requirements must be applied to ensure the structural adequacy of the existing: cubby house:
"The building work must be carried out in accordance with the requirements of the Building Code of Australia. In this regard, the following work is required to be carried out prior to the use of the cubby house:-
 1. *Submission to Council of a structural engineer's certificate of adequacy for the cubby house:*
 2. *The provision of stairs to the cubby house that that comply with Part 3.9.1 Stairway and Ramp Construction, of the Building Code of Australia (Volume 2) in particular, Clause 3.9.1.2 Stairway Construction and Clause 3.9.1.4 Slip resistance; and*
 3. *The provision of handrails to the stairs and balustrades to the deck as they are more than 1 metre above ground level, that comply with Part 3.9.2 Barriers and Handrails of the Building Code of Australia (Volume 2) in particular, Clause 3.9.2.3*

Construction of Barriers to Prevent Falls and Clause 3.9.2.4 Handrails.”

- **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 land owners of 573 and 569 Forest Reefs Road, Millthorpe.

One submission was received. In summary, the objection makes the following key points:

- The minimum setback of the cubby house should be 5m (being the minimum setback for a cubby house being constructed as exempt development under Clause 2.17 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008);
- The current location of the cubby house shows blatant disregard for and complete lack of consideration for the privacy and rural ambience;
- As neighbours, we value our privacy and right to rural ambience, we respect that and afford each other the same consideration;
- Spray drift may impact the cubby house;
- Lambing ewes camp under the trees near the cubby house. Close human traffic, noise and activity will disrupt lambing ewes and mothers of new born lambs potentially leading to abandonment and mismothering, resulting in production losses; and
- A subdivision plan has been prepared for the property. The privacy, rural ambience and appeal of my subdivision are diminished by the location of the cubby house.

The concerns outlined by the objector are acknowledged.

Notwithstanding, it is considered that in the context of the subject property and the adjoining property at 573 Forrest Reefs Road the difference between a 1.9m setback and a 5m setback is negligible

Further, it is considered that there would be no meaningful benefit by requiring the cubby house to be relocated to achieve a minimum 5m setback.

In particular, it is considered that the visual impact of the cubby house at 5m would be substantially the same as at 1.9m, and that potential issues such as spray drift and disturbance of lambing ewes are unlikely to change.

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	Submission	4 Pages
3	Draft Conditions of Consent	2 Pages

Attachments (separate document)

Nil





22nd August 2020

Dear Dan,

Thank you for hand delivering the copy of the DA for the cubbyhouse at 555 Forest Reefs Rd. "Continuing Use" is a generous description – as you aware there is currently no habitable residence on this block so nobody lives there.

Please consider the following submission:

I am asking Council to play fair and make Mr McCormack play by the same rules as everybody else.

Does Council intend to ratify this cubbyhouse, despite it's non compliance as an exempt development, by approving a DA.?

This is not right.

It is very wrong.

I am enclosing 2 computer printouts which indicate the proximity of the structure to my boundary fence.

It is right there in my face, right next to the fence and is visually intrusive.

Nobody in this zone is allowed to build so close to a fence.

That includes Mr McCormack.

I request it be moved to comply with the minimum distance.

The guidelines or rules for building a cubbyhouse as an exempt development in this zone are crystal clear – *it must meet the criteria 100%*.

At only 2m from the fence it does not meet those criteria.

It is a non compliant structure.

The minimum distance from the boundary for a cubbyhouse is 5m.

Since January I have formally requested that it be moved so it does comply.

Failure to follow the rules and doing the wrong thing must have consequence or the process is a farce.

During the past 7 months I have asked repeatedly in email correspondence with you, Mark Dicker and subsequently Rebecca Ryan for the cubbyhouse to be moved to the mandatory minimum distance, to no avail.

I graciously declined an on site meeting with Mark Dicker early on.

I told him this is not a matter for mediation, it is a matter of non compliance.

Mr Dicker issued a directive to Mr McCormack on more than 1 occasion to lodge the DA but he did not comply.

No action was taken to enforce the directives - Mr McCormack has been treated preferentially.

He has a 2ha block - he does not suffer from the constraints of space.

Unlike the rest of local landowners, who are acutely aware of and mindful of the rules, he seems to think he can do whatever he likes and it doesn't matter.

It appears Blayney Council are about to prove him right.

I consider it blatant disregard and complete lack of consideration for the privacy and rural ambience of my adjoining block that his tradesmen have constructed this cubbyhouse so close to the fence line.

Local landowners are well aware of what we call the exclusion zone where no person may build.

Everyone knows it is a no go area for construction.

Building close to the boundary is completely unnecessary given the size of each block.

Nobody does it because it is considered to be rude, inconsiderate and antisocial.

As neighbours we value our privacy and right to rural ambience, we respect that and afford each other the same consideration.

My adjacent paddock is part of a working farm on my [REDACTED] property.

It is a cropping, baling and grazing paddock.

I run a registered primary production business.

A licensed spray contractor can spray registered pesticides and herbicides in a responsible manner without spray drift to the perimeters of this paddock.

No parent I know would be oblivious to that and build a child's cubby house on the fenceline.

That should be a no brainer and is folly.

My normal flock of 100 lambing ewes have a long tradition of camping under these trees.

Close human traffic, noise and activity will disrupt lambing ewes and mothers of newborn lambs *potentially leading to abandonment or mismothering and resultant production losses.*

Blayney Council purport to be mindful of the right to farm – hollow words or genuine policy?

My [REDACTED] property has been in the subdivision zone since 1998.

I have a copy of a surveyed block on my land adjacent to the cubbyhouse , with a view to potential subdivision at some future point but have not submitted that for DA.

I have shown the plan to and discussed it recently at Blayney Council with Claire Stewart.

The privacy, rural ambience and appeal of my subdivision block are diminished by this cubbyhouse smack bang on the fenceline.

I do not intend selling Mr McCormack any portion of my land now or in the future.

This cubbyhouse has been built in an area where no landowner is allowed to build.

Please issue and enforce a directive that it be moved to a minimum of 5m from the boundary.

I hope Council do not show preferential treatment to Mr McCormack by letting it remain in its current location.

As the adjoining landowner / farmer I will continue to act in my best interests.

I intend to take whatever action I consider necessary to maintain the privacy and rural ambience of *my block, to provide optimum conditions for my breeding livestock and protect my farm enterprise.*

The 5 bay rural shed I have plans for is 20m long, 7.5 m deep, 4.2m side wall and 5.2m at the apex.

It will run north to south, the mandatory 10m in from boundary, and have a large water tank.

I have not yet submitted the DA.

I shall await Council's decision on the cubbyhouse and take it from there.

Thank you for your time,

That's it Dan,

Regards

[REDACTED]





Draft Conditions of Consent – DA36/2020**Reasons for Condition**

Compliance with the Building Code of Australia.

Approved Plans**1. Development In Accordance With Approved Plans & Documentation**

Development is to take place in accordance with:

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
-	Statement of Environmental Effects			
DWG 01	Site Plan	McKinnon Design	E	09/12/2019
-	Site Plan New Cubby House at 555 Forest Reefs	-	-	

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

Nil.

Prior to Issue of a Construction Certificate

Nil.

Prior to Works Commencing

Nil.

During Construction

Nil.

Prior to the use of the Cubby House**2. Building Code of Australia**

Prior to the issue of a Building Certificate, building work must be carried out in accordance with the requirements of the Building Code of Australia. In this regard, the following work is required to be carried out prior to the use of the cubby house:-

1. Submission to Council of a structural engineer's certificate of adequacy for the cubby house:
2. The provision of stairs to the cubby house that that comply with Part 3.9.1 Stairway and Ramp Construction, of the Building Code of Australia (Volume 2) in particular, Clause 3.9.1.2 Stairway Construction and Clause 3.9.1.4 Slip resistance; and
3. The provision of handrails to the stairs and balustrades to the deck as they are more than 1 metre above ground level, that comply with Part 3.9.2 Barriers and Handrails of the Building Code of Australia (Volume 2) in particular, Clause 3.9.2.3 Construction of Barriers to Prevent Falls and Clause 3.9.2.4 Handrails.

3. Building Certificate

Prior to the use of the cubby house, a Building certificate must be obtained from the Blayney Shire Council.

All works and requirements of Condition x must be completed prior to the issue of a Building Certificate.

Ongoing Matters

4. Ongoing Use

The cubby house must only be used for the purpose of a cubby house.

Advisory Notes

Nil.

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

Department: Planning and Environmental Services

Author: Director Planning and Environmental Services

CSP Link: 5. The Natural Environment

File No: DB.AB.1514

Recommendation:

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

Executive Summary:

Council's consent is sought for the construction of a new *Dwelling* at 18 Piggott Place, Blayney, being Lot 1 DP1155582 (the 'subject property').

The subject property is a regularly shaped lot comprising a total area of 1,075.56m². The subject property is devoid of any significant features except for an existing 90m² (approx.) shed / garage located in the south west corner and a smaller garden shed in the north west corner.

It is understood that the garage / shed was originally constructed in association with the existing dwelling located to the immediate north at 16 Piggott Place. The dwelling at 16 Piggott Place was originally constructed on a larger parcel of land prior to the subdivision of Piggott Place.

The key issue for consideration is whether the proposed development meets the relevant objectives / performance criteria and acceptable solutions of the *Blayney Development Control Plan 2018* (DCP) for the minimum setback of single dwelling in urban areas.

In particular, it is to be noted that the proposed development was submitted with a front setback of 6.5m, which is inconsistent with the acceptable solution for a single dwelling located in the R1 General Residential Zone. As such the applicant has sought Council's approval for the variation of the acceptable solution.

While the application was originally submitted with a minimum street setback of 6.5m. The proposed development was notified to all adjoining and adjacent landowners within Piggott Place.

One objecting submission was received. The applicants proceeded to submit amended plans providing for a minimum street setback of 8m.

The objector was subsequently offered the opportunity to withdraw their submission based on the amended plans providing for a minimum street setback of 8m. The objector declined to withdraw their submission during a site meeting with Council staff.

Based on the rationale set out in the body of this report, it is considered in this instance the relevant test, for a variation to the acceptable solution of the DCP has been met.

It is considered that the proposed development, whilst specifically not meeting the performance criteria (average setback requirements) within the Blayney DCP (2018) having assessed the proposed development against part C1.3(d) the proposed development is considered consistent with the aims, objectives and of the Blayney Local Environmental Plan (2012) and Blayney DCP (2018).

Proposed Development

Council's consent is sought for the construction of a new Dwelling at 18 Piggott Place, Blayney.

The proposed dwelling would comprise a total area in the order of 274.41m², consisting of four bedrooms; a media room; an open plan kitchen, living and dining area; separate bathrooms, ensuites and laundry; and a double garage.

The exterior of the proposed dwelling would be constructed of select face brick walls and colourbond roof.

Existing Conditions

The existing conditions of the subject property are illustrated in Figures 1 and 2, below.



Figure 1: Site Context Plan (subject property identified by heavy read line)



Figure 2: The subject property as viewed from Piggott Place

ASSESSMENT - ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

Section 1.7 of the EP&A Act 1979 identifies that Part 7 of the *Biodiversity Conservation Act 2016* and Part 7A of the *Fisheries Management Act 1994* have effect in connection with terrestrial and aquatic environments. Having regard to the relevant provisions and based on an inspection of the subject property, it is considered that the proposed development is not likely to have a significant effect any threatened species, population or ecological communities or their habitats.

Section 4.15 - Evaluation

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

Blayney Local Environmental Plan 2012

Part 1 – Preliminary

Clause 1.2 Aims of Plan

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

Clause 1.7 Maps

Land zoning:	R1 General Residential
Lot size:	450m ²
Heritage:	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.

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 6 – Additional local provisions

Clause 6.2 Stormwater management

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

Council's Senior Building Surveyor has recommended conditions of consent to ensure that stormwater is directed to the legal point of discharge.

Clause 6.8 Essential services

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

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

It is understood that all essential services are available to the subject property.

State Environmental Planning Policy 55 – Remediation of Land

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

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

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:

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 acceptable solution for the front setback of a dwelling on a lot which is zoned R1 General Residential and which is greater than 900m² is 4.5m or the average setback of the adjacent dwellings, whichever is the greater.

In this regard, it is noted that the existing dwellings located adjacent to 18 Piggott Place (distances determined using Council aerial imagery) are setback; 11.4m (+/-) 16 Piggott Place, and 12m (+/-) 20 Piggott Place, creating an average front setback of 11.7m.

Whilst the DCP defines adjacent as “dwellings within 40m” it is noted the 6 existing dwellings being 4 Piggott Place to 14 Piggott Place on the Western side of the street, have setbacks of between 7.3m to 8m. The setbacks of these dwellings cannot be significantly weighted given they are more than 40m and there is a rise of the land at 14 and 16 Piggott Place, however it still requires consideration.

Despite the current setback of the existing dwelling at 20 Piggott Place being 12m, it should be noted that upon review of the approved plans (DA94/2006) it shows a setback of 8m was approved. It is unclear why there is a discrepancy between the approved (8m) and actual (12m) setback of the dwelling.

The Development Application was submitted with the proposed dwelling having a front setback in the order of 6.5m from the boundary line, being 5.2m less than the average of the adjoining dwellings.

Following notification of the Development Application to the adjoining and proximate land owners and subsequent objection by one submitter, the applicant amended the plans to incorporate a front setback of 8m from the boundary line, being 3.7m less than the average of the adjoining dwellings.

As such, the applicant seeks Council approval for a variation to the acceptable solution of the DCP pursuant to C1.3 d) which provides that Council may consider a setback reduction in the following circumstances:

- I. An adjoining dwelling is creating a significant anomaly in the average setback compared to the average setbacks in the street or comparable streets; or
- II. The shape of the lot and/or site constraints affect the placement of a building; and
- III. There is sufficient setback for privacy and amenity of neighbouring dwellings and no significant impact on the consistency of built form in the street or road functions; and
- IV. National Construction Code requirements are met including, but not limited to, fire rating; and
- V. Part A1.11 – Variations to Controls is addressed.

The applicant has sought to justify the variation with regard to both arms of the foregoing test¹. Each test is addressed below.

i. An adjoining dwelling is creating a significant anomaly in the average setback compared to the average setbacks in the street or comparable streets

With regard to i., the applicant has provided information regarding the subdivision and development of dwellings within Piggott Place.

In particular, the applicant notes that the existing dwelling at 16 Piggott Place was originally sited within a larger parcel of land which was accessed directly from Plumb Street prior to the land being subdivided.

