



15 December 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, 21 December 2020 at 5.00pm 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 16.11.20
- (9) Matters arising from Minutes
- (10) Reports of Staff
  - (a) Executive Services
  - (b) Corporate Services
  - (c) Infrastructure Services
  - (d) Planning and Environmental Services
- (11) Closed Meeting

Yours faithfully

Rebecca Ryan  
**General Manager**

## Meeting Calendar 2020/21

### December

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
5.00pm	21 December 2020	Council Meeting	Community Centre

### January

Nil

### February

<u>Time</u>	<u>Date</u>	<u>Meeting</u>	<u>Location</u>
10.00am	5 February 2021	Traffic Committee Meeting	Community Centre
6.00pm	15 February 2021	Council Meeting	Community Centre
4.00pm	16 February 2021	Local Emergency Management Committee Meeting	Community Centre
6.00pm	18 February 2021	Sports Council Meeting	Community Centre
2.30pm	19 February 2021	Upper Macquarie County Council Meeting	Kelso
6.00pm	23 February 2021	Tourism, Towns and Villages Committee Meeting	Community Centre
9.00am	26 February 2021	Mining and Energy Related Councils Meeting	Wollongong

**INDEX OF REPORTS OF THE BLAYNEY SHIRE COUNCIL MEETING**  
**HELD ON MONDAY 21 DECEMBER 2020**

<b>MAYORAL MINUTE .....</b>	<b>5</b>
01) General Manager's Annual Performance Review.....	5
<b>CONFIRMATION OF MINUTES .....</b>	<b>7</b>
02) Minutes of the Previous Council Meeting held 16 November 2020 .....	7
<b>EXECUTIVE SERVICES .....</b>	<b>15</b>
03) Tourism Event Development Program.....	15
04) Resources for Regions Program Round 7 .....	17
05) BCO Alliance Agreement.....	20
06) Central NSW Business HQ.....	38
07) Minutes of the Blayney Shire Tourism, Towns and Villages Committee Meeting held 24 November 2020.....	39
<b>CORPORATE SERVICES.....</b>	<b>43</b>
08) Report Of Council Investments As At 30 November 2020.....	43
09) 2019/20 Audited Financial Statements.....	48
10) Community Financial Assistance Policy Amendment.....	55
11) Adoption Of Work, Health And Safety Policy .....	67
12) Information Security Policy .....	72
13) Transfer of Lease Of Visitor Information Centre Cafe.....	80
14) Lease Agreement: Neville Multipurpose Court .....	82
15) Crown Lands Plan Of Management Program Update .....	84
16) Sale Of Land for Unpaid Rates - Auction Results.....	90
17) Update to IPART Rating Review - Mining Rate .....	92
<b>INFRASTRUCTURE SERVICES.....</b>	<b>96</b>
18) Director Infrastructure Services Monthly Report.....	96
19) Proposed Fees - Blayney Showground Equestrian - Gator & Rake Fee & Australian Ranch Horse.....	102
20) Belubula Way Bridge Over Icely Creek .....	104
21) Central West JO - Supply and Delivery of Roads Signs Contract.....	107
22) Minutes of the Blayney Shire Sports Council Meeting held Thursday 19 November 2020.....	110
23) Minutes of the Traffic Committee Meeting held 11 December 2020.....	112
<b>PLANNING AND ENVIRONMENTAL SERVICES .....</b>	<b>116</b>
24) Development Application 87/2020 - Change Of Use And Internal Alterations - 27 Victoria Street, Millthorpe .....	116
<b>CONFIDENTIAL MEETING REPORTS.....</b>	<b>130</b>
25) Legal Matter .....	130

## **LIVE STREAMING OF COUNCIL MEETINGS**

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

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

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

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

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

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

**01) GENERAL MANAGER'S ANNUAL PERFORMANCE REVIEW**

**Author:** Mayor Scott Ferguson

**File No:** PE.PA.3

---

**Recommendation:**

That:

1. Council nominate an additional Councillor, along with the Mayor, Deputy Mayor and a Councillor nominated by the General Manager to comprise the Performance Review Panel.
2. Council delegate all tasks necessary for the completion of the Performance Review and Panel members all undertake training in accordance with the Performance Review Guidelines.
3. The Mayor be delegated authority to finalise all arrangements for the Performance Review Panel to convene in February 2021.

**Reason for Report:**

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

**Report:**

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

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

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

In summary Council's requirements are to:

- Ensure that performance is reviewed at least annually.
- Establish a Performance Review Panel, comprising of the Mayor, Deputy Mayor, another Councillor nominated by Council and a Councillor nominated by the General Manager.
- Ensure that panel members are trained in performance management of General Managers.
- Delegate the role of conducting the performance review, reporting findings and recommendations to Council and developing the Performance Agreement, to the Panel.
- Ensure that all Councillors are notified of the relevant dates for the review and that those not on the panel can contribute by providing feedback to the Mayor.
- Ensure that statutory requirements under s223 under the Local Government Act (1993) to monitor performance of the General Manager

are adhered to. The Mayor also has statutory requirements under s226 under the Local Government Act, to lead the performance review.

It is proposed that the Performance Review be undertaken on Tuesday 16 February 2021.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**02) MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 16 NOVEMBER 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 16 November 2020, being minute numbers 2011001 to 2011019 be confirmed.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL ORDINARY MEETING HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE, ON 16 NOVEMBER 2020, COMMENCING AT 6.00PM**

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

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

**ACKNOWLEDGEMENT OF COUNTRY****RECORDING OF MEETING STATEMENT****DISCLOSURES OF INTEREST**

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

<b>Councillor/ Staff</b>	<b>Interest</b>	<b>Item</b>	<b>Pg</b>	<b>Report</b>	<b>Reason</b>
Cr Somervaille	Non Pecuniary (Significant)	3	30	Planning Agreement – McPhillamys Gold Project	Consultant to Ashurst, the law firm which drafted the Planning Agreement on behalf of Regis Resources
Cr Somervaille	Non Pecuniary (Significant)	10	98	Waiver of 2020/21 Primary Food Shop Inspection Fees and Charges	Cr Somervaille's wife is a proprietor of a licensed food premises.

**PUBLIC FORUM**

Chris Moloney – Item 12 – Development Application 87/2020 – Change of Use and Internal Alterations – 27 Victoria Street, Millthorpe

Rebecca Price – Item 3 - Planning Agreement – McPhillamys Gold Project

### **MAYORAL MINUTE**

**2011/001** **SKILLSET**  
**RESOLVED:**

That Council reaffirm the appointment of Mr Ian Tooke as Blayney Shire Council Delegate to the Skillset Board.

(Ferguson/Reynolds)

**CARRIED**

Skillset is a not for profit company that employs apprentices and trainees, and places them with local tradespeople and businesses aiming to develop skilful young people for the future; create business success through applied learning, build strong and sustainable communities.

Council appointed Mr Ian Tooke, at the October 2014 Council meeting and reaffirmed his appointment at the September 2017 meeting, for a 3 year term.

Skillset have asked Council to nominate the delegate for 2020-2023 .

### **BLAYNEY HEALTH SNAP SHOT**

The Mayor informed Councillors that the Blayney Health Snapshot, a Primary Health Network (PHN) publication supported by Blayney Shire Council, was launched today.

### **CONFIRMATION OF MINUTES**

#### **MINUTES OF THE PREVIOUS COUNCIL MEETING HELD 19 OCTOBER 2020**

**2011/002** **RESOLVED:**

That the Minutes of the Ordinary Council Meeting held on 19 October 2020, being minute numbers 2010/001 to 2010/021 be confirmed.

(Newstead/Ewin)

**CARRIED**

### **MATTERS ARISING FROM THE MINUTES**

Nil



**EXECUTIVE SERVICES REPORTS**

**2011/003**      **ADVERSE EVENTS PLAN**  
**RESOLVED:**  
 That Council endorse the Blayney Shire Community Adverse Events Plan and submit to the Australian Government’s Drought Communities Program 2019 with the final project report  
 (Reynolds/Somervaille)  
**CARRIED**

Cr Somervaille having declared an interest left the meeting.

**2011/004**      **PLANNING AGREEMENT - MCPHILLAMYS GOLD PROJECT**  
**RESOLVED:**  
 That Council endorse the Draft Planning Agreement between LFB Resources NL and Blayney Shire Council, and place it with the Explanatory Note on public exhibition inviting public comment for 28 days.  
 (Newstead/Reynolds)

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

<b>FOR</b>	<b>AGAINST</b>	
Councillor Ewin		
Councillor Ferguson		
Councillor Kingham		
Councillor Reynolds		
Councillor Newstead		
Councillor Denton		
<b>Total (6)</b>	<b>Total (0)</b>	<b>CARRIED</b>

Cr Somervaille returned to the meeting

**CORPORATE SERVICES REPORTS**

**2011/005**      **REPORT OF COUNCIL INVESTMENTS AS AT 31 OCTOBER 2020**  
**RESOLVED:**  
 1. That the report indicating Council’s investment position as at 31 October 2020 be received.  
 2. That the certification of the Responsible Accounting Officer be received and the report be adopted.  
 (Kingham/Reynolds)  
**CARRIED**

**QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2020**

2011/006

**RESOLVED:**

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

(Newstead/Somervaille)

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

2011/007

**RESOLVED:**

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

(Kingham/Newstead)

**CARRIED****CEMETERIES MANAGEMENT PLAN**

2011/008

**RESOLVED:**

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

(Kingham/Denton)

**CARRIED****ROAD FUNDING ALLOCATIONS**

2011/009

**RESOLVED:**

That Council receive and note the proposed work locations for resealing and heavy patching for 2020/21.

(Somervaille/Denton)

**CARRIED****RENEWABLE ENERGY ACTION PLAN 2020**

2011/010

**RESOLVED:**

That Council nominate Cr Reynolds and Cr Newstead to contribute on a Council Working Group to progress the implementation of the Renewable Energy Action Plan.

(Ewin/Somervaille)

**CARRIED**

Cr Somervaille having declared an interest left the meeting.

## PLANNING AND ENVIRONMENTAL SERVICES REPORTS

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

2011/011

#### RESOLVED:

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

(Ewin/Newstead)

**CARRIED**

Cr Somervaille returned to the meeting.

### DEVELOPMENT APPLICATION 50/2020 - FOURTEEN LOT SUBDIVISION - 741 FOREST REEFS ROAD, FOREST REEFS

2011/012

#### RESOLVED:

1. That Council consent to Development Application 50/2020 for a fourteen lot subdivision of Lot 102 DP1263877 – being 741 Forest Reefs Road, Forest Reefs, subject to the recommended conditions of consent.
2. Add to condition 20 that all boundary fences must be located on the surveyed common boundary.

(Newstead/Ewin)

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

FOR	AGAINST
Councillor Ewin	Councillor Kingham
Councillor Ferguson	
Councillor Somervaille	
Councillor Reynolds	
Councillor Newstead	
Councillor Denton	
<b>Total (6)</b>	<b>Total (1)</b>

**CARRIED**

**DEVELOPMENT APPLICATION 87/2020 - CHANGE OF USE AND INTERNAL ALTERATIONS - 27 VICTORIA STREET, MILLTHORPE**

**MOTION:**

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

(Newstead/Denton)

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

That this item be deferred.

The amendment became the substantive motion and was put.

**2011/013 RESOLVED:**

That this item be deferred.

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

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

**LATE REPORTS**

**MINUTES OF THE BLAYNEY TRAFFIC COMMITTEE MEETING HELD ELECTRONICALLY - OCTOBER 2020**

**2011/014 RESOLVED:**

1. That the minutes of the Extraordinary Blayney Traffic Committee Meeting, held electronically in October 2020, be received and noted.
2. That Council approve the extension of the school bus route along Spring Hill Road to the Cabonne Council boundary, subject to approval from Cabonne Shire Council.

(Reynolds/Somervaille)

**CARRIED**

**DRAFT STATEMENT OF FINANCIAL REPORTS**

2011/015

**RESOLVED:**

1. That the statement in accordance with Section 413(2)(c) of the Local Government Act 1993, and Clause 215 of the Local Government (General) Regulation (2005) for the General Purpose Financial Statements for the year ending 30 June 2020 be made.
2. That the certification of the Responsible Accounting Officer be received.
3. That the statement in accordance with the requirements of the Code of Accounting Practice in relation to the Special Purpose Financial Statements for the year ending 30 June 2020 be made.
4. That the statements be signed by the Mayor, Deputy Mayor, the General Manager and the Responsible Accounting Officer.
5. That the General Purpose Financial Statements and Special Purpose Financial Statements be referred to audit and Intentus Chartered Accountants, as the contracted agent for the NSW Audit Office, be invited to complete the audit as per the requirements of Section 413(1) of the Local Government Act (1993) and Local Government (General) Regulation (2005).