As such, the front setback of the dwelling at 16 Piggott Place was a result of the dwelling being sited within a larger rural / lifestyle block, not a typical residential street.

Further, the applicant notes that the typical front setback of dwellings within Piggott Place varies, with a number of dwellings being located much closer to Piggott Place than the dwelling at 16 Piggott Place.

ii. The shape of the lot and/or site constraints affect the placement of a building

With regard to ii., the applicant has identified that the existing shed / garage located towards the rear of the block was originally constructed in association with the existing dwelling at 16 Piggott Place (i.e before Piggott Place was subdivided and developed).

The location of the shed and the slope of the site does not allow for the proposed dwelling to be setback any further than 8m from the boundary line (i.e. if the dwelling were setback any further, it would prevent vehicle access to at least one roller door of the shed).

iii. There is sufficient setback for privacy and amenity of neighbouring dwellings and no significant impact on the consistency of built form in the street or road functions

As noted under i., above, the applicant notes that the typical front setback of dwellings within Piggott Place varies, with a number of dwellings being located much closer to Piggott Place than the dwelling at 16 Piggott Place.

Further, it is accepted that the proposed 8m setback would not affect the privacy or amenity of neighbouring dwellings at 16 or 20 Piggott Place.

iv. National Construction Code requirements are met including, but not limited to, fire rating

Council Senior Building Surveyor has confirmed that all National Construction Code requirements could be met.

v. Part A1.11 – Variations to Controls is addressed

It is considered the applicant has adequately addressed the requirements of Part A1.11.

Conclusion

In addition to the analysis supplied by the applicant, the following points are noted which further support approval of the variation;

- 14 Piggott Place is setback approximately 8m (even though more than 40m from 18 Piggott Place it is 1 house away),
- 20 Piggott Place, the approved plans (DA94/2006) showed a setback of 8m. There is no evidence on the file why there is difference between the approved (8m) and actual (12m) setback of the dwelling.
- The design and façade of proposed dwelling is 8m at the closest point, the dwelling steps back a further 600mm on the northern side and 1m on the Southern side respectfully. The proposed dwelling is therefore not setback a blanket 8m across the entire frontage.

Council may recall that it has previously been required to consider the foregoing test. In that circumstance, staff sought to elaborate on the relevant test to assist in determining what an appropriate variation may be.

Specifically, Council staff noted the following:

“...it is important to note that the objectives of C2.1 provide no meaningful guidance for dwelling setbacks and streetscape; and that simply taking an ‘average’ does not necessarily amount to a good planning outcome.

In this regard, the strict analysis applied to i. should be tempered with a ‘common sense approach’ which allows for some minor variation of the setback as long as it would not be detrimental to the character of an existing streetscape.”

While the guidance was written with specific reference to the test set out under i., it is considered to be appropriate in this case also.

Based on the information provided by the applicant, and analysis undertaken in this development assessment it is considered that the proposed development has sufficiently addressed the respective parts of both C1.3 and A1.11 of the DCP and Council should approve a variation from the acceptable solution (i.e. the average setback of the adjacent dwellings) in this instance.

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.

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.

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 consistent with the relevant acceptable solutions.

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. Not applicable.

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. A BASIX Certificate was submitted with the Development Application.

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

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

The proposed development is consistent with the relevant acceptable solutions.

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.

Council's Infrastructure Services Department have recommend conditions of consent to ensure that the new drive is suitably designed.

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 BLEP2012 and this DCP).

Based on the foregoing assessment, it is considered that the proposed development has been appropriately designed to respond to the surrounding built form character. Refer to discussion under the heading under *C2.1 Dwelling Siting & Setbacks*.

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.

In order to achieve a suitable building site and maintain access to the existing shed, the proposed development will require cut of up to 1.5m.

Council's Senior Building Surveyor has recommended conditions of consent to ensure the structural adequacy of the proposed retaining wall.

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).

Based on Council's GIS system, there are no infrastructure in the immediate vicinity of the proposed development.

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 requires 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. C8.8 is only relevant to dwellings that are reliant on rainwater.

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.

A condition of consent will be recommended requiring the development to be serviced by Council' red and yellow bin service.

C8.12 Letterboxes

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

A condition of consent would 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.

A condition of consent would be applied requiring that appropriate street numbering is provided and clearly visible.

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)**
In the event that Council resolves to approve the proposed development, Council's Senior Building Survey would apply an advisory note regarding appropriate fire safety measures under the BCA.

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

- **BASIX Commitments (Clause 97A)**
A BASIX certificate was submitted with the development application.

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 likely to have a minor impact on the streetscape.

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

The foregoing assessment demonstrates that the subject property is not 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 and adjacent landowners.

One submission was received which objected to the proposed development.

In summary, the submission identifies that the proposed development does not align with the symmetry of the existing dwellings located on either side of the proposed dwelling.

The submitter also raised concern that the proposed dwelling would be constructed with a 'black / charcoal' coloured brick.

In this regard it is noted that the plans identify 'select brick', meaning that the applicant will choose a preferred brick prior to construction commencing. Council generally does not seek to regulate brick colour in a residential street which is not within a Heritage Conservation Area.

This matters are considered discussed in detail in the body of this report.

Section 4.15(1)(e) The public interest

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

Summary / Conclusion

The proposal is permissible with consent of Council.

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

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

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

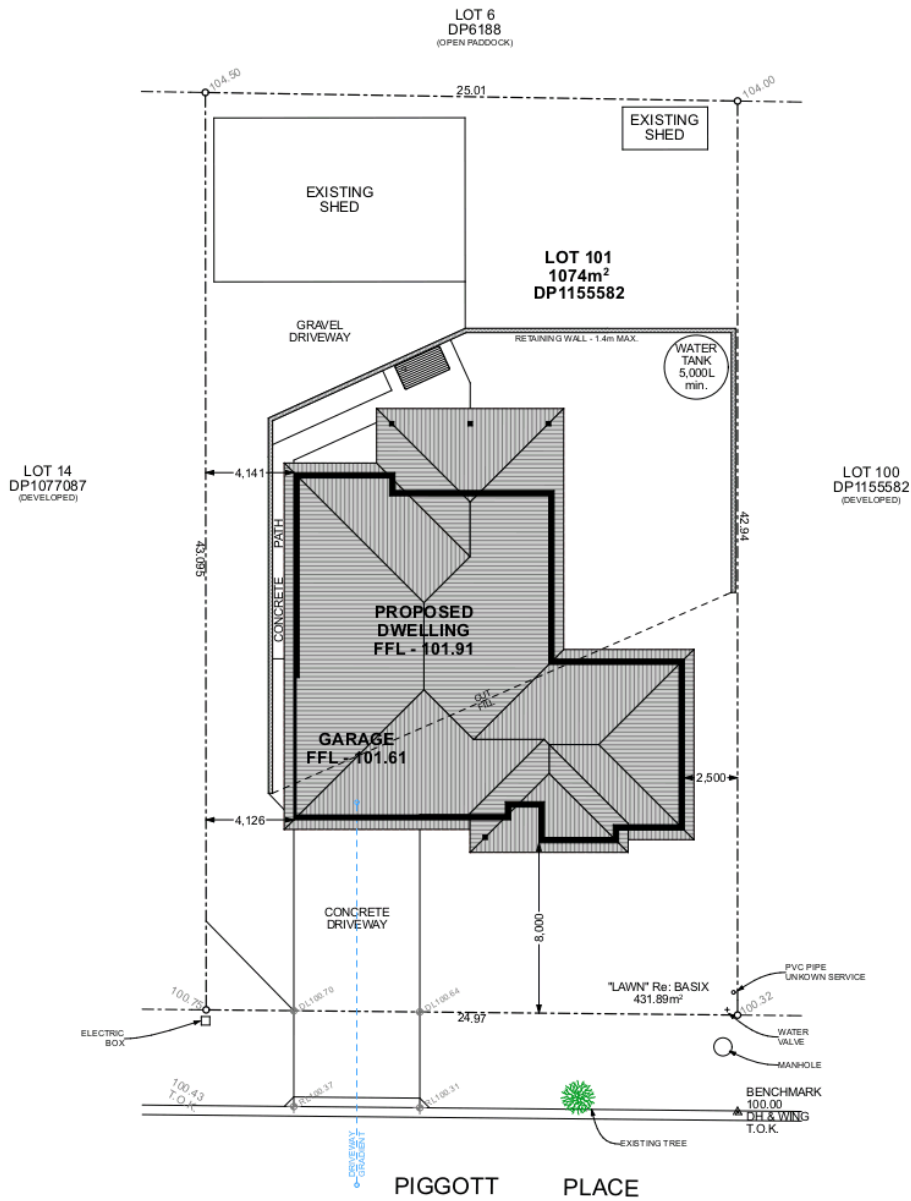
Nil

Enclosures (following report)

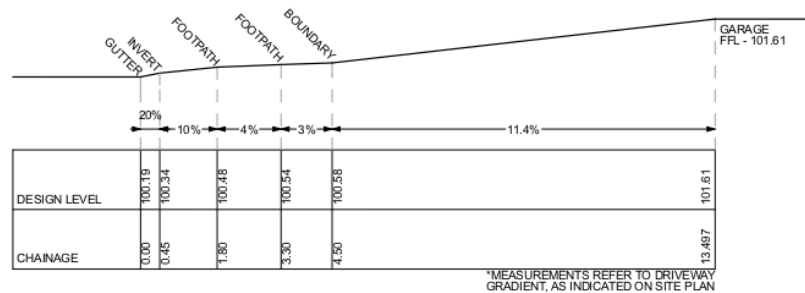
1	Plans	2 Pages
2	Submission	1 Page
3	Draft Conditions of Consent	8 Pages

Attachments (separate document)

Nil



Site Plan
SCALE 1:200



Driveway Gradient
NOT TO SCALE

PROPOSED NEW RESIDENTIAL DWELLING FOR: CODY SMITH & SHANNON POND LOT 101 PIGGOTT PLACE BLAYNEY, NSW, 2799	TITLE: SITE PLAN, DRIVEWAY GRADIENT	DATE: 29/9/19	NOTES: SITE PLAN CHANGES - 24/9/20	SAM MORGAN DESIGNS ARCHITECTURAL DRAFTING 04 19 480 827 smdesigns2800@gmail.com
APPLICATION: DEVELOPMENT APPLICATION & CONSTRUCTION CERTIFICATE	SCALE: AS ABOVE @ A3	PAGE: 1 / 4		
	DRAWN BY: SAM MORGAN			



East Elevation
SCALE 1:100



North Elevation
SCALE 1:100



West Elevation
SCALE 1:100



South Elevation
SCALE 1:100

<p>PROPOSED NEW RESIDENTIAL DWELLING FOR: CODY SMITH & SHANNON POND LOT 101 PIGGOTT PLACE BLAYNEY, NSW, 2799</p>	<p>TITLE ELEVATIONS APPLICATION CONSTRUCTION CERTIFICATE</p>	<p>DATE 29/9/19 PAGE 3 / 4 SCALE 1 : 100 @A3 DRAWN BY SAM MORGAN</p>	<p>NOTES:</p>	<p>SAM MORGAN DESIGNS ARCHITECTURAL DRAFTING 04 19 480 827 smdesigns2800@gmail.com</p>
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Received over
the counter
28/8/2020.
15/58045

26th August 2020

Manager Planning
Mr. Daniel Drum
Blayney Shire Council
91 Adelaide Street
BLAYNEY. NSW 2799

Dear Sir,

I wish to submit a submission to council regarding the development of the following applicant:

APPLICANT: C. SMITH & S POND
DA NO: 58/2020
PROPERTY: LOT 101, DP1155582- 18 PIGGOTT PLACE BLAYNEY.
DEVELOPMENT: ERECTION OF DWELLING.

I would like to raise my concern about the following issues:

The front of the dwelling sits 6.5 mts from the front boundary, which doesn't align with the symmetry of the existing residence on either side of the block. With this plan, the northern aspect from my residence particularly as the dwelling will be built in a black/charcoal brick similar to the house on the opposite side at 21 Piggott Place. This dark brick will accentuate the presence of the dwelling and its proximity to the front boundary.

As with any development, it is important to ensure that it will maintain the integrity of the street, and guarantee property values and streetscape, as first impressions are essential when marketing property. I feel the current application would negatively impact on future sales of my property, as the northern aspect will be blocked by the dwelling currently submitted to council.

The large 'farm' shed constructed on the back of the block, is an issue with the availability of space to include all of the proposed application. The previous owner of Lot 101, found they could not build the house of choice and maintain the shed, to align with the existing properties. This lot was sold to the applicants.

In summary, I feel this development application challenges the symmetry and integrity of Piggott Place, Blayney.

Yours faithfully,

DRAFT Conditions of Consent DA58/2020**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
	Site Plan, Driveway Gradient	Sam Morgan		24.9.2020
	Floor Plan	Sam Morgan		2.8.2020
	Elevations	Sam Morgan		29.9.2019
	Construction detail, sediment control, BASIX, Construction notes	Sam Morgan		28.03.2020
	Blank Floor Plan	Sam Morgan		29.9.2019
	Concrete Plan	Sam Morgan		29.9.2019
1114274S	BASIX Certificate	Sam Morgan		29.6.2020
	Statement of Environmental Effects			9.7.2020

as amended in accordance with any conditions of this consent.

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

Prescribed Conditions**BUILDING CODE OF AUSTRALIA**

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

IDENTIFICATION OF SITE

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

- 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.

CONTRACT OF INSURANCE

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

HOME BUILDING ACT

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

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

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

EXCAVATION WORK

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

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

Prior to Issue of a Construction Certificate

Nil

Prior to Works Commencing

BOUNDARY SURVEY AND HOUSE SETOUT

7. A Certificate of Survey prepared by a registered surveyor, setting out the boundaries of the site and the actual situation of the building on the site, must be submitted to Council to certify the building is set back from the boundaries of the allotment in accordance with the approved building plans; and such Certificate is to be submitted prior to pouring any footings or any in-situ reinforced concrete building element.

Note: It is recommended that a registered surveyor is to be utilised in the setting out of the footings and/or slab.

TRAFFIC AND PEDESTRIAN MANAGEMENT PLAN

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

SOIL & WATER MANAGEMENT PLAN

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

PUBLIC LIABILITY INSURANCE

10. 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.