(Somerville/Newstead)

**CARRIED****CLOSED MEETING**

2011/016

**RESOLVED:**

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

**LEASE AGREEMENT UPDATE: BLAYNEY SOLAR FARM**

*This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

**HOUSING PROJECT PROPOSAL FRAPE STREET BLAYNEY**

*This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

(Ewin/Denton)

**CARRIED**

**CONFIDENTIAL MEETING REPORTS**

- 2011/017**      **LEASE AGREEMENT UPDATE: BLAYNEY SOLAR FARM**  
**RESOLVED:**
1. That Council note the Lease Agreement Update: Blayney Solar Farm report.
  2. That Council decline the request from Verde Generation Pty Ltd and Solure Blayney Pty Ltd to further extend the agreement to lease.
  3. That the proposed Lessees be encouraged to make application to Council for the land when they are in a position to proceed with their project.
  4. That Council consider expressions of interest for lease of industrial land located at 31 and 33 Gerty Street, Blayney (Lot 222 DP 1175708 and Lot 3 DP1103517) as they arise.  
(Somerville/Newstead)
- CARRIED**
- 2011/018**      **HOUSING PROJECT PROPOSAL FRAPE STREET BLAYNEY**  
**RESOLVED:**
- That Council enter into a 5 year agreement and work with project partner, Housing Plus to develop an Affordable and Social Housing Project in Blayney.
- (Somerville/Ewin)  
**CARRIED**
- 2011/019**      **RESOLVED:**
- That as consideration of the matters referred to in the closed meeting has been concluded, the meeting now be opened to the public.
- (Reynolds/Newstead)  
**CARRIED**

**AT THE RE-OPENING OF THE MEETING TO THE PUBLIC, THE MAYOR  
ANNOUNCED THE OUTCOMES OF RESOLUTION NUMBERS 2011/017  
TO 2011/018.**

There being no further business, the meeting concluded at 8.08pm

The Minute Numbers 2011/001 to 2011/019 were confirmed on 21 December 2020 and are a full and accurate record of proceedings of the Ordinary Meeting held on 16 November 2020.

---

Cr S Ferguson  
**MAYOR**

---

Mrs R Ryan  
**GENERAL MANAGER**

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

That Council approves the following events under the 2019/20 Tourism Event Development Program;

- a. \$965 for Millthorpe Mouthful event
- b. \$1,000 for Antica Australis 2021 Marketing Plan.

**Reason for Report:**

For Council to consider and approve applications submitted for events seeking Council financial support under the Tourism Event Development Fund 2020/21.

**Report:**

Millthorpe Business Committee - Millthorpe Mouthful

Funding Requested: \$965

In partnership with the Millthorpe Business Committee and Millthorpe local cellar door businesses; Tamburlaine Organic Wines, Angullong Wines and Slow Wine Co and event is planned as part of the F.O.O.D Week Program for April 2021. The 'Millthorpe Mouthful' event will be held on the 18 April 2021 with a maximum of 60 attendees. Attendees visit the 3 cellar doors where they will receive tastings of wines paired with food by local hospitality venues. Vine Venture tours will provide transport to and from Orange and Blayney. All attendees will be given a merchandise pack including a merchandise bag with plastic wine glass and brochures for Millthorpe businesses.

Antica Australis Marketing Plan

Funding requested to be transferred from previous application: \$1000

Funding was received earlier this year to go towards supporting a cultural dance performance during the planned Ancient Southern Lands event during the 2020 Orange FOOD Week festival which was cancelled due to COVID-19. Antica Australis has requested to transfer these funds to a marketing plan for 2021.

The marketing plan includes the design and printing of A5 fliers, print advertising in Premium Dining and Shopping Guide, online advertising with HerCanberra, Facebook advertising campaign in January targeting the regional areas, and a Facebook and an online campaign in March for FOOD Week targeting Sydney, Canberra and Newcastle.

**Risk/Policy/Legislation Considerations:**

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

As the program was included in the draft 2020/21 Operational Plan, does not exceed more than 5 percent of Council's income and is open to all persons within Council's area; 28 days public notice of Council's resolution is not required.

The Millthorpe Mouthful event fits the program criteria as it is an event aimed at visitors to the region, Orange FOOD Week is a signature event in the 2021 events calendar and aligns with the target markets and destination themes outlined in the Blayney Shire Destination Management Plan.

As a direct result of the COVID-19 virus and the impact Public Health Orders have had on local events, Council approved to revise the Tourism Event Development Program for 2020/21 to include general marketing and promotion activities in addition to events. The Antica Australis application fits this criteria as it mirrors the target market and destination themes outlined in the Blayney Shire Destination Management Plan.

**Budget Implications:**

Council has a total budget of \$19,000 for 2020/21, approval of these 2 applications will leave \$15,035 available in this program.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil



**04) RESOURCES FOR REGIONS PROGRAM ROUND 7****Department:** Executive Services**Author:** General Manager**CSP Link:** 2. Local Governance and Finance**File No:** GS.LI.1**Recommendation:**

That Council:

1. Accept the NSW Government offer for funding of \$3,055,718 under the Resources for Regions Program Round 7 and authorise the General Manager to execute the Funding Agreement when issued.
2. Approve the budget adjustment \$1,800,000 to bring forward the delivery of the CentrePoint Stage 2 Project into 20/21.
3. Approve the addition of \$50,000 for the Masterplan Projects into 20/21
4. Approve the budget adjustment \$604,760 to bring forward the delivery of the Carbine Road reconstruction project into 21/22.
5. Approve the budget allocation of \$600,958 to bring forward the delivery of the Forest Reefs Road rehabilitation works into the Operational Plan for 22/23.
6. Invite tenders for the CentrePoint Stage 2 Project by the open tendering method.

**Reason for Report:**

To seek Council approval to accept the Resources for Regions Program Round 7 Funding Agreement, and in doing so approving the necessary budget adjustments, and commence the projects which have been planned for 2021/22.

**Report:**

At the August 2020 meeting Council endorsed the projects nominated for the NSW Government's Resources for Regions (RfR) Round 7 Program, totalling \$3,055,718 (**Resolution No 2008/004**).

The projects were finalised and the funding application lodged in early September. Council received formal advice from the Deputy Premier, the Hon John Barilaro MP that Council's submission was successful and on Thursday 10 December, the Hon Paul Toole MP visited Blayney to formally announce the following projects will proceed:

1. CentrePoint Stage 2	\$1,800,000
2. Carbine Road	\$604,760
3. Forest Reefs Road	\$600,958
4. Blayney Library and Blayney CBD Master Plans	\$50,000

Council approved the CentrePoint Sport and Leisure Centre project in December 2019 (**Resolution No 1912/004**). It involves the replacement of the 3000m<sup>2</sup> roof, 2 new automatic front doors, installation of PV solar panels and water harvesting infrastructure (for use at both CentrePoint and Carrington Park). The project will reduce; gas, electricity and water consumption at CentrePoint and reduce water consumption at Carrington Park.

The project design and scope of works has been completed, with Request for Tender documentation in progress. It is anticipated that tenders will be sought early in the New Year, and following assessment and Council appointment of a contract, works will commence by May/June 2021. CentrePoint will be required to be closed for a period whilst the roof is replaced, work will be undertaken in sections to minimise this impact on Swimming Pool and Gym/Fitness Centre operations.

The Library Stage 2 and Blayney CBD Masterplans project will commence in early 2021, and will be completed by June 2021. The Library Stage 2 project aims to build a new addition to the rear of the block to provide increased library, family history space with staff kitchen, amenities, store room and meeting rooms. Plans are essential to progress this to DA approval and investment (shovel) ready stage.

The Blayney CBD Plans will focus on detailed designs for the Blayney mainstreet along Adelaide Street (which is also the Mid Western Highway) from the Railway Line to the Library, and include the Shopping Centre in Farm Lane. Concepts will be developed for the recommended High Pedestrian Zone, traffic calming, parking, disabled access and main street beatification, with pedestrian linkages to Farm Lane and Shopping Centre.

The Carbine Road reconstruction project will be delivered in the 21/22 financial year with the Mining SRV funding. It includes sections of realignment, and the widening, pavement strengthening and sealing of the existing unsealed section which is 2.2km in length; that is impacted by mining traffic. Realignment is required to address poor road geometry prior to being sealed to ensure road user safety, and will require land acquisitions.

The Forest Reefs Road rehabilitation and safety improvement works will be delivered in 22/23, and added to the SRV contribution which will bring forward works that are currently not included in Council's LTFFP. Council has progressively upgraded the main route from Millthorpe to Cadia, over the past 10 years, to service what is the fastest growing rural residential area of Blayney Shire. A section of 1.2km in length from the end of the 50km limit to Charles Booth Way entrance will include realignment, widening, drainage works and pavement strengthening to improve road user safety and will link with previously upgraded sections through to Forest Reefs.

**Risk/Policy/Legislation Considerations:**

The CentrePoint project value will exceed \$250,000, Council is required to undertake the project in accordance with s55 of the Local Government Act (1993). Council is required to invite tenders before entering into a contract. Clause 166-169 of the Local Government (General) Regulation (2005) identifies the types of tendering methods that councils can use. Council must decide whether it is going to use an open or selective tendering process.

The NSW Office of Local Government (OLG) Tendering Guidelines refer to the process of selecting the most appropriate tendering method whereby Council should select the tendering method that:

- Has the greatest likelihood of achieving the best value for money
- Meets its needs
- Is appropriate for the level of risk
- Is timely
- Avoids creating unnecessary costs for it and/or tenderers; and
- Safeguards the security and confidentiality of all tenders.

As the design and specifications for the CentrePoint project have been completed, an Open Tender is recommended as the most appropriate tendering method.

The other projects will be predominantly delivered in-house or do not meet tendering thresholds, but will be required to comply with Council's Purchasing and Procurement Policy.

**Budget Implications:**

Projects must commence within 12 months of approval and be completed within 3 years.

Whilst an initial asset write off totalling \$232k is forecast for the replacement of the roof at CentrePoint it is anticipated that the operational savings resulting from the installation of solar panels and water harvesting infrastructure will reduce the electricity, gas and water consumption by \$32k per year. This will help offset the estimated increased operational costs of \$195k following the major upgrade. Additional depreciation attributed to the CentrePoint Roof and Utility project is estimated to be \$38k.

Carbine Road sealing works was originally programmed over 2 years in 2021-22 and 2022-23 will have an estimated write down of \$6k whilst Forest Reefs Road write down is estimated to be \$142k. The ongoing additional depreciation expense to maintain these roads is minimal.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**05) BCO ALLIANCE AGREEMENT****Department:** Executive Services**Author:** General Manager**CSP Link:** 2. Local Governance and Finance**File No:** GR.LR.3**Recommendation:**

1. That Council approve the draft BCO Alliance Agreement between Blayney Shire, Cabonne and Orange City Councils; including delegations contained in the Agreement.
2. Blayney Shire Council, on behalf of the BCO Alliance and with support from Cabonne and Orange City Councils, seek Ministerial consent to establish a company limited by Guarantee called BCO Alliance Limited to act as agent for the Alliance.
3. That subject to Ministerial consent, Council authorise the Mayor and General Manager to execute the BCO Alliance Agreement, substantially in the form of the draft.

**Reason for Report:**

For Council to endorse the BCO Alliance Agreement and seek Ministerial consent under s358 of the Local Government Act (1993), to establish a company limited by Guarantee, BCO Alliance Limited.

**Report:**

In accordance with the Memorandum of Understanding (MOU) signed by the BCO Alliance members on Wednesday 23 September 2020, the BCO Alliance was established as a formal voluntary strategic alliance between the member Councils; Blayney Shire, Cabonne and Orange City.

The MOU which outlined the objectives, Services, Principles and Governance of the Alliance will serve its purpose until a formal Agreement is executed. The inaugural meeting of the Alliance was held on 25 November 2020.

The draft BCO Alliance Agreement (enclosed and following this report) was prepared for Board consideration and feedback. This Agreement will provide the legal framework necessary for the BCO Alliance to function within the Local Government Act (1993).

The Board determined that each member Council be presented the Agreement for endorsement.

The main issue of principle is whether we have a separate legal entity to be available to act as agent for the Alliance. The draft Agreement provides for this (see recital (E) and clause 6) as a Council owned company limited by guarantee, registered under the Corporations Act (2001).

The relationship between the 3 Councils remains contractual, but the Alliance Agent is there to act as a nominee of the 3 Councils if ever a contract needs to be entered into for the purposes of the Alliance.

Such contracts down the track may be, for example, joint procurement, employment or consultancy contracts or grant funding agreements.

It avoids all 3 Councils having to jointly sign contracts or for one Council to act on behalf of or to auspice for all 3. It doesn't mean that the activities of the Alliance are conducted through the Agent - that remains all 3 Councils working together in their own right.

The Agreement clause requires unanimous decisions, which provides each Council with a protection mechanism.

The use of a company limited by guarantee (not shares) is how the 3 councils established Orange TDO Limited to form Orange 360, although in that case the company is the actual trading entity, not merely a nominee or agent for the Councils.

The Alliance Agent as an entity provides the flexibility for the future if needed for the BCO to act independently, subject to the member Councils' agreement.

#### **Risk/Policy/Legislation Considerations:**

There are several governance models Councils use to share services which include;

- An arrangement supported by a formal agreement or MOU,
- A committee of council under the Local Government Act (1993),
- A Joint Organisation (JO) as legislated by the Local Government Act (1993),
- An incorporated association under the Associations Incorporation Act (2009); or
- A Council owned company under the Corporations Act (2001)

The draft BCO Alliance Agreement provides the legal framework necessary for the BCO Alliance to function within the Local Government Act (1993). Only by resolution may Council delegate functions to another body; as per s377 of the LG Act. Clause 6.2 of the Agreement refers to the functions that the Alliance Agent may carry out to effectively share resources.

If an Alliance Agent as recommended is established, under s358 of the LG Act Council is required to seek Ministerial approval to form the corporation. An entity for the purposes of s358 of the Act means any partnership, trust, joint venture, syndicate or other body (whether or not incorporated) and Councils are able to be a member of a company limited by guarantee.

In applying for the Minister's consent, Council must demonstrate that the formation of, or the acquisition of the controlling interest in, the corporation or entity is in the public interest.

Each Council must demonstrate;

1. Is the proposal consistent with the functions of the Council or an existing service that the Council provides?
2. Will the proposed entity be legally separated from the Council?
3. Is the Council currently financially viable?
4. What is the impact of the proposal on existing Council staff?

It is proposed that Blayney Shire Council undertake the lead in seeking the Minister's consent for the involvement of the 3 member Councils to establish the BCO Alliance Limited.

After assessing the application, the OLG will make a recommendation to the Minister on the Council's proposal.

The draft Agreement has taken into account the OLG Guidance Paper on Collaboration and Partnerships between Councils (2007) <https://www.olg.nsw.gov.au/wp-content/uploads/Collaboration-and-Partnerships-between-Councils-A-Guidance-Paper-2007.pdf> and the more recent NSW Audit Office Report on Shared Services in Local Government (2018) <https://www.audit.nsw.gov.au/our-work/reports/shared-services-in-local-government>

**Budget Implications:**

Company Name and Registration fees are estimated to be less than \$600. An allocation of same will be sought at the second quarter QBRS to provide a budget to facilitate the establishment of the BCO Alliance.

**Enclosures (following report)**

1 BCO Alliance Agreement

15 Pages

**Attachments (separate document)**

Nil

## Alliance Agreement

**Blayney Shire Council**

ABN 47 619 651 511

and

**Cabonne Council**

41 992 912 200

and

**Orange City Council**

ABN 85 985 402 386

and

**[BCO Alliance Limited]**

ABN [ ]

constituting the BCO Alliance

2020

DRAFT 1

## CONTENTS

CLAUSE	PAGE
1. INTERPRETATION .....	3
1.1 Definitions .....	3
1.2 Rules for interpreting this agreement .....	4
2. FORMATION, OBJECTS AND SERVICES OF THE ALLIANCE .....	4
2.1 Formation .....	4
2.2 Objects.....	4
2.3 Services and functions.....	5
2.4 Council obligations in respect of Alliance .....	5
2.5 No other restrictions on Council conducting activities .....	6
2.6 No partnership, trust, agency etc.....	6
2.7 No authority to do anything .....	6
2.8 Fiduciary duties .....	6
2.9 Separate accounting records .....	6
3. ALLIANCE DECISIONS .....	6
3.1 Decisions relating to the Alliance .....	6
3.2 Engagement of employees and consultants .....	6
4. ALLIANCE BOARD .....	7
4.1 Membership and functions of Alliance Board .....	7
4.2 Council's supervision through Alliance Board .....	7
4.3 Powers of a Representative .....	7
4.4 How decisions of Alliance Board are made.....	7
4.5 Appointment of alternate Representatives .....	7
4.6 Appointment of Chairman .....	8
4.7 No fees.....	8
5. MEETINGS OF THE ALLIANCE BOARD .....	8
5.1 Convening of meetings .....	8
5.2 Code of meeting practice .....	8
5.3 Quorum and resolutions of Alliance Board .....	8
5.4 Voting rights .....	9
5.5 Decisions of Alliance Board .....	9
5.6 Secretarial functions and minutes .....	9
5.7 Delegation of powers by Alliance Board .....	10
6. THE ALLIANCE AGENT .....	10
6.1 Establishment and governance of the Alliance Agent .....	10
6.2 Delegation .....	11
6.3 Alliance Agent to act as agent of the Councils.....	11
6.4 Reimbursement of the Alliance Agent by the Councils.....	11
7. WITHDRAWAL AND TERMINATION .....	11
8. CONFIDENTIALITY AND ANNOUNCEMENTS .....	12
8.1 Confidentiality .....	12
8.2 Access to information .....	12
8.3 Public announcements.....	12
9. AMENDMENT AND ASSIGNMENT .....	12
9.1 Amendment to document.....	12
9.2 Assignment of rights under document .....	12



10.	GENERAL .....	12
10.1	Governing law .....	12
10.2	Operation of this agreement.....	13

DRAFT

**THIS AGREEMENT** is made on 2020

**BETWEEN:**

- (1) **Blayney Shire Council** ABN 47 619 651 511 of Council Chambers, 91 Adelaide Street, Blayney, New South Wales (**Blayney**)
- (2) **Cabonne Council** ABN 41 992 912 200 of 99-101 Bank Street, Molong, New South Wales (**Cabonne**)
- (3) **Orange City Council** ABN 85 985 402 386 of Civic Centre, 135 Byng Street, Orange, New South Wales (**Orange**)
- (4) **BCO Alliance Limited** ABN [ ] of Civic Centre, 135 Byng Street, Orange, New South Wales (the **Alliance Agent**).

**RECITALS:**

- (A) Blayney, Cabonne and Orange are councils constituted under the *Local Government Act 1993 (NSW)* in respect of adjoining local government areas.
- (B) At duly constituted meetings of their respective governing bodies held in July 2020, each of the Councils resolved to enter into a voluntary strategic alliance.
- (C) On 23 September 2020 the Councils signed a memorandum of understanding setting out the basis on which the Alliance was to be formed, operated and governed.
- (D) This agreement sets out the terms of the Alliance and the governance framework under which the Alliance Objects will be achieved.
- (E) The Councils have established the Alliance Agent for the purposes of acting solely as agent for and delegate of the Councils to facilitate where necessary or convenient the carrying out the Alliance Objects.

**THE PARTIES AGREE AS FOLLOWS:**

1. **INTERPRETATION**

1.1 **Definitions**

The following definitions apply in this agreement.

**Act** means the *Local Government Act 1993 (NSW)*.

**Alliance** means the unincorporated alliance between the Councils formed under this agreement for the purpose of carrying out the Alliance Objects.

**Alliance Board** means the governing board of the Alliance set up under clause 4.1.

**Alliance Objects** has the meaning given in clause 2.2.

**Alternate** means an alternate Representative appointed under clause 4.5(a)(i).

**Chairman** means the chairman of the Alliance Board appointed under clause 4.6.

**Commencement Date** means [31 December 2020?].

**Confidential Information** means information that:

- (a) is made available by or on behalf of the disclosing party to the receiving party, or is otherwise obtained by or on behalf of the receiving party; and
- (b) is by its nature confidential or the receiving party knows, or ought to know, is confidential.

Confidential Information may be made available or obtained directly or indirectly and before, on or after the Commencement Date.

**Representative** in relation to a Council means the persons representing that Council on the Alliance Board and, where applicable, an Alternate.

#### 1.2 **Rules for interpreting this agreement**

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

- (a) A singular word includes the plural, and vice versa.
- (b) A word which suggests one gender includes the other genders.
- (c) If a word or phrase is defined, any other grammatical form of that word or phrase has a corresponding meaning.
- (d) If an example is given of anything (including a right, obligation or concept), such as by saying it includes something else, the example does not limit the scope of that thing.
- (e) A reference to **information** is to information of any kind in any form or medium, whether formal or informal, written or unwritten, for example, computer software or programs, concepts, data, drawings, ideas, knowledge, procedures, source codes or object codes, technology or trade secrets.

## 2. **FORMATION, OBJECTS AND SERVICES OF THE ALLIANCE**

### 2.1 **Formation**

- (a) The Councils form an alliance between themselves on the terms of this agreement with effect from the Commencement Date.
- (b) The Alliance shall be known as the BCO Alliance.
- (c) The Alliance is an unincorporated voluntary collaborative strategic alliance in the nature of a joint venture formed for the sole purpose of delivering the Alliance Objects.

### 2.2 **Objects**

The objects of the Councils in forming the Alliance are to deliver better value services to their respective communities in an open and transparent way by working collaboratively and sharing resources so as to:

- (a) achieve cost savings and operational efficiencies in service delivery;
- (b) progress strategic regional initiatives;
- (c) benchmark best practice; and

- (d) improve financial performance and long term financial sustainability, while retaining their own autonomy and independence.

### 2.3 **Services and functions**

- (a) At the date of this agreement, the intention of the Councils is that the Alliance will deliver services to and perform functions for the Councils in the following areas:
  - (i) joint tenders and purchasing arrangements;
  - (ii) open exchange and sharing of technical expertise and information;
  - (iii) workforce and staff secondment;
  - (iv) professional development opportunities;
  - (v) cross border works / roads construction and/or maintenance;
  - (vi) councillor and staff training and networking;
  - (vii) review and coordination of strategic documents and instruments;
  - (viii) sharing of services and plant and equipment;
  - (ix) strategies for regional economic development;
  - (x) regional tourism and destination marketing through TDO Limited trading as Orange360;
  - (xi) coordination of integrated planning and reporting documentation;
  - (xii) internal audit services;
  - (xiii) waste collection and disposal;
  - (xiv) natural resource management;
  - (xv) disability, cultural and social planning;
  - (xvi) crown lands and aboriginal heritage; and
  - (xvii) geographical information systems.
- (b) The Alliance may deliver other services and perform other functions to the Councils and others from time to time as decided by the Alliance Board.

### 2.4 **Council obligations in respect of Alliance**

Each Council must:

- (a) use its best efforts to carry out and achieve the Alliance Objects;
- (b) act in good faith in all its activities and dealings with the other Councils in relation to the Alliance;
- (c) co-operate with the other Councils in all matters relating to the Alliance; and
- (d) be prompt in taking any action, giving any approval or consent or making any decision under this agreement.

**2.5 No other restrictions on Council conducting activities**

Each Council may conduct any other business or activity unless it is specifically restricted or prohibited under this agreement.

**2.6 No partnership, trust, agency etc**

- (a) The relationship between the Councils under this agreement is one of unincorporated voluntary co-venturers and is limited to the Alliance Objects.
- (b) Nothing in this agreement creates a partnership relationship between the Councils and a Council must not hold itself out as being a partner of the other Councils.
- (c) Except as specifically provided in this agreement or by agreement in writing between the Councils, a Council is not, and must not hold itself out as being, a trustee, agent or representative of any other Council.
- (d) The liability of each Council in respect of the Alliance is several and not joint nor joint and several.

**2.7 No authority to do anything**

Except as specifically authorised by this agreement or by agreement in writing between the Councils, a Council has no authority to do anything on behalf of any other Council, including:

- (a) act for or represent any other Council;
- (b) assume any obligation or incur any liability on behalf of any other Council; or
- (c) in any way bind any other Council to anything.

**2.8 Fiduciary duties**

To the extent to which a Council owes a fiduciary duty to any other Council arising out of or in relation to this agreement, it may in the performance of that duty have primary regard to its own community and civic interests.

**2.9 Separate accounting records**

Each Council is separately responsible for its own accounting records required by law or for its own management purposes.

**3. ALLIANCE DECISIONS****3.1 Decisions relating to the Alliance**

The parties acknowledge and agree that any decisions which affect the Alliance are matters to be decided by the Alliance Board in accordance with clauses 4 and 5.

**3.2 Engagement of employees and consultants**

A Council must not, and must ensure that any person who has its written authority does not engage any employee, consultant, manager, adviser or other person in relation to or in connection with the Alliance unless that Council has obtained either the prior written approval of the Alliance Board or the prior written approval of the other Councils.