COMMENCEMENT OF WORK & APPOINTMENT OF PCA

11. 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

ENGINEERING INSPECTIONS

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

E	Concrete Footway Crossings	After placing of formwork and reinforcement, and prior to concrete placement;
G	Erosion & Sediment Control	Prior to the installation of erosion measures.
I	Road Openings	Upon completion of works

FOOTWAY CROSSING – SQUARE

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

ROAD AND INTERALLOTMENT DRAINAGE

14. All road and inter allotment drainage is to be conveyed to:
(b) the gutter in Piggott Place, in accordance with WBC Guidelines for Engineering Works.

NEW WATER SERVICE

15. The applicant is to make application to Central Tablelands Water for a water service to this property. This service will be at the developer's cost.

SEPARATE HOUSE DRAINAGE

16. 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.

RELOCATE UTILITY SERVICES

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

DETAILS OF PROPOSED RETAINING WALLS

18. Structural engineer's details for the proposed retaining walls to be constructed, shall be submitted to and approved by Council prior to their construction. The design of the retaining walls shall make provision for adequate surface water and subsoil drainage so as to not obstruct the natural overland flow of surface water.

HOURS FOR CONSTRUCTION OR DEMOLITION

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

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

RUBBISH AND DEBRIS

20. 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.

TOILET FACILITIES

21. 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*.

BASIX CERTIFICATE

22. 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.

EXCAVATIONS AND BACKFILLING

23. 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.

DRAIN BUILDING SURROUNDS

24. The ground surrounding the building shall be graded and drained to ensure that all surface and seepage water is diverted clear of buildings on the site and clear of adjoining properties. Permanent surface or subsoil drains or a combination of both shall be provided to all excavated areas, hard standing areas and depressions. The invert of such drains shall be a minimum of 200 mm below the finished floor level and shall have a minimum grade of 1:100 to the approved storm water disposal location. This work shall be carried out following the installation of the roof gutter & down pipes, and prior to the final inspection.

CLADDING AND ROOFING

25. 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.

2: Zincolume will be not accepted.

EROSION AND SEDIMENT CONTROL

26. 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.

Section 68 Requirements

LICENSED PLUMBER

27. 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.

NOTICE OF PLUMBING WORKS

28. 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.

INSPECTIONS

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

- a) Internal and external drainage lines, prior to backfilling. The licensed plumber/drainer shall be on site at the time of the inspection, and the drainage lines shall be charged.

PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

30. 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

OCCUPATION CERTIFICATE

31. 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.

SOLID FUEL HEATING APPLIANCES

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

Ongoing Matters**APPROVED USE**

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

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

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

- a. The dwelling frame and roof must be designed for a snow load in accordance with AS/NZS 1170.4-2003 in Part 1.4.
- b. The exhaust from the bathroom and ensuite is to be ducted to outdoor air in accordance with Clause 3.8.7.3.

Inspection Schedule

AN2. The Principal Certifying Authority is required to ensure all work is carried out in accordance with the consent, Building Code of Australia (BCA), and relevant standards, which is done during inspections at nominated stages of the work. The "Inspection Schedule" lists the mandatory and other required inspections that must be carried out by Blayney Shire Council during construction of the work.

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

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

Notice of Commencement

AN3. Notice of commencement of building works – The attached form needs to be completed and emailed, faxed or mailed to Council at least 2 days before any work commences on the site.

TELSTRA CORPORATION LIMITED

Note 1: Dial Before You Dig

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

Note 2: Telecommunications Act 1997 (Commonwealth)

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

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

Department: Planning and Environmental Services

Author: Manager Planning

CSP Link: 5. The Natural Environment

File No: DB.AB.1505

Recommendation:

That Council consents to Development Application DA48/2020 for *Farm stay accommodation* at Lot 1 DP131811 – being 760 Tallwood Road, Forest Reefs.

Executive Summary

Council's consent is sought for the construction and use of five *Farm stay accommodation* units and an associated utilities building at 760 Tallwood Road, Forest Reefs, being Part 1 of Lot 293 DP750360 (the 'subject property').

Notably Part 1 of Lot 293 DP750360 is contiguous with other individual lots in the same ownership which extend to the east, making up farm in the order of 60ha.

The proposed *Farm stay accommodation* units would be located towards the north west corner of the subject property, being approximately 90m south of the intersection of Tallwood Road and Forest Reefs Road and 30m east of the western boundary adjacent to Tallwood Road. The proposed *Farm stay accommodation* would be located approximately 112m south of the Forest Reefs Tavern.

The subject property comprises an existing dwelling, associated farm infrastructure, including sheds, and remnants of a historic gold mine. The area in which the proposed *Farm stay accommodation* would be located is devoid of any significant features and is currently used for grazing.

With the exception of the Forest Reefs Tavern, residential properties within the Forest Reefs village and 759 Tallwood Road, properties surrounding the subject property are typically used for extensive agriculture (i.e. cropping and grazing).

While 759 Tallwood Road is generally used for extensive agriculture, a portion of the property also appears to be used for the storage of various objects of mixed purpose.

The proposed development was notified to all adjoining and proximate landowners. Two submissions were received raising a number of concerns regarding the suitability of the proposed use. The matters raised in the submissions are addressed in the body of this report.

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

Proposed Development

Council's consent is sought for the construction and use of *Farm stay accommodation* at 760 Tallwood Road, Forest Reefs.

The proposed *Farm stay accommodation* units would be located towards the north west corner of the subject property, being approximately 90m south of the intersection of Tallwood Road and Forest Reefs Road and 30m east of the western boundary adjacent to Tallwood Road. The proposed *Farm stay accommodation* would be located approximately 112m south of the Forest Reefs Tavern.

The proposed accommodation units would be predominantly finished with Colourbond walls in Basalt and a Zinalume Roof.

Each unit would consist of two bedrooms, a separate bathroom and an open plan kitchen / living area.

Existing Conditions

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



Figure 1: The subject property



Figure 2: The subject lot

ASSESSMENT - ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

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

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

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

Section 4.15 - Evaluation

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

Blayney Local Environmental Plan 2012

Part 1 – Preliminary

Clause 1.2 Aims of Plan

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

Clause 1.7 Maps

Land zoning:	RU1 Primary Production
Lot size:	100ha
Heritage:	Part of Heritage Item I359
Terrestrial biodiversity:	N/A
Groundwater vulnerability:	Yes
Drinking water catchment:	N/A
Watercourse:	N/A
Flood:	N/A

Clause 1.9A – Suspension of Covenants, Agreements and Instruments

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

- a covenant imposed by the Council or that the Council requires to be imposed, or
- any prescribed instrument within the meaning of section 183A of the Crown Lands Act 1989, or
- any conservation agreement within the meaning of the National Parks and Wildlife Act 1974, or
- any Trust agreement within the meaning of the Nature Conservation Trust Act 2001, or

- any property vegetation plan within the meaning of the Native Vegetation Act 2003, or
- any biobanking agreement within the meaning of Part 7A of the Threatened Species Conservation Act 1995, or
- any planning agreement within the meaning of Division 6 of Part 4 of the Act.

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

A search of Council's records indicates that the subject property is not affected by any of the foregoing covenants, instruments, agreements or plans. The Deposited Plan for the subject property is based on the Parish of Beneree. There is no specific plan for the subject property.

Part 2 – Permitted or prohibited development

Clause 2.3 – Zone objectives and Land Use Table

The subject property is zoned RU1 Primary production zone.

The objectives of the RU1 Primary production zone seek to:

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

The development is considered to be consistent with the foregoing objectives. In particular, it is noted that the objectives of the zone specifically seek to enable the development of tourist and visitor accommodation in conjunction with agricultural uses.

Part 5 – Miscellaneous provisions

Clause 5.4 – Controls relating to miscellaneous permissible uses

Clause 5.4(5) states that while development for the purpose of *Farm stay accommodation* is permitted, the accommodation that is provided to guests must consist of no more than 12 bedrooms.

The proposed *Farm stay accommodation* units comprise 10 bedrooms.

Clause 5.10 – Heritage Conservation

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

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

The subject property is identified as being part of the broader Forest Reefs Gold Mining Area (“Great Extended Mine” and “Ballarat Mine”), being Heritage Item I359. Properties at 755 and 759 Tallwood Road also formed part of the broader Forest Reefs Gold Mining Area.

It is noted that there is no infrastructure or remnants of the former mines located within the immediate vicinity of the proposed development. The closest remnants of the Forest Reefs Gold Mining Area include the Great Extended Mine located 150m (approx.) to the west, an unknown mine located 200m (approx.) to the south and the Ballarat Mine located in excess of 800m (approx.) to the east

As such, it is considered that the proposed development will not have a detrimental impact on the significance of the Forest Reefs Gold Mining Area.

Part 6 – Additional local provisions

Clause 6.4 Groundwater vulnerability

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

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

It is noted that the effluent management report identified that no impact of groundwater is expected from the application of effluent on the subject property.

Clause 6.8 Essential services

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

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

It is understood that essential services are available to the subject property. Further, it is noted that conditions of consent are recommended to ensure the adequacy of all relevant essential services.

State Environmental Planning Policy 55 – Remediation of Land

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

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

Based on an inspection of the subject property, it is considered that the site of the proposed cabins is unlikely to be contaminated.

Notwithstanding, it is noted that the subject property is located within a former gold mining area and that there is some potential for soil contamination.

As such, it is recommended that a deferred condition of consent be applied requiring that the applicant engage a suitably qualified consultant to undertake an assessment of the development area to ensure that it is suitable for the proposed use.

State Environmental Planning Policy – Infrastructure

The Development Application was not referred to John Holland Rail or Essential Energy as the proposed development is not located in close proximity of any rail or electrical infrastructure.

State Environmental Planning Policy –Koala Habitat Protection

State Environmental Planning Policy –Koala Habitat Protection is not applicable as the development area is not identified in the Kola Development Application Map, is not affected by an approved koala plan of management and does not contain core koala habitat.

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 E – Other Land Uses**

Part E – Other Land Uses provides standards for other specific land uses or activities that may not be covered by the previous parts of the Development Control Plan.

E5 Tourist & Visitor Accommodation in Rural Zones

E5.1 seeks to encourage tourist and visitor accommodation and tourist oriented activities in areas that are appropriate for that site, whilst avoiding or mitigating against any potential land use conflicts with neighbouring properties, the natural environment and/or rural and residential amenity; and ensure that facilities are designed and constructed so as to maintain rural character and amenity, productive agricultural use of land and environmental values

E5.2 includes the following specific requirements:

- Must be integrated with the agricultural use of the land and/or rural industries on the site.
- Any proposed buildings should be sited within a 50 metre radius from the principal dwelling-house.
- The design consideration of proposed buildings is to maintain the level of privacy and views enjoyed by adjoining properties.
- Should provide a Management Plan that address the operational and environmental for eco-tourism facility, as per Clause 5.13 of BLEP 2012.

In general, it is considered that the proposed development is consistent with the foregoing objectives and requirements.

In particular, it is noted that the subject property is described as a fully functioning farm which is registered with the Australian Tax Office. A website dedicated to the farm (<http://www.wilkensestate.com/>) identifies that it includes a range of agricultural practices, including saffron production and horse breeding.

Further it is noted that the location and design of the proposed *Farm stay accommodation* is unlikely to have any significant effect on the level of privacy and views enjoyed by adjoining properties.

Notwithstanding, it is noted that the proposed *Farm stay accommodation units* are located in excess of 50m from the existing dwelling. However, it is considered that the proposal is acceptable on the basis that a tree line has already been established along the western boundary of the subject property adjacent to Tallwood Road which will screen and soften views of the units from Tallwood Road and from within the Forest Reefs village.

In order to maintain and enhance the effect of the tree line, it is recommended that conditions of consent be applied to require any dead trees to be replaced and the tree line to be maintained in perpetuity.

While it is noted that a Management Plan was not submitted with the Development Application, it is considered that the requirements of Clause 5.13 of BLEP 2012 are largely irrelevant and an additional Management Plan is not required.

Contributions

Section 7.11 contributions are a monetary contribution levied on developers at the development application stage to help pay for additional community facilities and/or infrastructure such as provision of libraries; community facilities; open space; roads; and bushfire facilities.

The *Blayney Local Infrastructure Contributions Plan 2013* identify that levies apply to development that is not Type A (Residential Accommodation) or Type B (Heavy Haulage Development) and which has a proposed cost of development in excess of \$100,000.

The contribution is calculated as follows:

Development that is not Type A or B, and where the proposed cost of carrying out the development:	
▪ is more than \$100,000 and up to and including \$200,000	0.5% of that cost
▪ is more than \$200,000	1% of that cost

A condition of consent has been recommended to capture the required contribution.

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

1. **In the case of a development application for the demolition of a building, the provisions of AS 2601 (Clause 92)**
Not applicable.
2. **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.
3. **Fire safety and other considerations (Clause 93)**
Council’s Senior Building Surveyor has not identified any issues with regard to fire safety.
4. **Buildings to be Upgraded (Clause 94)**
Not applicable.

5. -BASIX Commitments (Clause 97A)

Council's Senior Building Surveyor has advised the following:

"The proposed cabins are Class 3 buildings under the BCA so BASIX is not applicable, but the cabins must comply with the energy efficiency provisions of Section J. Also, one of the cabins must be designed to be accessible for people with disabilities to comply with Part D3 of the BCA. A condition is included that prior to the issue of the CC, amended plans must be submitted to the Principal Certifier to address these issues."

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 land owners.

Two submissions were received outlining concerns with the proposed development. The relevant matters are addressed below.

Submission 1

In summary, Submitter 1 objected for the following reasons:

1. The development is not in keeping with the local area. The site is highly visible and the proposed structures will not enhance the local area, including local residences of which many are brick.
2. The subject property is zoned RU1 Primary Production. How is it allowed to have five extra residential premises (in addition to the existing dwelling).
3. The proposed development will concentrate effluent disposal in an area that has a low water table and which could be easily contaminated.
4. As the accommodation may be occupied by mine employees, vehicle movement may be greater and occurring at all hours as the local mine operates 24 hours, seven days per week.
5. Water NSW – Water Bore Licences prevent the use of ground water for large scale bed and breakfast accommodation.
6. Water NSW recommends a minimum of 250m separation between effluent disposal areas and bores. Council has a bore nearby.

7. The application refers to a minimum three night stay, however it does not state anywhere the units could not be used for long term occupancy. In summary, the applicant provided the following response:

1. Applicant response:

The development is in keeping with structures already in place on the farm and within the Forest Reefs area, having similar styles, shapes and colours. The proposed structures have a considerable setback from Tallwood Road and are located by an established tree line of *Leylandii* pine.