#### 4. **ALLIANCE BOARD**

##### 4.1 **Membership and functions of Alliance Board**

- (a) The Councils must set up and maintain an Alliance Board consisting of:
  - (i) the mayor and the general manager of Blayney;
  - (ii) the mayor and the general manager of Cabonne; and
  - (iii) the mayor and the general manager of Orange.
- (b) Subject to clause 4.2, the Alliance Board has the overall management and control of, and decides on all policy matters for, the Alliance. The Alliance Board's functions include:
  - (i) establishing policies for the Alliance;
  - (ii) making key decisions in relation to the Alliance; and
  - (iii) overseeing the conduct of the Alliance and any agreement entered into by the Alliance Agent as agent for the Alliance.

##### 4.2 **Council's supervision through Alliance Board**

Each Council must exercise overall supervision and control of all matters relating to the Alliance and, except as otherwise provided in this agreement:

- (a) that supervision and control must be exercised through its Representatives on the Alliance Board in accordance with this clause 4; and
- (b) a Council must not direct or instruct any person in relation to the Alliance activities, except through the Alliance Board or with the prior authority of the Alliance Board.

##### 4.3 **Powers of a Representative**

Each Council delegates to its Representatives the power to represent and bind the Council in all matters decided by the Alliance Board within the scope of its functions.

##### 4.4 **How decisions of Alliance Board are made**

A decision of the Alliance Board is made by passing:

- (a) a resolution at an Alliance Board meeting; or
- (b) a written resolution,

in accordance with clause 5. A valid decision of the Alliance Board within the scope of its functions is binding on the Councils as if it were a decision made by the Councils

##### 4.5 **Appointment of alternate Representatives**

- (a) A Council may by notice to the other Councils:
  - (i) appoint a person to act as an alternate representative for a Representative appointed by it for a specified period or each time the Representative is unable to attend an Alliance Board meeting or act as a Representative; and
  - (ii) revoke the appointment of any Alternate whether or not the appointment is for a specified period.

- (b) An Alternate may:
  - (i) attend any Alliance Board meeting at which the Representative whose alternate they are is not present and vote in place of that Representative at the meeting; and
  - (ii) exercise all powers of that Representative to the extent that the Representative has not exercised them.

#### 4.6 **Appointment of Chairman**

The chairman of the Alliance Board shall be the mayor of a Council and shall be appointed for a two year term. The first Chairman to take office on the Commencement Date shall be the mayor of Orange. Thereafter the position of Chairman shall be rotated every two years in alphabetical order of Councils. The chairman does not have an additional or casting vote.

#### 4.7 **No fees**

The Representatives on the Alliance Board are not entitled to receive any fee for acting as such, but are entitled to have their expenses reimbursed by the Council for which they act as Representative.

### 5. **MEETINGS OF THE ALLIANCE BOARD**

#### 5.1 **Convening of meetings**

- (a) A Council's Representative may convene a meeting of the Alliance Board at a reasonable time by giving reasonable notice to the other Representatives, which must be at least 5 Business Days prior written notice of such meeting unless otherwise agreed by the Alliance Board.
- (b) The Alliance Board:
  - (i) must meet at least twice in each financial year;
  - (ii) may adjourn or otherwise regulate its meetings and proceedings as it thinks fit, subject to compliance with this agreement; and
  - (iii) may conduct meetings by telephone without a Representative being in the physical presence of another Representative or other Representatives.

#### 5.2 **Code of meeting practice**

The mandatory provisions of the model code of meeting practice made under section 360 of the Act and the regulations will apply to all meetings of the Alliance Board as if:

- (a) the meeting were a meeting of a committee of each Council, all the members of which are councillors; and
- (b) the Representatives were councillors of that council.

#### 5.3 **Quorum and resolutions of Alliance Board**

- (a) A quorum for meetings of the Alliance Board is at least one Representative appointed by each Council.
- (b) No business is to be transacted at a meeting of the Alliance Board unless a quorum is present when the meeting commences.

- (c) If a quorum is not present within 30 minutes after the time appointed for the meeting of the Alliance Board, the meeting will stand adjourned to the same time and place five (5) Business Days after the meeting and notice of such adjourned meeting must be sent to the Councils. If a quorum is not present at the adjourned meeting and the same Council is unrepresented at both the initial and the adjourned meeting, then the quorum shall be at least one Representative of at least 2 Councils.

#### 5.4 **Voting rights**

- (a) If:
  - (i) all of the Representatives (or Alternates, where applicable) are present at an Alliance Board meeting, then each Representative (or Alternate) is entitled to one vote; and
  - (ii) only one Representative or Alternate appointed by a Council is present, that Representative has 2 votes.

#### 5.5 **Decisions of Alliance Board**

Decisions of the Alliance Board must be by the affirmative unanimous vote of the Representatives present and entitled to vote at a duly convened meeting of the Alliance Board at which a quorum is present.

#### 5.6 **Secretarial functions and minutes**

- (a) The general manager of the Council whose mayor is acting as Chairman of the Alliance Board must:
  - (i) act as the Alliance Board's secretary;
  - (ii) cause copies of all material relating to matters to be dealt with at Alliance Board meetings to be circulated to the Councils and the Representatives at a reasonable time before any meeting;
  - (iii) cause minutes to be made of all decisions of and proceedings at meetings of the Alliance Board; and
  - (iv) provide copies of all minutes to each of the Councils and the Representatives within 7 days of any meeting or decision.
- (b) If, within 7 days of the date on which the minutes of a meeting are provided to the Councils and the Representatives, the secretary of the Alliance Board does not receive a written notice from a Council or a Representative objecting to the minutes or any part of the minutes together with grounds for the objection, the minutes are taken to have been approved by the Councils and the Representatives.
- (c) If a Council or Representative makes a material objection to the minutes in accordance with paragraph (b) the secretary must promptly convene a meeting of the Alliance Board to resolve the objection.
- (d) The Councils agree that copies of the approved minutes of meetings of the Alliance Board, with the exception of any part which is commercial in confidence, will be tabled for noting by their respective governing bodies and included in the business papers for the next ordinary meeting of the Council.



**5.7 Delegation of powers by Alliance Board**

- (a) The Alliance Board may delegate in writing any of its powers and authorities in relation to the day-to-day operations of the Alliance which it considers appropriate, on the following conditions:
  - (i) the delegation is to be on the terms specified in writing by the Alliance Board;
  - (ii) the Alliance Board must specify the delegated powers and authorities; and
  - (iii) the delegate must ensure that regular and accurate reports are provided to the Alliance Board concerning the functions carried out by the delegate.

**6. THE ALLIANCE AGENT****6.1 Establishment and governance of the Alliance Agent**

- (a) The Alliance Agent has been established by the Councils as a company limited by guarantee for the purpose of acting solely as agent for and on behalf of the Councils for the purpose of the Alliance where it is necessary or convenient to do so.
- (b) The Alliance Agent may only deliver services or perform functions in its own right if:
  - (i) a business case for the delivery of those services or the performance of those functions has been approved by the Alliance Board; and
  - (ii) the decision is ratified by the governing body of each of the Councils.
- (c) The sole members of the Alliance Agent are the Councils.
- (d) Each of the Councils are entitled to appoint one director to the board of directors of the Alliance Agent.
- (e) Each Council may:
  - (i) remove or replace the director appointed by it;
  - (ii) appoint and maintain an alternate for any director appointed by it,by notice in writing to the other Councils, with such removal or appointment taking effect on the date on which the notice is received by the Councils or, if a later date is given in the notice, on that date. An alternate director may exercise all the powers of the director whose alternate he or she is to the extent that the director has not exercised them.
- (f) The directors of the Alliance Agent are not entitled to receive any fee for acting as such.
- (g) The Council removing a director shall indemnify and keep indemnified the Alliance Agent against any claim connected with the director's removal from office.
- (h) Each Council agrees to take any steps within its power which are necessary to procure that the board of directors of the Alliance Agent as soon as practicable after the date of this agreement adopts a constitution which is consistent with this agreement and regulates the rights, duties and obligations of the board of directors and members of the Alliance Agent and procedures and voting at directors'

meetings so as to in substance reflect the corresponding provisions relating to the Alliance Board.

**6.2 Delegation**

- (a) Each Council delegates to the Alliance Agent the performance of the functions of the Council in so far as they relate to carrying out the Alliance Objectives and in particular, without limitation, the functions of:
- (i) calling for, assessing and accepting tenders for the procurement of goods and services and appointing suppliers and contractors;
  - (ii) applying for and receiving grants;
  - (iii) holding title to any property, plant and equipment or other assets;
  - (iv) lobbying State and Federal governments;
  - (v) entering into contracts with third parties including contracts of employment: and
  - (vi) any other function directed and authorised by the Alliance Board for the purpose of the Alliance.
- in each case subject to any limitations imposed under the Act and regulations and the policies and procedures adopted from time to time by the Alliance Board.
- (b) This delegation operates concurrently with any delegation given by a Council in respect of the same subject matter and not to the exclusion of any such delegation.

**6.3 Alliance Agent to act as agent of the Councils**

Subject to clause 6.1(b), in exercising the functions delegated to it under this agreement, the Alliance Agent is acting as agent, nominee and delegate for and on behalf of the Councils and not acting in its own or any personal capacity.

**6.4 Reimbursement of the Alliance Agent by the Councils.**

Each Council must reimburse the Alliance Agent in equal shares to the extent that it incurs any costs in relation to the Alliance.

**7. WITHDRAWAL AND TERMINATION**

- (a) Any Council may withdraw from the Alliance on giving at least 6 months' notice in writing to the other Councils, expiring on 30 June in any financial year.
- (b) The Alliance (including the rights and obligations under this agreement) terminates on the earliest of:
- (i) any date the Councils agree in writing; and
  - (ii) the first day on which there is only one Council in the Alliance.
- (c) On the date of termination, this agreement is at an end as to its future operation and no party is liable to any other party, except to the extent of any rights or obligations which arise on or have arisen before the termination.

**8. CONFIDENTIALITY AND ANNOUNCEMENTS****8.1 Confidentiality**

Each Council agrees that it must not disclose any Confidential Information:

- (a) in relation to the Alliance; or
- (b) in relation to any other Council acquired for the purpose of the Alliance,  
to any third party without the prior written consent of the other Councils except to the extent:
  - (c) that the information needs to be disclosed by a party to a professional adviser under a duty of confidentiality;
  - (d) that the information is required to be disclosed by law; or
  - (e) that the information is disclosed in confidence by a Council to its councillors for the purpose of carrying out their civic duties and statutory responsibilities.

**8.2 Access to information**

All information held by the Alliance Agent:

- (a) is held as agent for, and accordingly taken to be held by, each of the Councils;
- (b) to the extent that it is government information within the meaning of the *Government Information (Public Access) Act 2009 (NSW)* is subject to disclosure to and access by the public in accordance with that Act.

**8.3 Public announcements**

All press releases and other public announcements relating to the Alliance and activities undertaken by the Alliance must be in terms agreed in writing by the Councils acting reasonably.

**9. AMENDMENT AND ASSIGNMENT****9.1 Amendment to document**

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

**9.2 Assignment of rights under document**

A Council may only assign, encumber, declare a trust over or otherwise deal with its rights under this agreement if:

- (a) it is permitted under another clause of this agreement; or
- (b) the other Councils consent to it in writing (in their absolute discretion).

**10. GENERAL****10.1 Governing law**

- (a) This agreement and any dispute arising out of or in connection with this agreement is governed by the laws of the State of New South Wales.

- (b) Each party submits to the exclusive jurisdiction of the courts of the State of New South Wales and courts of appeal from them, in respect of any proceedings arising out of or in connection with this agreement.

**10.2 Operation of this agreement**

- (a) Subject to paragraph (b), this agreement contain the entire agreement between the Councils about its subject matter. Any previous understanding, agreement, representation or warranty relating to that subject matter is replaced by this agreement and has no further effect.
- (b) Any right that a person may have under this agreement is in addition to, and does not replace or limit, any other right that the person may have.
- (c) Any provision of this agreement which is unenforceable or partly unenforceable is, where possible, to be severed to the extent necessary to make this agreement enforceable, unless this would materially change the intended effect of this agreement.

**EXECUTED as an agreement.**

**EXECUTED by BLAYNEY SHIRE COUNCIL:**

\_\_\_\_\_  
Signature of Mayor

\_\_\_\_\_  
Signature of general manager

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

**EXECUTED by CABONNE COUNCIL:**

\_\_\_\_\_  
Signature of Mayor

\_\_\_\_\_  
Signature of general manager

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

**EXECUTED by orange city council:**

\_\_\_\_\_  
Signature of Mayor

\_\_\_\_\_  
Signature of general manager

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

**EXECUTED by BCO ALLIANCE LTD:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature of director

\_\_\_\_\_  
Signature of director/secretary

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

DRAFT

**06) CENTRAL NSW BUSINESS HQ****Department:** Executive Services**Author:** General Manager**CSP Link:** 2. Local Governance and Finance**File No:** GO.ME.1**Recommendation:**

That Council approve the nomination of Mr Richard Beach as Council's representative on the Central NSW Business Enterprise HQ Board.

**Reason for Report:**

To seek Council's confirmation of Blayney Shire Council representation on various committees with relevance to the Blayney Shire through the appointment of delegates.

**Report:**

The Central NSW Business Enterprise HQ (formerly the Central NSW Business Enterprise Centre) is a community based not-for-profit organisation established to foster the growth of business within the Central West and Orana regions of NSW. There are offices in Orange, Bathurst and Dubbo; servicing as far as Mudgee, Bourke, Cobar, Condobolin, Parkes and all centres in between.

Council's current delegate Cr Reynolds was nominated onto the Board in 2017, and has served the past 2 years as Chair. He has formally advised the General Manager of his resignation from the Board.

It is not a requirement that the Board member is a Councillor. It is proposed that a local business person may be suited to the Skillset Board, whereby Council has a community representative with the experience and interest of education and training.

Mr Richard Beach, President of the Millthorpe Business Committee and owner of a local tourism business has been approached and is willing to contribute to this regional Board.

**Risk/Policy/Legislation Considerations:**

The NSW Local Government Act (1993) s377 provides for Council to delegate functions to others to act on their behalf. This delegate position, does not bind Council to any expenditure, decision making or action and it is not necessary to have a Councillor undertake this role.

**Budget Implications:**

Nil

**07) MINUTES OF THE BLAYNEY SHIRE TOURISM, TOWNS AND VILLAGES COMMITTEE MEETING HELD 24 NOVEMBER 2020**

**Department:** Executive Services

**Author:** General Manager

**CSP Link:** 2. Local Governance and Finance

**File No:** GO.ME.1

---

**Recommendation:**

That the minutes of the Blayney Shire Tourism, Towns and Villages Committee meeting, held on Tuesday 24 November 2020, be received and noted.

**MINUTES OF THE TOURISM, TOWNS AND VILLAGES COMMITTEE  
MEETING  
HELD ON TUESDAY 24 NOVEMBER 2020  
AT THE BLAYNEY SHIRE COMMUNITY CENTRE**

Meeting commenced at 6.00pm.

**PRESENT**

Cr Bruce Reynolds (Chair), Rebecca Ryan (General Manager), Megan Rodd (Manager Tourism and Communications), Caddie Marshall (O360), Elizabeth Russ, Kelly-Anne Smith, Kim Martin (via Zoom), Richard Bloomfield, Wayne Moore and Gregory Ashe.

**APOLOGIES**

That the apologies received from Belinda Satterthwaite, Kerry Strom-Cook and Kate Burrell be accepted.

(Elizabeth Russ / Richard Bloomfield)

**DISCLOSURES OF INTEREST**

Nil

**ADOPTION OF MINUTES FROM PREVIOUS MEETING – 25 FEBRUARY 2020**

Recommended that the minutes from the previous Tourism, Town and Villages Committee meeting held on 25 February 2020 be adopted.

(Richard Bloomfield / Wayne Moore)

**BUSINESS ARISING**

- Junction Reefs informal opening before Christmas and formal celebration/opening in autumn 2021. Marketing collateral to be developed.
- Tourism Events Fund guidelines changes which supported online Millthorpe Garden Ramble, Rosebank Virtual Art exhibition and Mandurama Hotel website.

- Businesses and Village Committee Members stay in contact via Facebook group: <https://www.facebook.com/groups/159430264664352>

### **ORANGE 360 UPDATE (CADDIE MARSHALL)**

- Presentation of Annual Report
- AGM held 23/11/2020
- Despite challenges of drought, fires, COVID – rebound when travel allowed spiked and visitor economy increased up 14%
- Increased domestic tourism
- Cool summer campaign between launched soon.
- Destination themes not just wine and food, includes camping, outdoors, history
- Villages content – being developed and renewed
- Huge opportunity to promoted COVID safe.

### **CHRISTMAS RETAIL CAMPAIGN**

- Twilight Shopping Events
  - Blayney 10 December
  - Millthorpe and Carcoar 11 December
- Promotion of Christmas in the Villages Campaign and Christmas Lights competition.

### **TOURISM EVENT DEVELOPMENT PROGRAM**

- Update provided

### **MENTAL HEALTH SUPPORT / DEALING WITH COVID IMPACTS FOR SMALL BUSINESS OWNERS IN THE VILLAGES**

- Residents and business owners, impacts of COVID shutdown and then visitors
- Western District Health
  - Access Counselling session
  - Community information session
- Information session for village?
- One to one sessions at Medical Centre

**Action: Cr Reynolds to make enquiry with Western District Health Mental Health Support**

### **ACCESS TO TOURISM VISITATION DATA**

- Update until recently data not reliable
- Mobile phone data opportunity
- Tourism Australia research is 12 months old and is based on a 4 year average
- Internet of things may provide future capacity to count visitors
- Local business surveys is most effective data collection

### **TOILETS IN MILLTHORPE**

- Redmond Oval and Railway Station



- Lack of toilets an issue
- Short term signage opportunity to be investigated

### **UPDATE ON DRAFT BLAYNEY SETTLEMENT STRATEGY**

- Submissions closed Thursday 12 November comments and feedback will be reviewed and presented to Council
- Any significant changes will require another Public Exhibition period

### **PARKING IN MILLTHORPE**

- Exploring options

### **DELEGATE REPORTS**

#### **Millthorpe**

- Increase in visitation throughout the whole week, since June long weekend.
- Would like to further encourage all local businesses to be open more days and hours given the current trend and predicted future visitation rates
- Have redesigned and created a new Millthorpe brochure in the last 6 months. Revision completed in November 2020 for digital media upload and future hardcopy printing.
- Participating in O360's pamphlet.
- Intending to revise and redesign the village website in 2021.
- First Virtual Garden Ramble on 1 November great success.

#### **Lyndhurst**

- Hay and Leabeater Streets have been prepared for sealing shortly.
- Caravan camping is being used more now that restrictions have been lifted
- Shelter shed and new cricket pitch completed and in use
- New cricket nets are under construction
- High fence constructed around cemetery
- Quotes are being sought to construct a pump track at the recreation ground.
- There are plans for a community garden to be established in the public school paddock.

#### **Kings Plains**

- Kings Plains residents await the release the DPIE Assessment Report and referral to the IPC
- The Kings Plains Bush Fire Brigade was successful in obtaining a grant from Rural Fire Headquarters, so an update of some equipment and much needed requirements is currently being undertaken.

#### **The Visitor Information Centre – “The Cottage”**

- Sad passing of Barbara Anderson, stalwart and volunteer of the VIC for well over twenty years and held various positions on the committee over that period of time.
- The VIC reopened 16 June following COVID-19 shutdown

- Visitor numbers for the last six months are as follows –
  - June – 85 (reopened 16/6/20)
  - July – 226
  - August – 151
  - September – 227
  - October – 310
  - November – 242+ (to 23/11/20)
- The availability of volunteers is still an issue.

### **Newbridge**

- The Brian Bennett Pavilion has received DA approval and building has commenced with the demolition of the old building and progress towards laying the concrete foundation slab. The construction will be in two stages.
- Preparations are underway for the Newbridge Winter Solstice for 2021.

### **Carcoar**

- Village Plan refresh focus for 2021
- Carcoar Village Fair 2021 postponed. However will be promoting that Carcoar will be open to visitors on the day, encouraging picnics by the river.
- Announcement of Telstra Tower being provided for Carcoar to resolve blackspot issue on main street. CVA thanks Councillors and staff from Blayney Shire Council for all their support and assistance in getting this issue addressed and resolved for the village.
- Tourism visitation remains strong and we have noticed similar visitation patterns as Millthorpe in attracting visitors throughout the week – not just weekends. Local café is considering extending its offering and hours.
- The sale of St Paul's Anglican Church is an emotive subject in the village.

### **Barry**

- New toilet block has been a good improvement to community amenities

### **Neville**

- Christmas Carols 12 December 2020

### **NEXT MEETING**

- Tuesday 23 February 2021.

### **MEETING CLOSE**

There being no further business the meeting closed at 7.15pm.

### **Enclosures (following report)**

Nil

### **Attachments (separate document)**

Nil

**08) REPORT OF COUNCIL INVESTMENTS AS AT 30 NOVEMBER 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 November 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 November 2020.

**Report:**

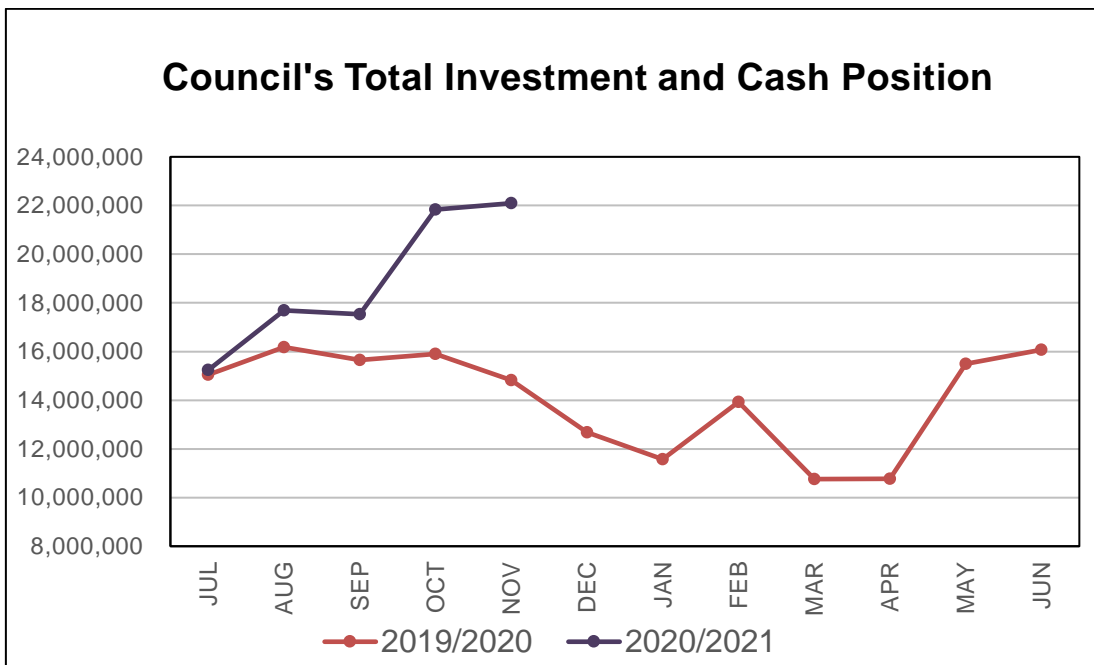
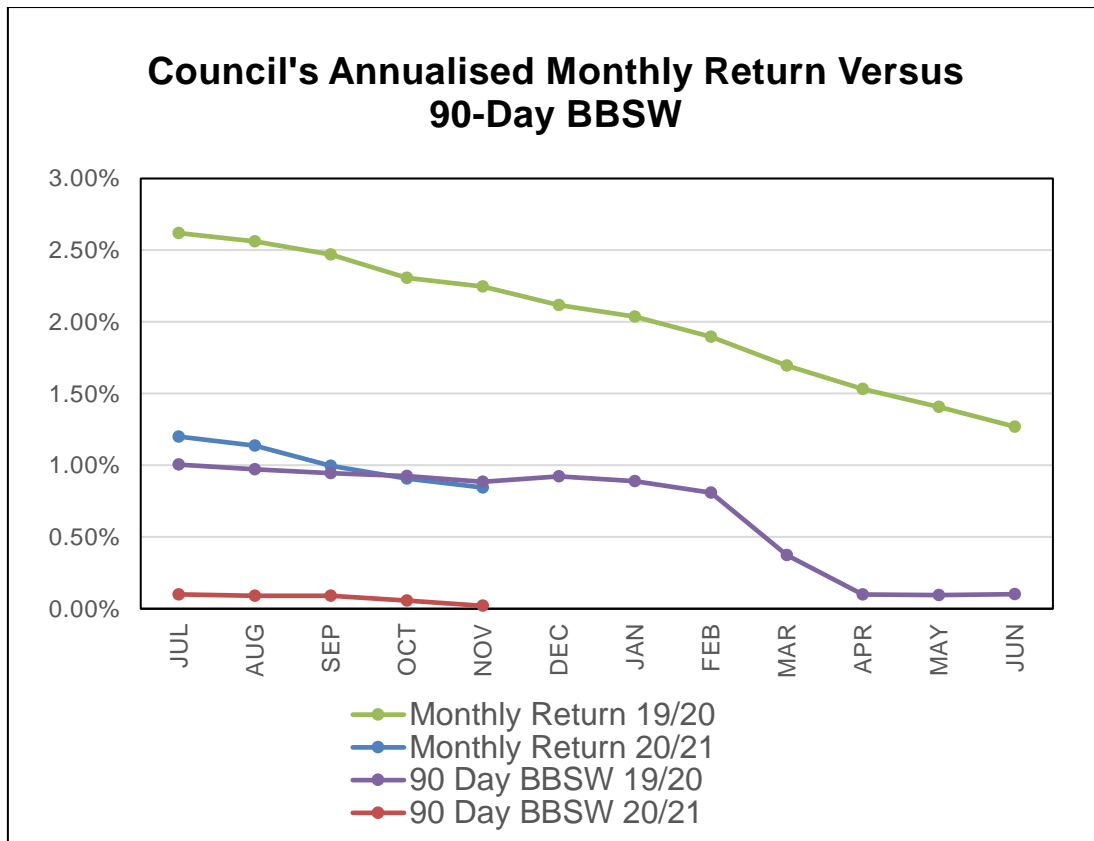
This report provides details of Council's Investment Portfolio as at 30 November 2020.