While the concern of the community is noted, it is noted that the *Orange, Blayney, Cabonne Regional and Economic Development Strategy 2018 – 20* outlines the importance of driving growing tourism sector in the region and investing in land use planning to facilitate a wider range and variety of accommodation for the region.

Council comment:

As previously noted, it is considered that proposal is acceptable on the basis that a tree line has already been established along the western boundary of the subject property adjacent to Tallwood Road which will screen and soften views of the units from Tallwood Road and from within the Forest Reefs village.

In order to maintain and enhance the effect of the tree line, it is recommended that conditions of consent be applied to require any dead trees to be replaced and the tree line to be maintained in perpetuity.

2. Applicant response:

The proposed development is characterised as *Farm stay accommodation*, which is a permissible land use in the zone.

Council comment:

The proposed development is properly characterised as *Farm stay accommodation*. *Farm stay accommodation* is a permissible land use in the RU1 Primary Production Zone.

Nothing further is required.

3. Applicant response:

An effluent management study has been conducted. It indicates that water is not expected to move off-site and nutrients will be utilised by vegetation and stored in soil.

Council Comment:

The Development Application was accompanied by the report *On-site effluent management study, Proposed accommodation cabins, 760 Tallwood Road, Forest Reefs NSW 2798 Ref: R14391e1 Date: 13 February 2020* (the 'report'). The report states that no impact on groundwater is expected from the application of effluent on the site.

The report has been reviewed by Council's Senior Building Surveyor. The Senior Building Survey has raised no concerns with the report. Nothing further is required.

4. Applicant response:

The applicant has provided a detailed assessment of vehicle movements in the local area – refer to full response.

Council comment:

It is acknowledged that the proposed development will result in a greater number of vehicle movements and vehicle movements which may occur at irregular times (i.e. late at night, early in the morning).

However, it is considered that the increase in vehicle movement would occur irrespective of the location of the proposed development. For example, if further accommodation were to be developed in Millthorpe, the impact on Forest Reefs of mine employees travelling to and from the mine would be the same.

Nothing further is required.

5. Applicant response:

As stated in the Statement of Environmental Effects, tank water will be used for the proposed development, with bore water to be restricted to the homestead, existing gardens, trees and livestock.

Council comment:

The applicant's response is noted. However, it will be necessary to clarify location and capacity of water tank storage with the applicant prior to the issue of a Construction Certificate.

6. Applicant response:

Water NSW does not recommend a 250m separation buffer between bores and septic system, however it does require a hydrogeological assessment if you wish to put in a new bore within 250m of an established septic system.

Council comment:

As previously noted, the Development Application was accompanied by the report *On-site effluent management study, Proposed accommodation cabins, 760 Tallwood Road, Forest Reefs NSW 2798 Ref: R14391e1 Date: 13 February 2020* (the 'report'). The report states that no impact on groundwater is expected from the application of effluent on the site.

The report has been reviewed by Council's Senior Building Surveyor. The Senior Building Survey has raised no concerns with the report.

Nothing further is required.

7. Applicant response:

As stated in the Development Application, the proposed development is *Farm stay accommodation*. Only short term accommodation is available. No laundry facilities are included in the cabins and as such means they are not residences.

Council comment:

It is recommended that a condition of consent is applied requiring that each cabin may be occupied by a tenant for a maximum period of 14 days in any one stay. The cabins must not be used for long term (i.e. more than 14 days) or permanent accommodation.

Submission 2

In summary, Submitter 2 objected for the following reasons:

1. The current area surrounding the proposed construction is a rural setting that has minimal development and is zoned for primary production. There are few dwellings in this location and there have been no new residential or commercial developments in the vicinity for an extended period. We believe the new development will not be in keeping with local Forest Reefs community's expectations for what would be an appropriate development in the community.
2. The proposed cabins will be 'visually prominent in the surrounding area'. The cabins will also be in direct view of our house and the other dwellings in the area and effectively obstruct the existing views that we currently enjoy. The cabin, service building and car park will effectively amount to a development approximately 150m in length, which will have a significant visual impact in the area.
3. The development will also be drawing water from a bore on the property which may have a negative impact on residents who rely upon this water source for residential and agricultural use. Our major concern is that five new dwellings will have significant impact water table levels that have already declined in recent times.
4. The development will also attract an increase in traffic movement in the immediate area. Currently there is minimal traffic in the area, with peaks at approximately 6.30am and 6.30pm for a very short amount of time. The

applicants state that there would be minimal increase in traffic movement, however, we believe this to be an underestimation. If all cabins were to be occupied by tourists or workers sharing accommodation, there is the potential for a large increase in traffic movement in what is normally a quiet area.

Applicant response:

The applicant did not provide a direct response to the issues raised by Submitter 2. Notwithstanding, it is noted that the applicant's response to Submitter 1 addressed all relevant issues raised by Submitter 2.

1. Council comment

As previously noted, it is considered that proposal is acceptable on the basis that a tree line has already been established along the western boundary of the subject property adjacent to Tallwood Road which will eventually screen and soften views of the units from Tallwood Road and from within the Forest Reefs village.

In order to maintain and enhance the effect of the tree line, it is recommended that conditions of consent be applied to require any dead trees to be replaced and the tree line to be maintained in perpetuity.

2. Council Comment

As noted immediately above.

3. Council Comment

As noted above, the applicant has confirmed that tank water will be used for the proposed development, with bore water to be restricted to the homestead, existing gardens, trees and livestock.

Notwithstanding, it will be necessary to clarify location and capacity of water tank storage with the applicant prior to the issue of a Construction Certificate.

4. Council Comment

As noted above, it is acknowledged that the proposed development will result in a greater number of vehicle movements and vehicle movements which may occur at irregular times (i.e. late at night, early in the morning).

However, it is considered that the increase in vehicle movement would occur irrespective of the location of the proposed development. For example, if further accommodation were to be developed in Millthorpe, the impact on Forest reefs of mine employees travelling to and from the mine would be the same.

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:

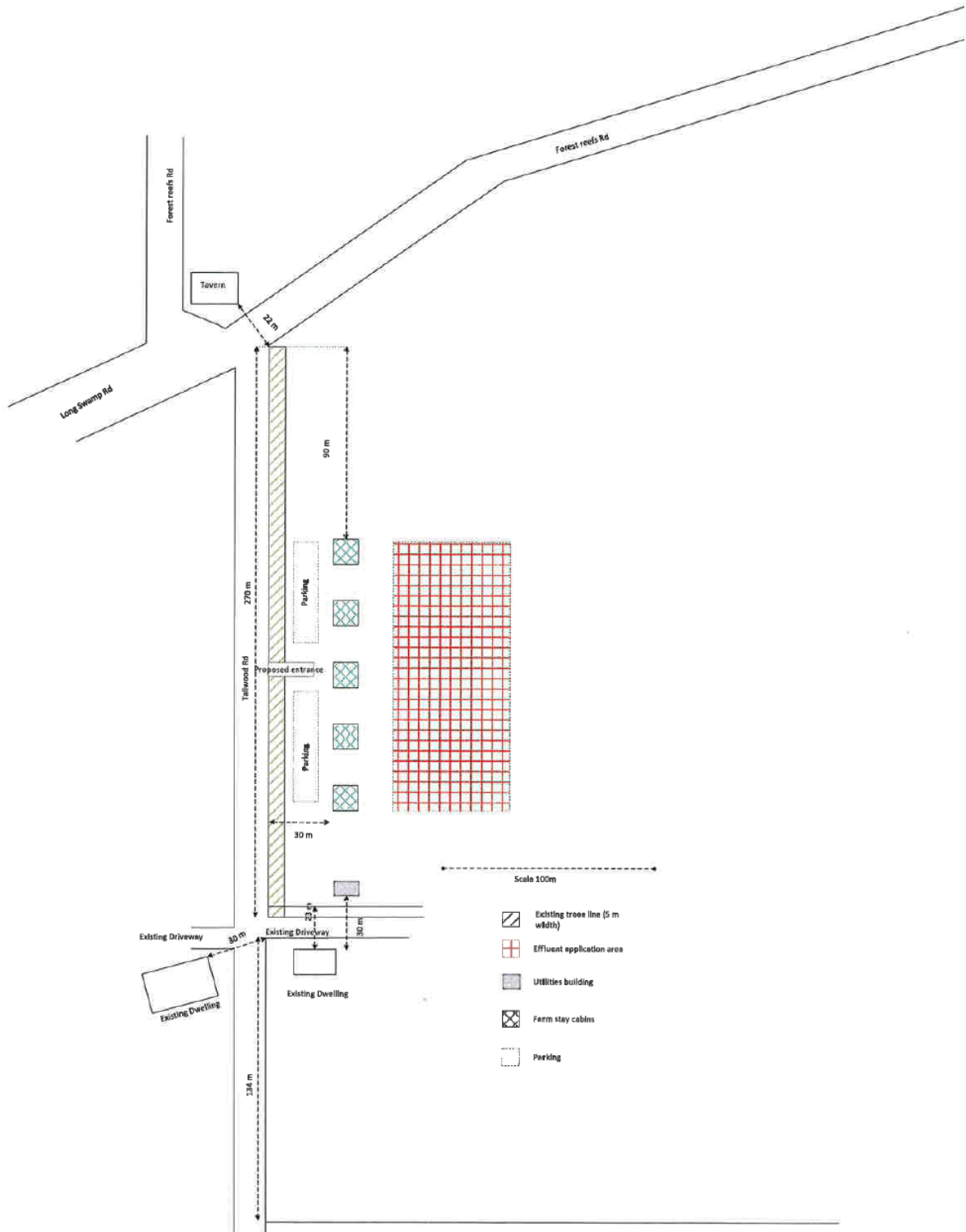
Nil

Enclosures (following report)

1	Plans	9 Pages
2	Submission	2 Pages
3	Submission	1 Page
4	Draft Conditions of Consent	10 Pages

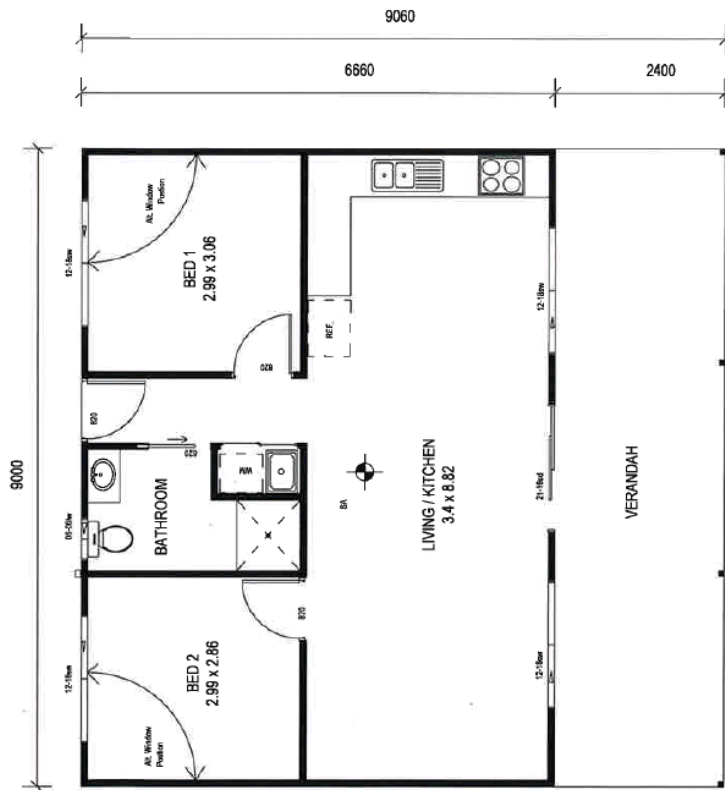
Attachments (separate document)

Nil



THE WEEKENDER 60 FLOOR PLANS

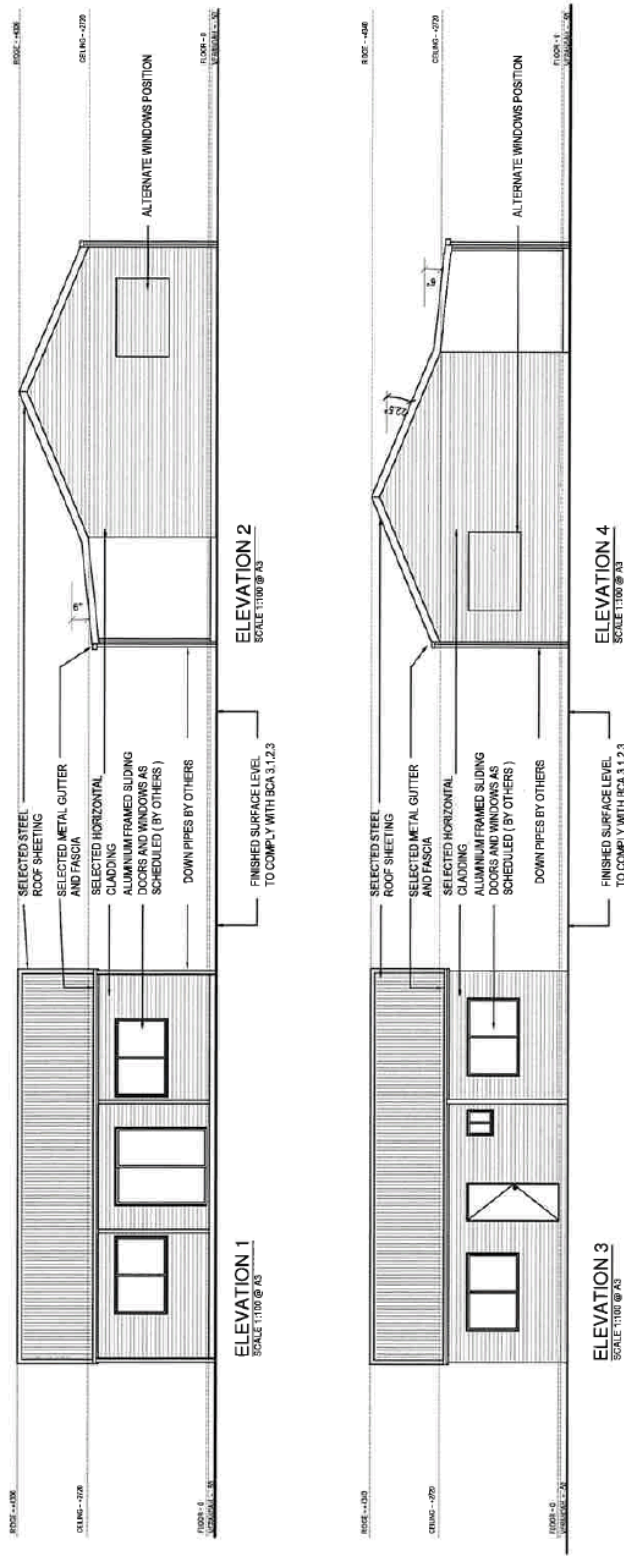
Print this floor plan to take to Council to commence the certification process.