Council's total investment and cash position as at 30 November 2020 is \$22,093,858. Investments earned interest of \$12,020 for the month of November 2020.

The total investment and cash position is inflated by a number of factors. An advance payment of the 3<sup>rd</sup> and 4<sup>th</sup> quarter rate instalments by Council's largest ratepayer, totalling \$2.3m. The advance payment of \$1.3m for the Carcoar Street Rehabilitation project. The usual increase to cash holdings associated with quarterly rates instalment falling due.

Council will look to offset the reduced rates income to be received at future instalment dates for the 4<sup>th</sup> quarter rating period by increasing the amount of term deposits to mature at this time. This will be done as term deposits fall due that can be reinvested at a reasonable rate for this time period, or with new term deposits if reasonable rates are available. It is not practical to do this for the 3<sup>rd</sup> quarter rates, as the return on investing for such a short period of time is comparable to the interest rate Council receives in the Business Online Saver account. As such this amount as an increased balance in Business Online Saver account to meet cash flow requirements.

Council's monthly net return on Term Deposits annualised for November of 0.85% outperformed the 90 day Bank Bill Swap Rate of 0.02%.



<b>REGISTER OF INVESTMENTS AND CASH AS AT 30 NOVEMBER 2020</b>				
<b>Institution</b>	<b>Rating</b>	<b>Maturity</b>	<b>Amount \$</b>	<b>Interest Rate</b>
Macquarie Bank	A1/A+	01/12/2020	500,000	0.850%
NAB	A1+/AA-	08/12/2020	500,000	0.960%
NAB	A1+/AA-	12/01/2021	500,000	0.960%
NAB	A1+/AA-	26/01/2021	500,000	0.850%
NAB	A1+/AA-	09/02/2021	500,000	0.830%
NAB	A1+/AA-	23/02/2021	500,000	0.770%
MyState Bank Ltd	A2/BBB	02/03/2021	500,000	1.650%
AMP Bank	A2/BBB	16/03/2021	500,000	1.800%
Macquarie Bank	A1/A+	23/03/2021	500,000	0.850%
Bank of Queensland	A2/BBB+	30/03/2021	500,000	1.050%
CBA	A1+/AA-	13/04/2021	500,000	0.610%
CBA	A1+/AA-	27/04/2021	500,000	0.610%
NAB	A1+/AA-	11/05/2021	500,000	0.970%
NAB	A1+/AA-	25/05/2021	500,000	1.000%
Westpac	A1+/AA-	01/06/2021	500,000	0.940%
Westpac	A1+/AA-	08/06/2021	500,000	0.940%
Westpac	A1+/AA-	22/06/2021	500,000	0.980%
CBA	A1+/AA-	06/07/2021	500,000	0.680%
CBA	A1+/AA-	20/07/2021	500,000	0.680%
AMP Bank	A2/BBB	03/08/2021	500,000	0.800%
Westpac	A1+/AA-	17/08/2021	500,000	0.770%
NAB	A1+/AA-	31/08/2021	500,000	0.750%
CBA	A1+/AA-	14/09/2021	500,000	0.700%
CBA	A1+/AA-	28/09/2021	500,000	0.700%
CBA	A1+/AA-	12/10/2021	500,000	0.640%
CBA	A1+/AA-	19/10/2021	500,000	0.570%
NAB	A1+/AA-	26/10/2021	500,000	0.550%
CBA	A1+/AA-	02/11/2021	500,000	0.570%
CBA	A1+/AA-	09/11/2021	500,000	0.550%
NAB	A1+/AA-	16/11/2021	500,000	0.550%
Reliance Bank	Unrated	23/11/2021	500,000	0.750%
Macquarie Bank	A1/A+	23/11/2021	500,000	0.500%
<b>Total Investments</b>			<b>16,000,000</b>	<b>0.824%</b>
Commonwealth Bank - At Call Account <sup>(1)</sup>			4,506,849	0.300%
Commonwealth Bank Balance - General <sup>(1)</sup>			1,587,009	0.000%
<b>TOTAL INVESTMENTS &amp; CASH</b>			<b>22,093,858</b>	
Benchmarks:	BBSW 90 Day Index <sup>(1)</sup>			0.020%
	RBA Cash Rate <sup>(1)</sup>			0.100%

1. % Interest rates as at end of reporting period

<b>Summary of Investment Movements - November 2020</b>		
<b>Financial Institution</b>	<b>Investment/(Recall) Amount \$</b>	<b>Commentary</b>
CBA	(501,915)	Term Deposit Matured 11/11/2020
CBA	500,000	Term Deposit Reinvested 11/11/2020
NAB	(501,726)	Term Deposit Matured 17/11/2020
NAB	500,000	Term Deposit Reinvested 17/11/2020
Macquarie	(505,775)	Term Deposit Matured 24/11/2020
Macquarie	500,000	Term Deposit Reinvested 24/11/2020
Reliance Bank	500,000	New Term Deposit 25/11/2020
CBA	(501,915)	Term Deposit Matured 11/11/2020

<b>Long Term Credit Rating (or Moody's, Fitch, S&amp;P or Equivalent)</b>	<b>Policy Maximum</b>	<b>Current Holding %</b>	<b>Current Holding \$</b>
TCorp IM Funds	100%	0%	-
AAA – AA Category	100%	75%	12,000,000
A- Category	40%	9%	1,500,000
BBB+ Category <sup>(2)</sup>	30%	3%	500,000
BBB Category <sup>(2)</sup>	10%	9%	1,500,000
BBB- Category and below: Local <sup>(3)</sup> ADI's	5%	3%	500,000
			<b>16,000,000</b>

2. BBB+ / BBB categories are not to exceed 30% collectively
3. ADI's located within the Local Government Area

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

<b>RESTRICTED CASH, CASH EQUIVALENTS &amp; INVESTMENTS</b>		
	<b>Actual 30/06/2020 \$ 000's</b>	<b>Forecast 30/06/2021<sup>(4)</sup> \$ 000's</b>
External Restrictions	9,304	8,359
Internal Cash Restrictions	6,391	4,580
<b>TOTAL RESTRICTED ASSETS</b>	<b>15,695</b>	<b>12,939</b>

**CERTIFICATION – RESPONSIBLE ACCOUNTING OFFICER**

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

**Risk/Policy/Legislation Considerations:**

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

As indicated previously in reports to Council, AMP's credit rating has been downgraded from BBB+ to BBB. Council is within our policy limits for the BBB category, however Council is outside the Individual Institution limit for AMP until the next maturity in March 2021. 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

**09) 2019/20 AUDITED FINANCIAL STATEMENTS****Department:** Corporate Services**Author:** Chief Financial Officer**CSP Link:** 2. Local Governance and Finance**File No:** FM.FR.1**Recommendation:**

1. That Council adopt the 2019/20 Financial Statements and accept the Auditor's Report, as submitted by the NSW Audit Office.
2. That the 2019/20 transfers to and from Council's restricted cash be adopted.

**Reason for Report:**

For the 2019/20 audited financial statements to be presented to Council.

**Report:**

Council will receive a presentation on Council's 2019/20 Financial Statements for and on behalf of the NSW Audit Office by contractor representative John O'Malley, Director, Intentus Chartered Accountants.

Section 413(3) of the Local Government Act 1993, requires Council to prepare Financial Reports and refer those reports to audit within 4 months after the end of the financial year (s.416 (1)). On completion, s.419 of the Act requires Council to present its audited financial statements, together with the signed auditor's reports, at a meeting of the Council. The date of the above meeting must be no more than 5 weeks after the signing of the auditor's report.

For the 2019/20 financial year Council has presented a net operating result of \$8.19m, with a net operating result before the inclusion of grants and contributions for capital purposes of \$1.99m.

After the exclusion of non-cash items incorporated into the income statement there is a cash surplus from operating activities of \$12m. This operating cash surplus contributed to funding Council's capital works program for the year, with the remainder of the required funding coming from the proceeds from borrowings, asset sales and Council's reserves.

Council expended \$15m on new non-financial assets throughout the year. A large amount of this was spent on the refurbishment of CentrePoint Sport and Leisure, construction of the Central West Livestock & Equestrian Centre, SCCF Round 2 projects and infrastructure renewals on Forest Reefs and Burnt Yards Roads.



## Blayney Shire Council

Financial Statements 2020

## Income Statement

for the year ended 30 June 2020

Original unaudited budget 2020	\$ '000	Notes	Actual 2020	Restated Actual 2019
<b>Income from continuing operations</b>				
11,205	Rates and annual charges	3a	11,244	10,991
1,753	User charges and fees	3b	1,353	2,258
305	Other revenues	3c	296	284
3,855	Grants and contributions provided for operating purposes	3d,3e	4,154	4,141
3,833	Grants and contributions provided for capital purposes	3d,3e	6,197	9,160
442	Interest and investment income	4	283	445
263	Net gains from the disposal of assets	6	–	–
221	Rental income	13e	222	–
23	Net share of interests in joint ventures and associates using the equity method	18	4,000	382
<b>21,900</b>	<b>Total income from continuing operations</b>		<b>27,749</b>	<b>27,661</b>
<b>Expenses from continuing operations</b>				
6,840	Employee benefits and on-costs	5a	7,032	7,138
337	Borrowing costs	5b	485	90
2,781	Materials and contracts	5c	2,759	2,642
5,387	Depreciation and amortisation	5d	5,681	5,421
2,621	Other expenses	5e	2,473	2,993
–	Net losses from the disposal of assets	6	1,129	655
<b>17,966</b>	<b>Total expenses from continuing operations</b>		<b>19,559</b>	<b>18,939</b>
<b>3,934</b>	<b>Operating result from continuing operations</b>		<b>8,190</b>	<b>8,722</b>
<b>3,934</b>	<b>Net operating result for the year</b>		<b>8,190</b>	<b>8,722</b>
3,934	Net operating result attributable to council		8,190	8,722
101	<b>Net operating result for the year before grants and contributions provided for capital purposes</b>		1,993	(438)

The Council has not restated comparatives when initially applying AASB 1058 *Income of Not-for-Profit Entities*, AASB 15 *Revenue from Contracts with Customers* and AASB 16 *Leases*. The comparative information has been prepared under AASB 111 *Construction Contracts*, AASB 118 *Revenue*, AASB 1004 *Contributions*, AASB 117 *Leases* and related Accounting Interpretations.

The above Income Statement should be read in conjunction with the accompanying notes.

## Blayney Shire Council

Financial Statements 2020

Statement of Financial Position  
as at 30 June 2020

\$ '000	Notes	2020	Restated 2019	Restated 1 July 2018
<b>ASSETS</b>				
<b>Current assets</b>				
Cash and cash equivalents	7(a)	3,554	3,548	2,715
Investments	7(b)	12,500	13,000	14,500
Receivables	8	580	1,392	2,113
Inventories	9a	2,173	1,758	1,417
Contract assets	12a	578	–	–
Other	9b	53	58	67
Current assets classified as 'held for sale'		–	–	–
<b>Total current assets</b>		<b>19,438</b>	<b>19,756</b>	<b>20,812</b>
<b>Non-current assets</b>				
Receivables	8	70	102	76
Infrastructure, property, plant and equipment	10	289,525	254,073	243,137
Intangible Assets	11	117	137	126
Right of use assets	13a	72	–	–
Investments accounted for using the equity method	18	29,367	25,017	24,444
<b>Total non-current assets</b>		<b>319,151</b>	<b>279,329</b>	<b>267,783</b>
<b>Total assets</b>		<b>338,589</b>	<b>299,085</b>	<b>288,595</b>
<b>LIABILITIES</b>				
<b>Current liabilities</b>				
Payables	14	1,044	1,294	1,148
Income received in advance	14	–	222	260
Contract liabilities	12b	988	–	–
Lease liabilities	13b	31	–	–
Borrowings	14	578	455	317
Provisions	15	2,296	2,147	1,850
<b>Total current liabilities</b>		<b>4,933</b>	<b>4,118</b>	<b>3,575</b>
<b>Non-current liabilities</b>				
Payables	14	2	3	2
Lease liabilities	13b	41	–	–
Borrowings	14	7,203	5,304	4,439
Provisions	15	930	717	880
<b>Total non-current liabilities</b>		<b>8,176</b>	<b>6,024</b>	<b>5,301</b>
<b>Total liabilities</b>		<b>13,109</b>	<b>10,142</b>	<b>8,876</b>
<b>Net assets</b>		<b>325,480</b>	<b>288,943</b>	<b>279,719</b>
<b>EQUITY</b>				
Accumulated surplus	16	153,561	144,941	136,028
Revaluation reserves	16	171,919	144,002	143,691
<b>Council equity interest</b>		<b>325,480</b>	<b>288,943</b>	<b>279,719</b>
<b>Total equity</b>		<b>325,480</b>	<b>288,943</b>	<b>279,719</b>

The Council has not restated comparatives when initially applying AASB 1058 *Income of Not-for-Profit Entities*, AASB 15 *Revenue from Contracts with Customers* and AASB 16 *Leases*. The comparative information has been prepared under AASB 111 *Construction Contracts*, AASB 118 *Revenue*, AASB 1004 *Contributions*, AASB 117 *Leases* and related Accounting Interpretations.

The above Statement of Financial Position should be read in conjunction with the accompanying notes.

**Restricted Cash**

In finalisation of the 2019/20 Financial Statements there were some minor changes to restricted cash balances further to that reported to Council on 17 August 2020.

The external restrictions show \$3.29m transfers in and \$3.70m transfers out, for a nett transfer out of \$409k. The internal restrictions show \$5.06m transfers in and \$5.45m transfers out, for a nett transfer out of \$386k.

The total Restricted Cash balance at 30 June 2020 was \$15.7m with unrestricted cash of \$359k.

A summary of Council's internal and external restrictions is detailed below.

## Blayney Shire Council

## Notes to the Financial Statements

for the year ended 30 June 2020

## Note 6c. Restricted cash, cash equivalents and investments – details

\$ '000	2020	2020	2019	2019
	Actual Current	Actual Non-current	Actual Current	Actual Non-current
Total cash, cash equivalents and investments	16,054		16,548	
<b>attributable to:</b>				
External restrictions (refer below)	9,304		9,713	–
Internal restrictions (refer below)	6,391		6,777	–
Unrestricted	359		58	–
	<b>16,054</b>	<b>–</b>	<b>16,548</b>	<b>–</b>
\$ '000	Opening balance	Transfers to restrictions	Transfers from restrictions	Closing balance
<b>Details of restrictions</b>				
<b>External restrictions – included in liabilities</b>				
Specific purpose unexpended grants - general fund	–	907		907
<b>External restrictions – included in liabilities</b>	<b>–</b>	<b>907</b>	<b>–</b>	<b>907</b>
<b>External restrictions – other</b>				
Developer contributions – general	851	132	(300)	683
Developer contributions – sewer fund	936	70	(146)	860
Specific purpose unexpended grants	406		(406)	–
Sewerage services	4,991	352		5,343
Domestic waste management	1,071	100		1,171
Rates – special variation mining	362	1,613	(1,830)	145
Voluntary Planning Agreement - Mining	215	117	(137)	195
Unexpended Borrowings	881		(881)	–
<b>External restrictions – other</b>	<b>9,713</b>	<b>2,384</b>	<b>(3,700)</b>	<b>8,397</b>
<b>Total external restrictions</b>	<b>9,713</b>	<b>3,291</b>	<b>(3,700)</b>	<b>9,304</b>
<b>Internal restrictions</b>				
Plant and vehicle replacement	238	134		372
Employees leave entitlement	857	100		957
Transport Reserve	1,062	559	(1,319)	302
Buildings Reserve	127		(118)	9
Parks & Recreation Reserve	81			81
Stormwater Reserve	52			52
Blayney Sports Facility Master Plan	40		(28)	12
CentrePoint Sport & Leisure Centre	717		(717)	–
Election reserve	58	19		77
Environmental projects – Belubula river	53			53
Financial Assistance Grant	1,396	1,417	(1,396)	1,417
I.T reserve	114	70		184
King George Oval	258			258
Property account	1,466	1,121	(1,786)	801
Property account - borrowings		1,320		1,320
Quarry	174	26		200
Village enhancement program	84	126	(84)	126
Carryover works	–	170		170
<b>Total internal restrictions</b>	<b>6,777</b>	<b>5,062</b>	<b>(5,448)</b>	<b>6,391</b>
<b>TOTAL RESTRICTIONS</b>	<b>16,490</b>	<b>8,353</b>	<b>(9,148)</b>	<b>15,695</b>

## Performance Indicators

These indicators are intended to be indicative of the financial health and presence of good business management practices being conducted at Council.

### Blayney Shire Council

Financial Statements 2020

## Notes to the Financial Statements

for the year ended 30 June 2020

### Note 27(a). Statement of performance measures – consolidated results

\$ '000	Amounts	Indicator	Prior periods		Benchmark
	2020	2020	2019	2018	
			Restated		
<b>1. Operating performance ratio</b>					
Total continuing operating revenue excluding capital grants and contributions less operating expenses <sup>1,2</sup>	(878)	(5.00)%	(0.91)%	0.74%	>0.00%
Total continuing operating revenue excluding capital grants and contributions <sup>1</sup>	17,552				
<b>2. Own source operating revenue ratio</b>					
Total continuing operating revenue excluding all grants and contributions <sup>1</sup>	13,398	56.42%	51.24%	58.54%	>60.00%
Total continuing operating revenue <sup>1</sup>	23,749				
<b>3. Unrestricted current ratio</b>					
Current assets less all external restrictions	9,008	4.71x	3.94x	5.83x	>1.50x
Current liabilities less specific purpose liabilities	1,913				
<b>4. Debt service cover ratio</b>					
Operating result before capital excluding interest and depreciation/impairment/amortisation <sup>1</sup>	5,288	5.30x	13.14x	14.33x	>2.00x
Principal repayments (Statement of Cash Flows) plus borrowing costs (Income Statement)	998				
<b>5. Rates, annual charges, interest and extra charges outstanding percentage</b>					
Rates, annual and extra charges outstanding	327	2.84%	2.27%	2.07%	<10.00%
Rates, annual and extra charges collectible	11,523				
<b>6. Cash expense cover ratio</b>					
Current year's cash and cash equivalents plus all term deposits	16,054	12.72	13.10	14.26	>3.00
Monthly payments from cash flow of operating and financing activities	1,262	mths	mths	mths	mths

(1) Excludes fair value increments on investment properties, reversal of revaluation decrements, reversal of impairment losses on receivables, net gain on sale of assets and net share of interests in joint ventures and associates using the equity method and includes pensioner rate subsidies

(2) Excludes impairment/revaluation decrements of IPPE, fair value decrements on investment properties, net loss on disposal of assets and net loss on share of interests in joint ventures and associates using the equity method

## Risk/Policy/Legislation Considerations:

The Local Government Act (1993) s.416 states that Council's financial statements must be prepared and audited by 30 November 2020. This is a one-month extension granted to all Council's to assist with the COVID-19 pandemic. Council's audited financial statements were lodged with the Office of Local Government on 18 November 2020.

The Local Government Act (1993) s.418 requires Council give notice to the public on presentation of the financial statements at least 7 days prior to the meeting and invite submissions to be received.

Submissions close 28 December 2020.

**Budget Implications:**

The income statement reports Council's original budget against actual results. As at 30 June 2020 the Income from Continuing Operations was \$27.75m compared to \$21.90m budgeted. This variation was largely due to the net share of interests in joint ventures mainly Central Tablelands Water of \$4m compared to \$23k forecast.

Actual operating expenditure of \$19.56m compared to \$17.97m budgeted. This resulted in a net operating result from continuing operations of \$8.19m. Net operating result from continuing operations before grants and contributions provided for capital purposes of \$1,99m compared to \$101k budgeted.

Council's original budget for capital expenditure for 2019/20 was \$12.19m before the inclusion of carryover works from 2018/19. Council completed \$15.14m in capital works with a further \$1.41m works in progress carried over for completion in 2020/21.

As a result of the 2019/20 transportation asset class revaluation, Council identified a significant number of stormwater assets not previously captured resulting in an additional \$6.7m brought to account through the application of a prior period adjustment. Additionally, the formation layer for roads had previously been calculated on the assumption that it was the same width as the seal which is actually constructed to be between 1.4 and 2.0 times the width of the seal. This resulted in the addition of a non depreciable asset in the amount of \$24.71m.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**10) COMMUNITY FINANCIAL ASSISTANCE POLICY AMENDMENT**

**Department:** Corporate Services

**Author:** Director Corporate Services

**CSP Link:** 2. Local Governance and Finance

**File No:** CR.SD.2

---

**Recommendation:**

That Council adopt the Community Financial Assistance Policy, as amended, and it be included in Council's policy register.

**Reason for Report:**

To seek Council approval for an amendment to the Community Financial Assistance Policy to include Covid-19 funding for eligible community groups.

**Report:**

Council at its meeting held 17 August 2020, received the Financial Assistance Committee meeting minutes that recommended an amendment to the Community Financial Assistance policy 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

The policy as amended proposes to offer financial assistance for eligible community groups as a contribution towards operational costs during the COVID-19 pandemic. The eligibility criteria is outlined in the policy and assistance up to \$1,000 per annum is proposed. The intent of this category of the financial assistance is to:

- assist community organisations to meet ongoing costs despite loss of revenue
- support community organisations to keep operating, alter the way they deliver services and maintain connection with each other and with the community

A copy of the draft policy is provided as an attachment to this report with amendments italicised and underlined for reference. Adoption of the policy is recommended as the amendments to the policy are considered minor and approval will expedite access to financial assistance to affected community groups.

**Risk/Policy/Legislation Considerations:**

Local Government Act s356 permits Council to financially assist others for the purpose of exercise of its functions. Exhibition of Council's resolution for financial assistance is not required where financial assistance is part of a specific program. As the Community Financial Assistance program was exhibited in the 2020/21 Operational Plan and proposed funding is from the existing pool of funds exhibition is not recommended.

**Budget Implications:**

Council has an amount of \$100,000 allocated in its 2020/21 Operational Plan allocated to the Community Financial Assistance Program. It is estimated that \$7,000 of this funding is available in the current financial period from event cancellations earlier in the year. There are also funds unallocated from prior periods in the amount of \$30,000.

**Enclosures (following report)**

1 Draft Community Financial Assistance Policy 10 Pages

**Attachments (separate document)**

Nil





## Community Financial Assistance Policy

<b>Policy</b>	31
<b>Officer Responsible</b>	Director Corporate Services
<b>Last Review Date</b>	xx/xx/2020

**Strategic Policy**

## Objectives

The primary objective of the Blayney Shire Council's Community Financial Assistance Policy is, through the provision of financial assistance to community organisations, to:

- (a) encourage local participation in the development and maintenance of community projects, infrastructure and facilities for current and future generations;
- (b) foster the social, economic and/or environmental wellbeing of the community;
- (c) support local schools and individuals to recognise academic and sporting achievements of local young citizens and
- (d) develop and promote the sporting, cultural and tourism potential of the shire through events and activities that support social inclusion and attracts regional attention.

### 1. LEGISLATION

The Community Financial Assistance Policy has been approved by resolution of Council. It is authorised under section 356 of the *Local Government Act 1993* which permits a Council to contribute money of otherwise grant financial assistance to persons for the purpose of exercising its functions.

### 2. ELIGIBLE RECIPIENTS

To receive financial assistance under this policy an applicant must be an eligible community organisation. For the purposes of this policy, an eligible community organisation is a separately constituted legal entity:

- (a) which operates on a "not-for-profit" basis (meaning that any proceeds of its activities and used for the benefit of the organisation and are not available for distribution to its members); and
- (b) the members of which are predominately members of the Blayney Shire community or, if not, which organises an event or function of regional significance which is supported by Council and benefits the Blayney Shire community.