Phone: 1800 764 764 www.shedsnhomes.com.au

THE WEEKENDER 60 ELEVATIONS

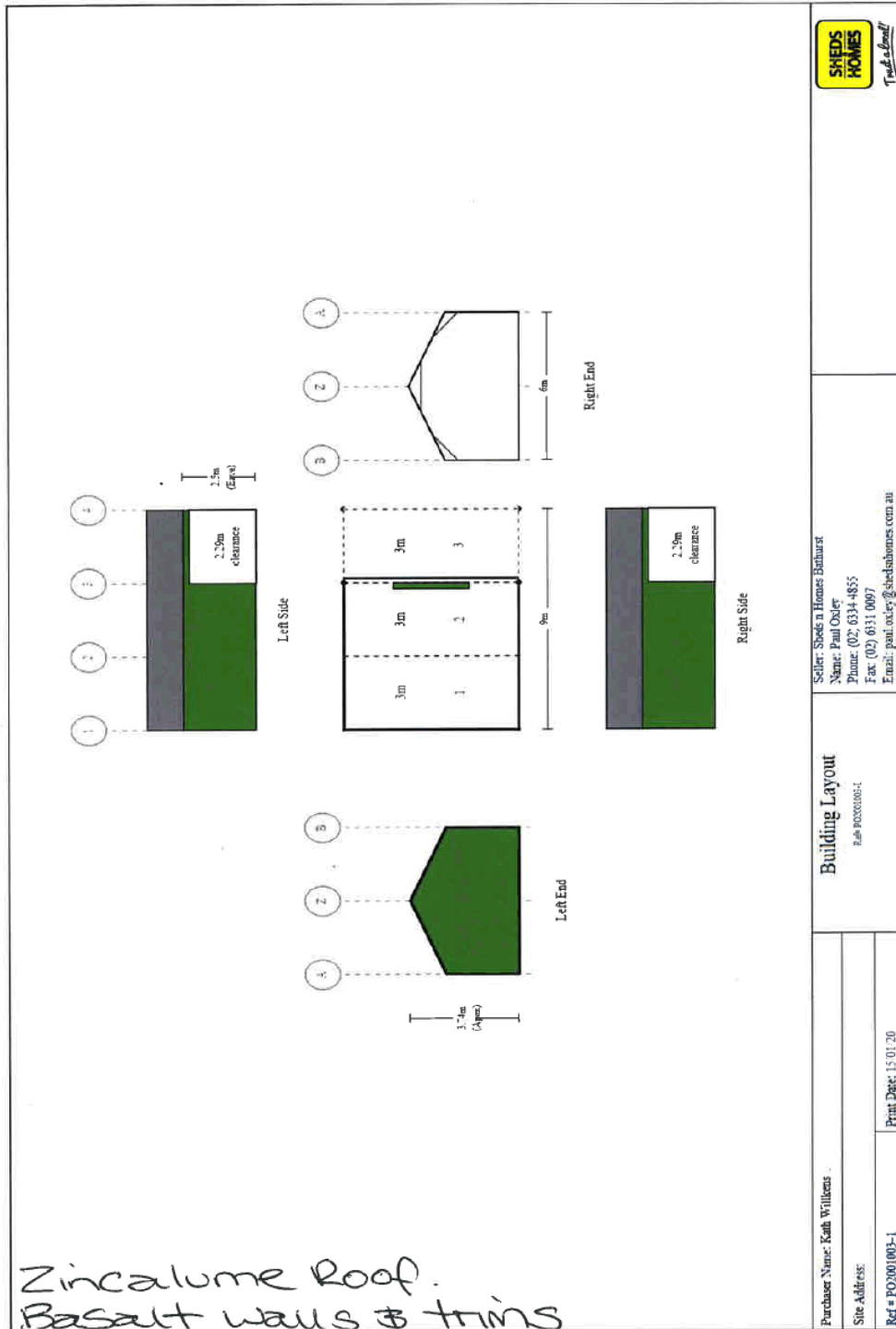
Print this elevation to take to Council to commence the certification process.



Basalt walls & trims, Zincalume Roof.



Phone: 1800 764 764 www.shedshomes.com.au



Seller: Sheds n Homes Bathurst
Name: Paul Osley
Phone: (02) 6334-4855
Fax: (02) 6331 0097
Email: paul.osley@shedsnhomes.com.au

Building Layout

BAP: PD0001003-1

Purchaser Name: Kath Willkens

Site Address:

Ref # PD0001003-1

Print Date: 15/01/20

www.shedsnhomes.com.au



STATEMENT OF ENVIRONMENTAL EFFECTS

LEGISLATION

In accordance with Schedule 1 of the *Environmental Planning and Assessment Act Regulation 2000*, a development application must be accompanied by a Statement of Environmental Effects (SEE).

This SEE is suitable for minor impact developments such as dwellings, subdivisions, dwelling alterations, additions and outbuildings. It may be necessary for Council to request additional information depending on the nature and impacts of a proposal.

PLEASE NOTE: LARGER SCALE DEVELOPMENT SHOULD BE ACCOMPANIED BY A DETAILED AND SPECIFIC STATEMENT OF ENVIRONMENTAL EFFECTS PREPARED BY A SUITABLY QUALIFIED CONSULTANT

(Please provide additional comment if answering 'yes' to any of the questions. If necessary attach additional information)

Office use: DA No.

ASSISTANCE

This is a legal document & Council staff are not permitted to complete the form when blank spaces are left. Please answer every question. Where not relevant, please write N/A. Please refer to the Development and Building Guide for assistance in completing this form. Definition – LEP means Local Environmental Plan, Blayney 2012

DETAILS

Site address: 760 Tallwood Rd Forest Reefs NSW 2798
Development: Construction 5 x 2 bed cabins + Laundry shed. (utility)

DEVELOPMENT STANDARDS

What is the zoning of the land? RU1 Primary Production *please obtain from Council staff or written Planning and Development Advice received*
Is the proposal permissible within this zone? (Please refer to the LEP link on Council's website) Yes No
Is the proposal consistent with the zone objectives? (Please refer to the LEP link on Council's website) Yes No

Please list the relevant Development Control Plans that apply to the development? *A list of DCPs is available on Council's website or from Council. If you are unclear please check with Council staff.*
DCP No. 2018 DCP No.
DCP No. DCP No.
DCP No. DCP No.

Is your proposal consistent with the selected Development Control Plans? If not, please indicate how the development is not consistent.
Comments: Yes, Consistent

Document review March 2018

SITE SUITABILITY

Is the development in an area that may be prone to natural hazards such as bushfires or floods? (please check with Council staff) Yes No

Describe the physical features of the site such as, slope, vegetation, any waterways. Gently sloping flat building site, no close waterways, only grass vegetation

CURRENT AND PREVIOUS USES

What is the current use of the site? grazing Date present use commenced (if known)

Previous Use (if known) grazing

What is the present use(s) of the adjoining land? grazing, crops, lifestyle, commercial premises

Is it possible that the site could be contaminated from current or previous usage? Yes No

Comments:

Is it possible that asbestos will be removed as part of this application? Yes No

OPERATIONAL DETAILS (if applicable)

For applications that involve a usage other than residential, describe how the establishment will operate.

What is the type of business you wish to operate? Farm stay

Number of staff 2 -> owners

Days of operation: Mon Tues Wed Thurs Fri Sat Sun

Hours of operation 24 hours per day

Comments: minimum 3 night stay. Expected impact is small.

ACCESS, TRAFFIC & UTILITIES – please refer to Council’s website

Will the development increase local traffic movements and volumes? Yes No N/A

If yes, will this be significant? Not expected to be significant. An extra 5 vehicles per day entering property.

Has vehicle manoeuvring and onsite parking been addressed in the design? Yes No N/A

Will vehicles, pedestrians, bicycles and disabled persons be able to access the development? Yes No N/A

Is there vehicle access to a public road? Yes No N/A

Are the following utilities readily available to the site?

Water Yes No Telecommunications Yes No

Electricity Yes No Sewer Yes No

Comments: Electricity at boundary with tank water and bore for gardens. Onsite effluent system.

Document review March 2018

SOCIAL AND ECONOMIC IMPACTS Note: Impacts can be positive or negative

Will the proposal have any social or economic consequence for the area? Yes No
 Positive Negative

Comments:
Provide Accomodation options for tourists & workers

CONTEXT AND SETTING Note: Impacts can be positive or negative

Will the development:-
• be visually prominent in the surrounding area? Yes No
• be inconsistent with the existing streetscape or council setback policies? Yes No
• be out of character with the surrounding area? Yes No
• have a negligible impact Yes No

Is there any significant impact on neighbouring properties relating to:
Visual Privacy YES NO (If yes please comment)

If yes, what mitigation measures will be put in place?

Views YES NO (If yes please comment)

If yes, what mitigation measures will be put in place?

Overshadowing YES NO (If yes please comment)

If yes, what mitigation measures will be put in place?

ENVIRONMENTAL IMPACTS Note: Impacts can be positive or negative

Air and Noise
• Will any form of air pollution be created from the development? Yes No
• Will the development create any noise impacts? Yes No

If yes, what mitigation measures will be put in place? Minor noise would be created and tree lines are already in place

Soil and Water
• Does the development have the potential to result in any form of water pollution? Yes No
• Will the development require any significant excavation or filling? Yes No
• During & after construction could the development cause erosion or sediment run-off? Yes No

Comments/Mitigation measures put in place?:
.....

Document review March 2018

Heritage (please check with Council staff)

- Is the development a heritage item as listed in Council's LEP or the State Heritage Register? Yes No
- Is the development located in a defined heritage conservation area? Yes No
- Will the development be adjoining a listed heritage item? Yes No
- Will the development have an impact on any listed heritage item or defined heritage conservation area? Yes No
- Will the development disturb any known Aboriginal artefacts? Yes No

If yes, list Aboriginal artefact

1. If yes to any of the above questions a *Heritage Impact Statement* **may** be required for any work to a heritage item or a building within a Heritage Conservation Area that requires consent under Council's Local Environment Plan. Where a Heritage Impact Statement is required it must be prepared by a suitably qualified heritage advisor/consultant.

The statement must address:

- Historical development of the site
- Description of the item and its setting (e.g. garden, fences, ancillary buildings, etc)
- Contribution to the streetscape: height, scale, mass, setback, fenestration, architectural style and period
- Heritage significance (use heritage manual criteria)
- Affect of proposal on the heritage significance of the building and its setting
- Design options and rationale for the preferred option
- Relevant conservation principles in accordance with ICOMOS Burra Charter

The NSW Heritage Manual, Heritage Impact Guideline and the Burra Charter can be obtained from Department of Planning - NSW Heritage Branch.

2. Alternatively, a statement of mitigation measures should be provided, and comment sought from Council's Heritage Advisor.

Sites adjoining a listed heritage item will require assessment in relation to the impact of any proposed development on the heritage item.

Comments:

.....
.....

Flora and Fauna

Will the development:

- Result in any removal of vegetation on the site? Yes No
- ~~Be likely to have an impact on threatened species, populations or ecological communities, or their habitats?~~ Yes No
- Be subject to any significant landscaping treatments? Yes No
- Is the development in a koala habitat? Yes No
- Is the land a critical habitat? Yes No
- Is the development biodiversity compliant? (EP&A Regulation, Schedule 1, 1(2)) Yes No

Comments:

No trees or vegetation to be removed.

Document review March 2018

Waste

Will the development provide adequate waste (domestic/construction/demolition) facilities and controls? (collection, storage and disposal)

Yes No

Comments:

Bin Collection
.....
.....
.....

Energy

Is the development considered to be environmentally sustainable in terms of energy consumption?

Yes No

BASIX Certificate supplied?


Yes No

Comments:

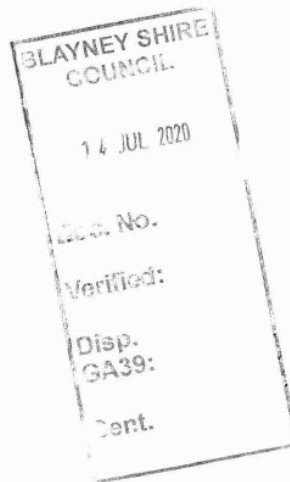
on roof solar to support electrical requirement
.....

DECLARATION

I declare to the best of my knowledge and belief that all particulars herein are correct in every detail and all information required has been supplied.

Applicant Signature/s  Date 29/5/2020

Blayney Shire Council
PO Box 62
BLAYNEY
NSW 2799



10th July 2020

Dear Sir/Madam,

Thank you for the information package regarding the development lodged by M & K Wilkens, Forest Reefs, DA. No 48/2020.

We wish to lodge an objection to this development on the following grounds.

This development is certainly not in keeping with the local area. It is located on a high visibility site and these structures of corrugated iron will not enhance the local area, quite the contrary. Nor will they blend in with the local residences many of which are brick.

As per the DA, the property in question is listed as RU1 Primary Production. How is this then allowed to have 5 extra residential premises constructed on the land? There would then be 6 residences including the main home.

A major concern is the concentrated effluent disposal from 6 residences onto and into land where other local residents depend on underground water for their use. In this location the water table is close to the surface and as such could be easily contaminated. Over recent years this water table has been depleted and some local bores are now unable to operate as they once could. The extra extraction from the water table will only worsen an already depleted supply.

The development intends to pitch this accommodation towards local mine workers and as such the stated vehicle movements could potentially be much greater. The local mine operates 24/7 with varied shift start and finish times so the occupants of the units could be coming and going at all hours.

Under Water NSW – Water Bore Licences, it states that water taken under a stock and domestic licence right, may be used for normal household purposes. Water NSW lists exclusions, one being – large scale bed and breakfast accommodation, other than for the personal use of the proprietor.

In regard to water extraction from underground bores and the placement of septic tanks and effluent discharge, Water NSW recommends a minimum of 250 metres separation. If it is less than this distance additional information is required.

Forest Reefs has a council bore and tank for the use of local residents which is located close to the DA property. Council advises via a sign on this water tank that this water is not to be used for human consumption.

The DA states that the owner proposes a minimum of 3 night stays. It does not state anywhere in the application that the units could not be used for long term occupancy or full-time residences.

Please consider our objections when this DA comes up for consideration and discussion.

Yours sincerely

Daniel Drum
Planning Manager
Blayney Shire Council

Dear Sir,

have received a submission, DA No. 48/2020, for the development of 5 farm stay accommodation cabins and utility building located at Lot 293, DP750360 -760 Tallwood Road.

In considering the application we have several concerns regarding the visual, environmental and community implications the development will have on the surrounding area and residents.

The current area surrounding the proposed construction is a rural setting that has minimal development and is zoned for primary production. There are few dwellings in this location and there have been no new residential or commercial developments in the vicinity for an extended period. We believe the new development will not be in keeping with local Forest Reefs community's expectations for what would be an appropriate development in the community.

As indicated in the development application, the proposed cabins will be 'visually prominent in the surrounding area'. The cabins will also be in direct view of our house and the other dwellings in the area and effectively obstruct the existing views that we currently enjoy. The cabin, service building and car park will effectively amount to a development approximately 150m in length, which will have a significant visual impact in the area.

The application states that the development will also be drawing water from a bore on the property which may have a negative impact on residents who rely upon this water source for residential and agricultural use. Our major concern is that five new dwellings will have significant impact water table levels that have already declined in recent times.

The development will also attract an increase in traffic movement in the immediate area. Currently there is minimal traffic in the area, with peaks at approximately 6.30am and 6.30pm for a very short amount of time. The applicants state that there would be minimal increase in traffic movement, however, we believe this to be an underestimation. If all cabins were to be occupied by tourists or workers sharing accommodation, there is the potential for a large increase in traffic movement in what is normally a quiet area.

Regards,

Draft Conditions of Consent – 48/2020**Reasons for Decision**

Statutory and legislative requirement and public interest.

Deferred Commencement**1. Deferred Commencement Condition**

By reference to section 4.16(3) of the *Environmental Planning and Assessment Act 1979*, this consent is a deferred commencement consent.

The consent does not operate until such time as the following information is provided to the satisfaction of the Blayney Shire Council:

A contamination assessment report which confirms that the development area is suitable for the proposed use (i.e. *Tourist and visitor accommodation*).

The report must be prepared in accordance with the requirements of a Stage 2 – Detailed Investigation of the *Managing Land Contamination Planning Guidelines* for State Environmental Planning Policy 55–Remediation of Land.

Approved Plans**2. Development in accordance with Approved Plans & Documentation**

Development is to take place in accordance with:

Plan/DocNo.	Plan/Doc Title	Prepared by	Issue	Date
-	Statement of Environmental Effects	Applicant	-	-
-	- (Site Plan)	-	-	-
-	The Weekender 60 Elevations	Sheds n Homes		
-	The Weekender 60 Floor Plans	Sheds n Homes		
-	Weekender 60 (colours and material detail)	Sheds n Homes		
PO2001003-1	Building Layout	Sheds n Homes		
R14391e1	On-site effluent management study – proposed accommodation cabins 760 Tallwood Road, Forest Reefs NSW 2798	Envirowest Consulting	-	13 February 2020

as amended in accordance with any conditions of this consent.

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

Prescribed Conditions

3. 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.

4. 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.

Prior to Issue of a Construction Certificate

5. Cabin Plans

Prior to the issue of a Construction Certificate, plans to indicate an accessible cabin in accordance with Part D3 of the Building Code of Australia (Volume 1) and all the cabins complying with the energy efficiency provisions of Section J, must be submitted to the Principal Certifier. The accessible cabin must comply with Australian Standard AS1428.1 and have an accessible hardstand carparking space complying with AS/NZS2890.6. An accessible path of travel complying with AS1428.1 must be provided from the accessible cabin to the amenities building which must also be designed to be accessible in accordance with AS1428.1.

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.

Optional note 2: Zinalume will be not accepted.

6. Water Tanks

Prior to the issue of a Construction Certificate, plans must be submitted to the satisfaction of Blayney Shire Council to confirm the location of all water tanks.

The location and visual impact of the water tanks must be to the satisfaction of the Blayney Shire Council Department of Planning and Environmental Services.

7. Engineering Plans

The applicant is to submit three (3) copies of engineering plans, specifications and calculations in relation to Condition(s) 8, 9, 24, 25 Further, the works are to comply with WBC Guidelines for Engineering Works.

8. 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.

9. 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.

10. Electrical and Telecommunication Authorities – Building

The developer is to furnish documentary evidence that arrangements have been made satisfactory to the relevant electrical authority and the relevant telecommunications authority, for the provision of electrical power, and telephone lines, OR underground electrical power and telephone lines respectively, to fully serve the development, prior to the issuing of a Construction Certificate by Council or an accredited certifying authority.

11. Construction Certificate – Engineering Works

The applicant is to obtain a Construction Certificate from Council, for the engineering work required by conditions 24, 25. The Construction Certificate is to be obtained prior to works commencing for the works associated with conditions 24 & 25 Design shall be in accordance with 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.

12. Contributions

The developer must make a monetary contribution to the Blayney Shire Council in the amount of 1% of the cost of the development for the purposes of the Blayney Local Infrastructure Contributions Plan 2012.

The monetary contribution must be indexed between the date of this certificate and the date of payment in accordance with the provisions of the Blayney Local Infrastructure Contributions Plan 2012

Prior to Works Commencing**13. 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).

14. Road Inspection Fee

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

During Construction**15. 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.

16. 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.

17. 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*.

18. 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.

19. 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.*

20. Water Supply

On site water storage totalling a minimum of 100,000 litres shall be provided for the cabins and the utility building.

21. Rainwater Tank Overflow

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

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

22. Road Construction Bond

The developer is to lodge a bond with Council equal to 5% of the total subdivision civil construction costs at practical completion, to be held by Council for a minimum period of twelve (12) months. The bond must be lodged with Council prior to the issue of the Construction Certificate.

23. 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.

COLUMN 1	COLUMN 2	
A	Road Construction	* Following site regrading, and prior to installation of footway services; * Excavation and trimming of subgrade; * After compaction of sub-base; * After compaction of base, and prior to sealing; * Establishment of line and level for kerb and gutter placement; * Subsoil Drainage; * Road pavement surfacing;

		* Pavement test results (compaction, strength).
B	Drainage	* After laying of pipes and prior to backfill; * Pits after rendering openings and installation of step irons.
F	New Gate – Rural Crossing	* Prior to commencement of excavation works. * After compaction of base and prior to sealing * Road pavement surfacing
G	Erosion and Sediment Control	* Prior to the installation of erosion measures.
H	All Development & or Subdivision Works	* Practical completion.

24. Construct and Seal Road Shoulder B.A.L (Basic Auxiliary Left Lane) At Proposed New Entry

The road shoulder is to be constructed and sealed to form a B.A.L.type intersection at the property entry in accordance to Austroads Standard for a speed limit of 50km/hr. to the edge of the seal in the public road, and to comply with *WBC Guidelines for Engineering Works*.

25. New Gate – Rural

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

Such access shall include:

("Delete options not required")

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

(b) a minimum 6.0 metre wide sealed footway crossing, extending from the edge of the bitumen seal on the public road to the entrance gate or stock grid.

(c) a 150 mm thick 6.0 metre wide concrete dish drain or 450 mm minimum diameter reinforced concrete pipe culvert with headwalls, aligned with the table drain in the public road.

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

The location of the new entrance is to be approved by council.

26. Combined Access Width

The proposed combined entrance and exit is to have a width of 6 metres at the property line.

27. Overhead Wires – Clearance

The new entrance and exit are to have adequate clearance from the top surface of the footway crossing/s as constructed, to the underside of any overhead electricity or telephone wires, to the satisfaction of the electrical authority and/or relevant telecommunications authority respectively. Written evidence of compliance with the Authority's requirements is to be provided to Council.

28. All-Weather Internal Road

A 6 metre wide all-weather 2WD vehicular access is to be constructed from the proposed new dwellings to the property boundary. This access roadway is to be appropriately formed and contain suitable measures for the prevention of soil erosion, including mitre drains and piped culverts where necessary. All such works are to comply with WBC Guidelines for Engineering Works.

29. Interallotment Drainage

The developer is to construct inter allotment drainage to drain all lots not draining naturally to a public road. The drainage system is to include grated inlet pits with a 100 mm diameter pipe connection to all such lots. All drainage works are to comply with the provisions of AS/NZS 3500 and WBC Guidelines for Engineering Works.

30. Road And Interallotment Drainage

All road and inter allotment drainage is to be conveyed to the open drain located in Tallwood Road in accordance with WBC Guidelines for Engineering Works.

31. Relocate Utility Services

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

32. Clearance From Power Lines

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

Section 68 Requirements**33. 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.

34. 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.

35. Inspections

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

- a) Internal & external drainage lines and septic tank, prior to backfilling. The licensed plumber/drainer shall be on site at the time of the inspection, and the drainage lines shall be charged; and
- b) The completed building before use.

36. Geotechnical Report

The on-site wastewater management system must be installed in accordance with the Geotechnical Report by Envirowest Pty Ltd, Report Number R14391e and dated 13 February 2020.

37. Septic Tank General

The on-site sewage management system is to be installed, operated and maintained on the land and the premises connected thereto, in accordance with the provisions of the Local Government (General) Regulation 2005 made under the Local Government Act 1993.

38. 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.

39. Service Contract

The owner shall enter into a quarterly service contract with the manufacturer, distributor, or his agent.

40. Maintenance Record – Owner/Operator

An operator's manual incorporating a service record is to be provided with the aerated septic tank system. The date of each service shall be entered on the record sheet.

41. Council Records

A copy of the quarterly service record sheet shall be forwarded by the service contractor to the approving Council within fourteen (14) days of each service.

42. Signage

Within or adjacent to the surface irrigation area shall be displayed a sign advising reclaimed effluent is being used for irrigation. The sign shall be on a white background with red lettering stating "Reclaimed Effluent – Do not Drink, Avoid Contact".

43. Recreational Lawn Areas

Recreational lawn areas of domestic premises shall not be irrigated with effluent from the aerated wastewater treatment system.

44. Irrigation System

Soaker hoses, garden sprinklers and standard water hoses and fittings **are not** to be used as part of the effluent irrigation system.

45. Disposal Area Exclusions

Vehicular traffic and livestock is excluded from the disposal area.

46. Surface Water

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

Prior to Issue of Occupation Certificate**47. 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 in AutoCAD 2000 format. Further, the works are to comply with WBC Guidelines for Engineering Works.

The provision of information on the works executed plan which details: road levels, road crossfalls & longitudinal grades.

48. Tree Line

Any dead trees, or substantial gaps, within the existing tree line located along the western boundary, adjacent to Tallwood Road, must be replanted.

49. Rural Address Number

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

50. Provision of Rural Address Number(s)

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

51. Erection of Rural Address Number(s)

The designated number plate(s) shall be obtained and erected in accordance with the Specifications for Erection of Rural Address Numbers as supplied by Council.

Written notification is to be provided to Council indicating rural addressing number(s) has/have been erected. This letter is to be supplied to Council or Principal Certifying Authority PRIOR to the issue of a Subdivision/Occupation Certificate.

Note: These plates are available from Council at the fee specified in Council's Fees and Charges.

52. Consolidation

Part 1 of Lot 293//DP75036, Part 1 of Lot 298//DP750360, Lot 151//DP750360, Lot 150//DP750360, Lot 157//DP750360, Lot 167//DP750360, Lot 307//DP750360, Lot 1//DP131811, Lot 145//DP750360, Lot 315//DP750360, Lot 1//DP131878 and Lot 155//DP750360 are to be consolidated into a single allotment. Evidence of consolidation is to be provided to Council prior to the issue of an Occupation Certificate.

53. Occupation Certificate

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

Ongoing Matters**54. Tree Line**

The existing tree line located along the western boundary, adjacent to Tallwood Road, must be maintained in perpetuity. (i.e. dead or dying trees must be replanted).

55. Accommodation – Length of Stay

Each cabin may be occupied by a tenant for a maximum period of 14 days in any one stay. The cabins must not be used for long term (i.e. more than 14 days) or permanent accommodation.

56. Approved Use

The approved buildings must not be used for any other purpose other than the approved use i.e. farm stay cabins. Any proposed change of use shall only be permitted with the consent of Council.

57. Water Quality

The water for the buildings must comply with the National Health and Medical Research Council's Australian Drinking Water Guidelines. Bore water shall not be used in the cabins or in the utility building, but may only be used for the irrigation of landscaping.

Advisory Notes**Notice of Commencement**

AN1. Notice of commencement of building works – The attached form needs to be completed and emailed, faxed or mailed to Council at least 2 days before any work commences on the site.

Note 1: Dial Before You Dig

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

Note 2: Telecommunications Act 1997 (Commonwealth)

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

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

Department: Executive Services

Author: Mayor

CSP Link: 2. Local Governance and Finance

File No: GR.LR.3

Recommendation:

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

Reason for Report:

To provide Council with the Mayor's delegate report on the Central NSW Joint Organisation meeting.

Report:

I attended the Central NSW Joint Organisation Board meeting on Thursday 27 August 2020 in Cowra. The meeting took place in person under strict COVID-19 safe procedures.

The Board was welcomed by the Mayor Cr Bill West, who gave an update on what's happening in Cowra.

The theme for the day was *Productive Water*, there were a number of presentations including Ms Steph Cooke MP, the Local Member for Cootamundra. Unfortunately the Minister for Water, the Hon Melinda Pavey, was not available to address the Board and a separate meeting is being arranged.

Presentations to the Board included:

NSW Water Directorate Mr Brendan Guiney, Executive Officer
Brendan provided an update on the role of the Water Directorate and the current operating environment for Local Government Local Water Utilities.

Department of Planning, Industry and Environment - Water Mr Michael Scotland, Ms Stef Schulte and Mr Nathan Taylor. This team have been working with CNSJO members to develop the Regional Water Strategies for the Lachlan and Macquarie catchments. These strategies are a major step forward for long-term water planning across our region and present great opportunities for future collaboration with the JO.

Murray Darling Association Inc. (MDA) Phyllis Miller, Chair of Region 10 and Emma Bradbury Chief Executive Officer, updated the Board on work of the MDA including their new Strategic Plan and on the MDAs Region 10, Chaired by Cr Phyllis Miller.

Water NSW, Mr David Hogan, Alex Fisher, Stephen Negus and Alice Jarret presented on the Wyangala Dam Wall Raising Project.

Ms Steph Cooke MP, Member for Cootamundra, has been very supportive of the CNSWJO. From the discussion on the day there were several follow ups to be undertaken by Ms Cooke's Office, around Valuer General land valuations and Water Licences, Regional Show Societies receiving compensation, given they were unable to host the annual shows, the IPART recommendation around mining rates and the Blayney – Demondrille Final report and Executive Summary.

Mayors were asked by Ms Cooke for their support for a Tresillian residential service at the new Cowra Hospital, which would be the state's only inland in-patient facility based outside a metropolitan area.

Priority One - Inter-council cooperation

Best Practice in Aggregated Procurement (Best Practice in Aggregated Procurement)

The BPAP Program is being delivered through a collaboration of 4 JOs. It is progressing well with Stages 1a and 1b - legal advice - now complete. The procurement process of Stages 2-6 now underway and the outcome of the selective RFQ will be reported in due course.

Regional Procurement and Contract Management Report

The Board approved:

1. A procurement process for the supply and delivery of bitumen emulsion to be conducted on behalf of member councils, noting the inclusion of a 0.5% contract management fee payable to CNSWJO and that contracts be directly between participating councils and the successful provider/s;
2. A procurement process for WHS compliance training to be conducted on behalf of member councils, noting the inclusion of a 5% management fee payable to CNSWJO and that the contract be held between the JO and the successful provider/s;
3. The extension and variation of the pipe relining contract with Interflow for a period of 12 months;
4. The extension of the CCTV for sewer and stormwater contracts with Interflow, Total Drain Cleaning and Toxfree for a period of 12 months;
5. The Linemarking services contracts with Avante Linemarking, Central West Linemarking, Complete Linemarking, Oz Linemarking and Red Squirrel for a period of 12 months;

Report from the NSW JO Chairs' Forum (the Forum)

The focus for the Forum going forward is JO sustainability.

Key areas of discussion in the forum from August were:

- Opportunities in the funding and strategic framework for Councils and the State to derive value from water and waste;
- Baseline funding for JOs;
- The JO Sustainability Toolkit;

- Aligning JOs with Regional NSW;
- Submission to the Inquiry into the integrity, efficacy and value for money of NSW Government grant programs;
- Providing advice on the Terms of Reference for the JO Review as contemplated by the Office of Local Government;
- Activities being undertaken around the State by JOs; and
- Support from the Minister for Local Government and the Office of Local Government for JO collaboration.

It was resolved to amend existing policy for the CNSWJO regarding the funding framework to include the following key messages:

- a. JO's were established to provide a systematic approach to:
 - i. local government collaboration at a regional scale;*
 - ii. intergovernmental collaboration between state and local government at a regional scale;**
- b. the benefits of JO's are shared between state and local government;*
- c. currently, JO's are funded by local government only;*
- d. the JO network is not financially sustainable on local government funding alone;*
- e. the State can and should contribute to funding of JO's through:
 - i. base funding – in recognition of the shared systemic benefit derived by state and local government through the existence of JO's*
 - ii. systemic and systematic state agency funding – specifically in recognition of the experience key portfolio's where there has been an enhanced return on state funding for regional outcomes when working with JO's (as compared with alternative delivery options).**

The JO will also advocate to the Deputy Premier, the Hon John Barilaro and others for the Regional Development portfolio to have a formal policy role in the oversight and engagement of Joint Organisations.

Codesigned Regional Leadership Executive and Central NSW Joint Organisation Consultation Policy

Members have been expressing frustration with consultation by State agencies in region, including but not limited to;

- timeframes for consultation including their lack of understanding of the Local Government regulatory framework;
- the exclusion of elected representatives from engagement processes;
- not fit for purpose consultation processes; and
- using Joint Organisations as an alternative to consultation directly with Councils.

Joint Organisations have been designed to, among other things, enable collaboration between State and Local Government working regional; not replace engagement with Councils and their communities.

Mr A Albury, Chair of the Regional Leadership Executive, has co-authored the attached draft Regional Leadership Executive (RLE) and Central NSW Joint Organisation (CNSWJO) Consultation Policy which seeks adoption both by the Regional Leadership Executive and Central NSW Joint Organisation.

Financial

The Board gave permission for the audited accounts to be signed under the auspices of the Secretary Treasurer if the final result after audit does not differ greatly from the figures presented and taking into account the consolidation of the final accounts for Centroc.

Priority Two: Regional Prosperity**Central West Orana – Statement of Outcomes 2019-2020 and planning for Statement of Intent 2020-2022**

Members will be aware that under the amendments to the Local Government Act enabling Joint Organisations (JOs), their relationship with the Regional Leadership Executive (RLE) is the cornerstone of collaboration for State agencies in the region.

The big success story is the implementation of the Central West and Orana Regional Plan where the governance of the committee overseeing the implementation is administered through the RLE and includes JO representatives.

The RLE's strategic approach is its Statement of Outcomes. These are updated every two-three years. Central NSW JO enjoys a positive working relationship with its RLE where relationships built through this entity and its subcommittees are providing support to JO priorities and those of member Councils.

Repeating the successful Central West and Orana Regional Plan model to implement both the regional transport and water strategies will lead to better ongoing collaboration and make the State strategies meaningful.

CNSWJO resolved to both progress this type of model for State strategies in region and also explore the real potential of State agency engagement in member Councils' Community Strategic Planning.

Regional promotion campaign

Advice was provided on regional plans for opt in by members developed to advertise regional attributes for business relocation and livability in the region. An environmental scan was undertaken on activity currently undertaken and calls for a further report that fleshes out the option of a regional buy in through the Regional Australia Institute, comparing this option to a rework of Beyond the Range and a more significant campaign.

JO staff are seeking feedback on the level of interest from the members in this project during discussion on this matter. The discussion will inform the advice in the options report.

CSU - Central NSW Joint Organisation medical scholarships

The Central NSW Joint Organisation funding of Charles Sturt University medical scholarships will award all three scholarships in 2021. The scholarships will be assessed at the direction of CSU, with the following selection criteria;

- a. applicants must be from the 10 CNSWJO Member Councils;
- b. Their HSC examinations and/or most recent academic records and references;
- c. A supporting essay outlining-
 - o Reasons for undertaking the medical degree;
 - o Commitment to practicing in Central NSW.

Priority Four: Water Update**Water**

The Board has or will be providing feedback from the region on

- The Marsden Jacob report on Regional water value functions Valuing different hydrological outcomes under Regional Water Strategies;
- The Productivity Commission’s Review of the National Water Initiative;
- The Legislative Assembly of NSW Committee on Investment, Industry and Regional Development’s interim report into support for drought affected communities in New South Wales; and
- Stakeholder consultation by Water NSW for the Wyangala Dam wall raising project.

All submissions will be in accordance with JO policy. Please request the CNSWJO Advocacy Plan for Water for more detail.

The Board also resolved to commence work on a regional position paper on Productive Water. This will include extensive consultation with members. Finally, while the Board commends member Councils join the Murray Darling Association (MDA), the Board has also resolved to ask the MDA to reduce the size of region 10 so it better aligns with CNSWJO boundaries and has a more manageable size. For more information on the MDA please go to <https://www.mda.asn.au/>

Value to members

A snapshot of the value to members of the various activities undertaken by the JO for their members in the context of the CNSWJO Strategic Plan follows.

VALUE FOR MEMBERS 2020/2021	PREVIOUS FY 2019/2020	ACTIVITY FYTD
SUBMISSIONS	20	6
PLANS, STRATEGIES AND COLLATERAL	26	4
GRANTS	3	2
COMPLIANCE	13	3
DATA	6	1
MEDIA INCLUDING SOCIAL MEDIA	13	2
COST SAVINGS	\$1.87	TBA
REPRESENTATION	147	33
OPPORTUNITIES COUNCILS HAVE BEEN AFFORDED	35	13

Savings

The following table shows the savings achieved by member councils through aggregated procurement and programming. An explanation of the meaning of each column has been reported previously and is available on request. The table reflects savings in the 19/20 financial year.

SAVINGS	Water Utilities Alliance Contracts	HR Contracts	WHS contracts	IT contracts	Supply contracts	Roads/ Transport contracts	Energy contracts	RDOCS contracts	Other contracts	Training	Legal advice re Procurement	Participation in regional procurement	Total
Bathurst	\$1,900	\$45,959	\$833	\$0	\$27,360	\$0	\$330,837	\$6,749	\$2,335	\$45	\$0	\$6,000	\$422,018
Blayney	\$1,000	\$7,047	\$0	\$0	\$26,603	\$0	\$39,734	\$7,400	\$0	\$0	\$0	\$6,000	\$87,785
Cabonne	\$3,000	\$12,764	\$7,236	\$0	\$52,492	\$0	\$51,644	\$6,640	\$1,985	\$0	\$0	\$6,000	\$141,761
Central Tablelands Water	\$2,600	\$133	\$0	\$0	\$0	\$0	\$9,858	\$967	\$0	\$0	\$0	\$10,000	\$23,558
Cowra	\$2,600	\$18,651	\$2,263	\$0	\$41,917	\$0	\$93,335	\$6,290	\$1,985	\$45	\$0	\$11,000	\$178,087
Forbes	\$1,000	\$16,778	\$0	\$0	\$43,211	\$0	\$77,027	\$6,703	\$1,985	\$0	\$0	\$10,000	\$156,705
Lachlan	\$1,000	\$26,999	\$0	\$0	\$65,356	\$0	\$72,499	\$7,483	\$1,985	\$1,675	\$0	\$7,000	\$183,997
Oberon	\$1,000	\$17,839	\$0	\$0	\$18,887	\$0	\$29,132	\$7,837	\$1,985	\$3,120	\$0	\$10,000	\$89,801
Orange	\$1,000	\$81,881	\$2,866	\$0	\$40,267	\$0	\$403,378	\$1,006	\$2,335	\$1,745	\$0	\$11,000	\$545,477
Parkes	\$3,400	\$1,236	\$0	\$0	\$40,262	\$0	\$133,661	\$6,675	\$1,985	\$4,738	\$0	\$7,000	\$198,957
Weddin	\$2,200	\$64	\$0	\$0	\$18,521	\$0	\$32,164	\$1,084	\$0	\$0	\$0	\$10,000	\$64,033
Sub total	\$20,700	\$229,353	\$13,198	\$0	\$374,877	\$0	\$1,273,269	\$58,832	\$16,580	\$11,368	\$0	\$94,000	\$2,092,178
												Cost to members	\$219,234
												Total	\$1,872,944

The cost to members is calculated on a percentage of each CNSWJO staff member and their corresponding workload on procurement and contract management. This figure is updated quarterly in line with the cost savings.

Review of the JO Strategic Plan

As Council will be aware, with the extension of the election term due to Covid, Community Strategic Plan (CSP) review has been delayed by 12 months. As the CNSWJO Plan is informed by member CSPs, it was resolved by the Board to make minor changes to the CNSWJO Strategic Plan to extend its life by 12 months. Material changes are as follows:

- The extension of some time frames, for example for the Best Practice in Aggregated Procurement Program, the EV Infrastructure Mapping project and TfNSW Transport planning in region;
- The replacement of various compliance activities with a compliance calendar to be reported on every November;
- The inclusion of new regional working groups and teams where required for example RDOCS to support the Best Practice in Aggregated Procurement, the Training, Learning and Development Working Group and the WHS Group who are progressing the online induction project; and
- The need for review of some programming given the emergence of challenges for intergovernmental collaboration e.g. with training in the water space.

No changes have been made to the balance of the Plan. This means that the existing ABS data and the names of stakeholders, including State agencies whose names change regularly, have not been changed though they may no longer be accurate or up to date.

Next Board meeting – Transport themed

The next Board meeting will be in Bathurst, the theme will be Transport. The Hon Paul Toole, Member for Bathurst, Minister for Regional Transport and Roads; and Deputy Leader of The Nationals will be invited.

At the time of writing this has been confirmed for Friday 4 of December to fit with his diary.

I commend this report to Council and thank you all for your support.

Risk/Policy/Legislation Considerations:

Nil

Budget Implications:

Nil

Enclosures (following report)

- 1 Central NSW Joint Organisation Minutes from Meeting held 27 August 2020 7 Pages

Attachments (separate document)

Nil

Minutes of the Central NSW Joint Organisation meeting 27 August 2020 held In Cowra**Attendees, voting members in bold.**

Cr B Bourke	Bathurst Regional Council	Cr J Medcalf	Lachlan Shire Council
Cr S Ferguson	Blayney Shire Council	Cr K Sajowitz	Oberon Council
Cr K Beatty	Cabonne Council	Cr K Keith	Parkes Shire Council
Cr B West	Cowra Shire Council	Cr M Liebich	Weddin Shire Council
Cr P Miller	Forbes Shire Council		

Mr D Sherley	Bathurst Regional Council	Cr D Somerville	Central Tablelands Water
Ms R Ryan	Blayney Shire Council	Mr G Rhodes	Central Tablelands Water
Mr B Byrnes	Cabonne Council	Mr S Harma *	RDA CW
Mr P Devery	Cowra Shire Council	Mr P Evans *	OLG
Mr S Loane	Forbes Shire Council	Mr A Albury	Regional NSW
Mr G Tory	Lachlan Shire Council	Ms J Bennett	Central NSW JO
Mr G Wallace	Oberon Council	Ms M Macpherson	Central NSW JO
Mr D Waddell	Orange City Council	Ms C Griffin	Central NSW JO
Mr G Carroll *	Weddin Shire Council	Ms V Page	Central NSW JO

*attended via zoom

1. **Welcome by Chair Cr John Medcalf**
2. **Acknowledgement to Country and welcome by host Council Cr Bill West**
3. **Pre meeting speakers on productive water and summary advice**

a. NSW Water Directorate

Mr Brendan Guiney, Executive Officer

Brendan provided an update on the role of the Water Directorate and the current operating environment for Local Government Local Water Utilities

b. Department of Planning, Industry and Environment - Water

Mr Michael Scotland, Ms Stef Schulte and Mr Nathan Taylor

Provided an update, this team have been working with the region to develop the Regional Water Strategies for the Lachlan and Macquarie catchments. These strategies are a major step forward for long-term water planning across our region and present great opportunities for future collaboration with the JO.

c. Murray Darling Association Inc. (MDA)

Phyllis Miller, Chair of Region 10

Emma Bradbury Chief Executive Officer

Updated the Board on work of the MDA including their new Strategic Plan and on the MDAs Region 10, Chaired by Cr Phyllis Miller.

Members were asked to note the MDA National Conference **14-16 September**

d. Water NSW

Mr David Hogan, Alex Fisher, Stephen Negus and Alice Jarret presented on the Wyangala Dam Raising Project

e. Ms Steph Cooke MP, Member for Cootamundra accompanied by staff member Kimberley Cavanagh

- I. Mayors suggested they were happy to provide media support for a Tresillian residential service at the new Cowra Hospital, which would be the state’s only inland in-patient facility based outside a metropolitan area.
- II. Will follow up on the Valuer General land valuation issue and Water Licences.
- III. Will follow up on the status of Regional Show Societies receiving compensation, given they were unable to host the annual show due to Covid.
- IV. Will follow up on the IPART recommendation #37 around mining rates.
- V. Will continue to follow up on the Blayney – Demondrille Final report and Executive Summary.

Board Meeting formally opened at 12.40pm

4. Apologies applications for a leave of absence by Joint Voting representatives

Cr R Kidd, Mr K Boyd, Ms C Weston,

Resolved	Cr K Keith/Cr B Bourke
That the apologies for the Central NSW Joint Organisation Board meeting 27 August 2020 listed above be accepted.	

5. Confirmation of the Minutes of the Central NSW Joint Organisation meeting 4 June 2020 via Zoom

Resolved	Cr K Keith/ Cr B Bourke
That the Central NSW Joint Organisation Board confirm the Minutes of the meeting 4 June 2020 held via zoom	

6. Business Arising from the Minutes – Matters in Progress

Resolved	Cr K Beatty/Cr M Liebich
That the Central NSW Joint Organisation Board note the Matters in Progress, making deletions as suggested.	

7. Reports to Statement of Regional Strategic Priority

Priority One - Inter-council cooperation

a. Best Practice in Aggregated Procurement

Resolved	Cr B Bourke/Cr K Keith
That Board notes the report on Best Practice in Aggregated Procurement and	
<ul style="list-style-type: none"> 1. delegates the approval of the engagement of the successful provider of the selective RFQ process for BPAP to the Chair and the Sponsoring General Managers of the CNSWJO Inter Council Cooperation priority; 2. delegates the execution of the contract for BPAP Stages 2 to 6 to the Executive Officer; and 3. approve the use of the Inter-Council Cooperation Reserve to supplement the OLG funding if required 	

b. Regional Procurement and Contract Management Report

Resolved	Cr P Miller/ Cr S Ferguson
That the Board note the Regional Procurement and Contract Management Report and	
<ol style="list-style-type: none"> 1. approve a procurement process for the supply and delivery of bitumen emulsion to be conducted on behalf of member councils, noting the inclusion of a 0.5% contract management fee payable to CNSWJO and that contracts be directly between participating councils and the successful provider/s; 2. approve a procurement process for WHS compliance training to be conducted on behalf of member councils, noting the inclusion of a 5% management fee payable to CNSWJO and that the contract be held between the JO and the successful provider/s; 3. approve the extension and variation of the pipe relining contract with Interflow for a period of 12 months; 4. approve the extension of the CCTV for sewer and stormwater contracts with Interflow, Total Drain Cleaning and Toxfree for a period of 12 months; 5. approve the linemarking services contracts with Avante Linemarking, Central West Linemarking, Complete Linemarking, Oz Linemarking and Red Squirrel for a period of 12 months; and 6. note the inclusion of the EV Infrastructure Mapping project as part of the existing contract with Everergi with the contract being extended until 31 March 2021 as per the agreed project plan. 	

c. Report from the NSW JO Chairs' Forum

Resolved	Cr K Keith/Cr K Beatty
That the Board note the report from the Joint Organisation (JO) Chairs' Forum and	
<ol style="list-style-type: none"> 1. endorse a submission to the Inquiry into the integrity, efficacy and value for money of NSW Government grant programs; 2. note that CNSWJO will form part of a delegation of JOs seeking to progress better outcomes from the funding framework for Council provision of urban water; 3. consider advice in the JO Sustainability Toolkit in the refresh of CNSWJO strategy; 4. seek a report from GMAC on the potential for the Joint Organisation to leverage its role to deliver value to members on waste; 5. regarding (4) above ensure consultation is undertaken with key stakeholders including Netwaste; 6. The Board write to the Minister for Local Government seeking to progress the JO review and suggesting the Terms of Reference be as follows: <ol style="list-style-type: none"> 1. Specifically addressing the provisions under the Local Government Act constituting Joint Organisations, the review is to consider: <ol style="list-style-type: none"> a. What is working including achievements of the various JOs over the past two years and why? b. What is not working and why? c. Specific commentary with regard to the \$150K Capacity Building Program for JOs; d. What does JO network success look like? e. What are the barriers to getting results? f. What are the enablers? and g. Recommendations 7. amend existing policy for the CNSWJO regarding the funding framework to include the following key messages: <ol style="list-style-type: none"> a. JOs were established to provide a systematic approach to: <ol style="list-style-type: none"> i. local government collaboration at a regional scale; ii. intergovernmental collaboration between state and local government at a regional scale; b. the benefits of JOs are shared between state and local government; c. currently, JOs are funded by local government only; d. the JO network is not financially sustainable on local government funding alone; 	

- e. the State can and should contribute to funding of JOs through:
 - i. base funding – in recognition of the shared systemic benefit derived by state and local government through the existence of JOs
 - ii. systemic and systematic state agency funding – specifically in recognition of the experience of key portfolios where there has been an enhanced return on state funding for regional outcomes when working with JOs (as compared with alternative delivery options); and
- 8. advocate to the Deputy Premier, the Hon John Barilaro and others for the Regional Development portfolio to have a formal policy role in the oversight and engagement of Joint Organisations;
- 9. the advice in the JO Sustainability Toolkit endorsed by the Forum be used to inform the review of the JO strategy in 2021;
- 10. endorse the JO Chair forum as it focusses on JO sustainability and seeks secondment from the Office of Local Government to lead and support the intergovernmental collaboration arrangements between JOs and the State Government; and
- 11. provide advice on the above resolve to the JO Chairs' Forum.

d. Codesigned Regional Leadership Executive and Central NSW Joint Organisation Consultation Policy

Resolved	Cr B Bourke/Cr K Keith
That the Board note the Codesigned Regional Leadership Executive and Central NSW Joint Organisation Consultation Policy report and	
<ul style="list-style-type: none"> 1. adopt the codesigned Regional Leadership Executive and Central NSW Joint Organisation Consultation Policy; 2. thank Mr A Albury for his support in co-authoring this document; 3. provide a copy to the Water Directorate; and 4. write to Local Government NSW seeking to reinstate the Water Policy Committee. 	

e. Financial Report

Resolved	Cr K Keith/Cr B West
That the Board note the Financial Report and gives permission for the audited accounts to be signed under the auspices of the Secretary Treasurer if the final result after audit does not differ greatly from the figures presented in this report and taking into account the consolidation of the final accounts for Centroc.	

f. Energy report

Resolved	Cr B Bourke/Cr M Liebich
That the Board notes the report on Energy Programming.	

Priority Two: Regional Prosperity

g. Central West Orana – Statement of Outcomes 2019-2020 and planning for Statement of Intent 2020-2022

Resolved	Cr B West/Cr K Beatty
That the Central NSW JO Board note the report on the Central West Orana – Statement of Outcomes 2019-2020 and planning for Statement of Intent 2020-2021 and	
<ul style="list-style-type: none"> 1. seek to have the following included in the Statement of Intent 2020-2022: <ul style="list-style-type: none"> <i>Two Joint Organisations are proclaimed in the Central West Orana Region</i> <ul style="list-style-type: none"> - Central NSW JO - Orana JO 	

The RLE recognises the value of the Central West and Orana Regional Plan model and

1. *Seeks to have the Central West and Orana Plan recognised as the overarching strategic document for Central NSW*
 2. *Ensures that members of the RLE will engage in the review of the Central West and Orana Plan*
 3. *Supports the CNSWJO's efforts in seeking ongoing formal intergovernmental collaborative arrangements under the Regional Water Strategies to monitor and deliver their implementation;*
 4. *Recognised the value of the Regional Integrated Transport Group in its strategic work and its potential for implementation and supports resourcing of its continuation; and*
 5. *Supports the Regional Prosperity Subcommittee of both the RLE and the Central NSW JO with associated Terms of Refence.*
 - o *Development of a workforce strategy to attract skilled workers to employment within the Parkes Special Activation Precinct and the broader context,*
 - o *Scoping advice to Local Government on the practicability of State agency engagement in the Community Strategic Planning Process, and*
2. invite the Orange Rail Active Group to speak to the Board meeting.

h. Scoping Report of a regional promotion campaign

Resolved	Cr B West/Cr B Bourke
That the Board notes the report on scoping advice of a regional promotion campaign and collaborate with RDA Central West and other stakeholders on an options paper showing the benefits and costs of	
<ol style="list-style-type: none"> 1. A significant promotion campaign over 5 years similar to that of Evocities; 2. tailored approach working with the Regional Australia Institute or other similar entities; and 3. A rework of the Beyond the Range site with associated marketing. 	

i. Health – Central NSW Joint Organisation medical scholarships.

Resolved	Cr B West/ Cr B Bourke
That the Board note the report regarding the Central NSW Joint Organisation medical scholarships, and agree to	
<ol style="list-style-type: none"> 1. award all three scholarships in 2021; 2. the scholarships being assessed at the direction of CSU; 3. note the following selection criteria; <ol style="list-style-type: none"> a. applicants must be from the 10 CNSWJO Member Councils; b. their HSC examinations and/or most recent academic records and references; c. a supporting essay outlining; <ol style="list-style-type: none"> I. Reasons for undertaking the medical degree; II. Commitment to practicing in Central NSW; and 4. hold an event at CSU Orange to meet the students in due course. 	

Priority Four: Water Update

j. Water update

Resolved	Cr B West/ Cr K Sajowitz
That the Central NSW Joint Organisation Board note the Regional Water Update and;	
<ol style="list-style-type: none"> 1. adopt the response to the Marsden Jacob report on Regional water value functions valuing different hydrological outcomes under Regional Water Strategies; 2. endorse the development through the Executive of a submission to the Productivity Commission's inquiry into National Water Policy; 3. seek feedback from members on correspondence to the Legislative Assembly of NSW Committee on Investment, Industry and Regional Development providing comment on recommendations relating to town water supplies in the interim report into support for drought affected communities in New South Wales; 	

4. through the Regional Water Committee, receive scoping advice on the development of a Productive Water Position Paper and that this take into consideration specific feedback from members on water security issues impacting on their towns; and
5. note the Murray Darling Association Strategic Plan; and
 - a. encourage members to join region 10;
 - b. seek that the area covered by region 10 be reduced;
 - c. endorse the CNSWJO working with the MDA in the future and
 - d. commend to members they attend the MDA Virtual Conference 14-16 September.
6. seek feedback from member’s Local Water Utilities on the State Water Strategy within existing policy, particularly on the need for ongoing governance and structural arrangements to ensure Local Government is included and remain at the table during implementation.
7. seek feedback from member’s Local Water Utilities on submissions, within existing policy, to
 - a. the NSW Productivity Commission inquiry; and
 - b. the Legislative Assembly of NSW Committee’s inquiry into the Rational for and impacts of new dams and other water infrastructure in NSW and encourage members to make separate submissions.
8. advocate on behalf of members on the impacts of the rating and irrigation issues.
9. recognise the water security challenges for Oberon and seek to support them as a Board priority.

k. CNSWJO Executive Officer Proforma Performance Review Report for feedback

Resolved	Cr S Ferguson/Cr K Keith
That the Board note the report regarding the performance management of the Executive Officer and <ol style="list-style-type: none"> 1. adopt the CNSWJO Executive Officer performance review proforma; and 2. extend of the term of the CNSWJO Executive Officer Performance Review Committee until the Local Government election in September 2021. 	

l. Report to the Central NSW JO Strategic Plan and Statement of Regional Strategic Priority 2019/2020

Resolved	Cr P Miller/Cr B West
That the Board note the Report to the Central NSW JO Strategic Plan and Statement of Regional Strategic Priority and <ol style="list-style-type: none"> 1. note that advice on value to members for the financial year 19/20 will be finalised for members to be provided via Mayors in lieu of an annual report; 2. through the Chair lodge a Regional Submission supporting member Councils on any cross border LGAs for the NSW Road Classification Review Reclassification or Transfer; 3. delegate the approval of the engagement of the successful provider of the RFQ for the Tourism Strategy Refresh to the Chair and the Sponsoring General Managers of the CNSWJO Inter Council Cooperation priority; and 4. delegate the execution of the contract for the Tourism Strategy Refresh to the Executive Officer. 	

1.43pm – Cabonne representatives left the meeting.

m. Report to the review of the JO Strategic Plan

Resolved	Cr K Sajowitz/Cr M Liebich
That the Board note the Report on the Programming until November 2021 that extends the life of CNSWJO Strategic Plan and amends the actions as follows: <ol style="list-style-type: none"> 1. the extension of some time frames, for example for the Best Practice in Aggregated Procurement Program, the EV Infrastructure Mapping project and TfNSW Transport planning in region; 	

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| <ol style="list-style-type: none"> 2. the replacement of various compliance activities with a compliance calendar to be reported on every November; 3. the inclusion of new regional working groups and teams where required for example RDOCS to support the Best Practice in Aggregated Procurement, the Training, Learning and Development Working Group and the WHS Group who are progressing the online induction project; and 4. the need for review of some programming given the emergence of challenges for intergovernmental collaboration e.g. with training in the water space. |
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8. Late reports - Nil

9. Matters raised by members

Members provided feedback on Productive Water and these were included in the Water report.

Supplementary Motion

Resolved	Cr P Miller/Cr B Bourke
That the Board write to LGNSW seeking their policy position on universal postal voting and pre-poll and	
<ol style="list-style-type: none"> 1. provide this to members; and 2. Seek advice from members on their position on universal postal voting and pre-poll matters. 	

10. Speakers to the next meeting

- Orange Rail Action Group (ORAG)
- The Hon Paul Toole, MP for Bathurst, Minister for Regional Transport and Roads

11. The next meeting dates are

GMAC – 22 October - Blayney
Board – 26 November - Bathurst

Meeting closed at 1.57pm

Page 7 is the last page of the Central NSW Joint Organisation meeting 27 August 2020

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.

19) BLAYNEY NETBALL COURTS TENDER

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