Examples include Village Progress Associations; Town Committees; Trustees of Public Halls; Schools of Arts; Showground and other Reserves; Historical Societies; Show Societies; Community Service Organisations; Educational establishments; Charity Groups; Churches and Religious establishments; Sporting Clubs; Cultural Groups and Societies; Youth Groups and Senior Citizens; CWA branches; RSL Clubs and other groups assisting Council carry out service functions (as determined by Council).

Financial assistance is provided across a broad range of activities and projects conducted by such organisations.

### 3. CATEGORIES

Financial assistance to community organisations is provided in two categories:

- (a) **Recurrent Annual Donations.** These are donations made to community organisations on an annual basis to assist financially with specified outgoings (such as public liability insurance), the waiver of Council rates and charges, waiver of Council rental charges, a school activity, or the holding of a regular community event or cultural activity.

Schedule 1 sets out the guidelines for determining the amount of such donations in each case.

The amount of these donations for each organisation or event is approved by Council in its annual budget contained in the Operational Plan. The General Manager may approve other donations to an organisation or event under delegated authority, provided the donation is consistent with the guidelines, within budget and reported to Council via the next available Financial Assistance Committee meeting.

- (b) **One-off financial assistance.** This assistance is provided for projects involving the construction, maintenance or repair of community facilities, the purchase of equipment, or for the organising and conducting of local events and functions. In each case having demonstrated broad community benefit and support. Projects must be in accordance with the Community Strategic Plan and the four year Delivery Program.

Under this category community organisations are eligible to receive Council funding via a competitive submission process. There are two (2) funding rounds each year. Applications are called in June and December via a public notice published in the local newspaper and on Council's website.

Applications received after the close of business on the due dates will not be considered, unless the Financial Assistance Committee in its discretion agrees otherwise. Financial assistance will be made available in June and November.

Schedule 2 to sets out guidelines for determining the amount of such donations in each case. Applications are assessed in accordance with the criteria in paragraph 8 below.

*In addition, on an exceptional basis, financial assistance is available as a contribution towards operational costs during the COVID-19 pandemic. Schedule 3 sets out the guidelines for this assistance. This category of assistance will cease to be available once all Public Health Order COVID-19 restrictions cease to apply.*

#### 4. **AMOUNT**

An annual budget allocation for the Community Financial Assistance Policy is made each year in Council's Operational Plan.

This budget allocation covers both categories described above. The amount available for the one-off financial assistance category will be calculated for each round after deducting an estimate for the cost of the recurrent annual donations category, and any prior allocation from the off financial assistance category in that financial year.

#### 5. **SPECIAL PROJECTS**

Subject to funding availability, a higher level of financial assistance may be available for special projects. These usually entail capital works such as ground works, building construction, and/or major equipment purchase. Funding for special projects is non-recurrent and is subject to the applicant entering into a management agreement for the facility with Blayney Shire Council or the Crown with Council's support.

Council assistance may include support for applications for grants made to a government or other public funding organisation. Success in such applications may result in a reduction of Council financial assistance.

#### 6. **APPROVAL PROCESS**

All applications for one-off financial assistance are decided by Council upon the recommendation of Council's Financial Assistance Committee, which is a section 355 committee of Council.

The Financial Assistance Committee is chaired by a Councillor nominated by Council and comprises the Chairman, the General Manager of Newcrest Mining or their delegate; and 4 community representatives appointed by Council. The executive officer is Council's Director of Corporate Services.

Assessment of applications will remain confidential and no appeal is permitted as to any funding allocation decision.

#### 7. **ASSESSMENT CRITERIA**

Council will use the following general criteria when considering requests for financial assistance:

- (a) activities which address gaps in service or community development;
- (b) activities which promote community development in a multicultural context and seek to address issues of access and equity;
- (c) involvement from volunteers and self-help initiatives which build upon Council's contribution;
- (d) consumer / user participation in management of services / activities
- (e) innovative and creative approaches to identified needs; and
- (f) activities which use Council funding to attract further resources.

Council will give low priority to following types of requests for financial assistance:

- (a) activities/services which do not attempt to become self-supporting where the potential exists through fees or other feasible income-producing activities;
- (b) activities of a purely social nature, which do not address the needs of disadvantaged groups;
- (c) activities which are eligible for support from state-wide or regional parent bodies; and
- (d) organisations, which have not observed accountability requirements for past Council assistance.

8. **WHAT IS NOT FUNDED?**

One-off financial assistance is not available for:

- (a) projects or organisations wholly outside the shire of Blayney;
- (b) operating or administrative overheads, such as rent, wages, office equipment or utility costs or travel, accommodation and conference costs;
- (c) projects by individuals or that benefit personal business interests;
- (d) projects that duplicate an existing project or service; or
- (e) completed projects.

9. **GENERAL CONDITIONS/PAYMENT**

Funds approved under the community financial assistance policy are to be claimed by 30 June of the following financial year of approval. In the event that funds are not claimed the applicant shall re-apply, if required, and funds will be returned to the community financial assistance program budget for reallocation.

9.1 **Recurrent Annual Donations**

- (a) Where Council is providing a contribution for Rates and Sewer charges, this funding will be processed after the Rates Instalment notice has been issued in July.
- (b) For grants for sporting achievement:
  - (i) only the highest level of achievement will be recognised;
  - (ii) participation must be based on merit (not self-selection); and
  - (iii) evidence of participation and a letter of support from the relevant sporting association should be provided.
- (c) For those categorised as Public Liability Insurance or Rental, Council requires a tax invoice prior to payment of financial assistance to be accompanied by the relevant Insurance Policy and Premium notice or proof of payment. GST will be added to all financial assistance where applicable. Applicants should provide their ABN. Applicants without an ABN must submit a "Statement by a Supplier" form available from the Australian Tax Office or from Council.

**9.2 One-off Financial Assistance**

- (a) Projects must be clearly described, illustrate the community benefit that the financial assistance will provide and identify which of Council's vision statements in the Community Strategic Plan will be addressed.
- (b) Council does not offer any guarantee of funding as funding is subject to funds being available and not previously allocated. Also, as not all projects will receive funding, available funds will be allocated for projects that best meet the required community based criteria.
- (c) Applications that match \$ for \$ will be considered favourably. Any matching funding from the applicant or other sources are to be identified on the application.
- (d) Applicants must ensure that necessary approvals such as development applications or licences are considered prior to application lodgement. Evidence to this end in the form of a pre-development application consultation letter or correspondence from the relevant licence authority should accompany the application.
- (e) For projects involving construction / installation of new assets or renewal of existing assets on any Council controlled land, park, oval or recreational facility, consultation with the responsible Council department will be required prior to application lodgement.
- (f) Council reserves the right to manage any project approved on Council controlled land, park, oval or recreational facility as it deems required in consultation with the community organisation.
- (g) All applicants must provide certificates of currency for public liability insurance and the constitution or rules of their organisation where requested.
- (h) Council must be acknowledged in all promotional activities and must be provided with copies of advertising or promotional materials featuring Council for Council's approval prior to use in any promotional activity.
- (i) Any funds unspent at the completion of the project must be returned to Council.
- (j) Council requires a tax invoice prior to payment of financial assistance. GST will be added to all financial assistance where applicable. Applicants should provide their ABN. Applicants without an ABN must submit a "Statement by a Supplier" form available from the Australian Tax Office or from Council.
- (k) Applicants who are not registered for GST should consider the applicability of Council's Community Infrastructure Projects Policy (No. 3h) which is intended to assist such groups with projects on Council land by enabling them to recover the GST paid on taxable supplies associated with of the project.

- (l) Council fees and charges incurred in the holding of an event may be deducted before the financial assistance is paid.
- (m) For financial assistance of \$10,000 and above, a performance agreement must be completed between Council and the organisation following approval.

In submitting an application, the applicant accepts and acknowledges the general conditions set out in this Policy and in the Guidelines and in particular acknowledges that if unsuccessful it cannot appeal, contest or petition any councillor, staff member or community representative acting on behalf of or for council or its funding partners.

#### 10. **APPLICATION FORM**

An application on the approved Council form must be submitted for those applicants seeking Council support under this Policy. Letters of request or verbal applications will not be accepted as funding applications.

An application form and Guidelines for applicants is available on Council's website and from Council's offices. These guidelines describe the information that must be included in the application and set out the acquittal and reporting requirements which must be complied with.

**SCHEDULE 1**  
**Guidelines for Annual Donations**

<b>Type of assistance</b>	<b>Amount</b>
Public liability insurance	(i) reimbursement of 100% of the premium up to \$1,000 pa; and (ii) reimbursement of 50% of the premium exceeding \$1,000 up to a maximum grant of \$2,000 pa
Property rates and charges	as per Notice of Assessment
Rental	as per Council invoice
Schools and sporting related donations	(i) for school prizes, \$100 per school per annum (ii) for sporting achievements: (A) \$100 for regional selection; (B) \$300 for state selection; and (C) \$500 for national selection
Community Events/Cultural Activities	Not exceeding \$2,000 except with the approval of Council

**SCHEDULE 2**  
**Guidelines for One-off Financial Assistance**

<b>Type of assistance</b>	<b>Amount</b>
Financial Assistance for community facilities	Up to \$3,000
Special projects enhancing a community facility (see paragraph 6 of the Community Financial Assistance Policy)	Up to \$10,000
Development Applications	The total amount development application costs levied on works to be undertaken on Council-owned facilities



**SCHEDULE 3****Guidelines for community hardship and assistance grants****OVERVIEW**

Council recognises that COVID-19 restrictions have impacted the capacity of our community organisations to meet ongoing expenses due to decreased revenue streams such as facility hire, entry fees and other fundraising. Community Hardship and Assistance Grants offer targeted financial assistance to community organisations that have been impacted by COVID-19. The intent of this category of financial assistance is to:

- assist community organisations to meet ongoing costs despite loss of revenue
- support community organisations to keep operating, alter the way they deliver services and maintain connection with each other and with the community

Community groups can apply for a grant from this program, in recognition that these groups were affected by coronavirus (COVID-19) restrictions.

**ELIGIBILITY**

To be eligible for funding community groups must:

- Operate within the Blayney Shire
- Have not received funding or financial assistance under other COVID-19 funding programs e.g. the Commonwealth Government's JobKeeper Payment
- Be a registered incorporated body
- Hold an Australian Business Number (ABN) and have held that ABN at 1 March 2020
- Rely on fees paid by the public (as distinct from members of the community group) as their primary source of "self-generated" revenue.

**WHO CANNOT APPLY**

Applications cannot be made by:

- government agencies or departments of local, state or federal government
- educational, religious or medical organisations or groups raising funds for them
- businesses or charitable not-for profit-organisations that operate a commercial business e.g. nursing home
- individuals

**HOW MAY FUNDING BE USED**

Grant funds may be used to assist community organisations, for example on:

- Meeting operating and overhead costs, including utilities, insurance or rent;
- Any other supporting activities related to the operations of the organisation.

**GRANTS AVAILABLE**

*How much can I apply for?*

*Actual substantiated overhead costs up to \$1,000 per annum.*

*What type of costs can be funded in this category?*

- *Ongoing operational costs (e.g. electricity, insurance, water, communications)*
- *Statutory or recurrent maintenance and repairs to maintain the safety, hygiene and integrity of a community facility (e.g., annual safety checks, cleaning, gutter clearing, pest control, solar panel maintenance).*
- 

*Category Priorities (must address all):*

- *Demonstrated loss of revenue from public visitations of at least 30% between one month or quarter pre COVID restrictions to the same month or quarter post COVID restrictions*
- *Have primary responsibility for payment of costs*
- *Evidence that options to cover these costs through community organisation's own cash reserves or other funding sources have been thoroughly explored.*

**WHAT IS NOT ELIGIBLE FOR FUNDING**

*Projects, events or activities for the following purposes are ineligible for funding:*

- *The core business of educational, religious or medical organisations*
- *Prize money, prizes or trophies*
- *Development of privately-owned facilities*
- *Payment of debt, where the debt was not incurred to due to the COVID-19 impact*
- *Political activities*
- *Projects run solely for commercial profit.*

<b>Adopted:</b>	<b>Date: 15/06/2015</b>	<b>Minute: 1506/010</b>
<b>Last Reviewed:</b>	<b>Date: 15/06/2015</b>	<b>Minute: 1506/010</b>
	<b>Date: 16/05/2016</b>	<b>1605/010</b>
	<b>Date: 17/12/2018</b>	<b>1812/010</b>
	<b>Date:</b>	
<b>Next Review:</b>	<b>Date: 19/04/2021</b>	

**11) ADOPTION OF WORK, HEALTH AND SAFETY POLICY****Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 2. Local Governance and Finance**File No:** GO.PO.1**Recommendation:**

That the Work, Health and Safety policy be adopted and included in Council's policy register.

**Reason for Report:**

For Council to approve the Work, Health and Safety policy.

**Report:**

Council at its meeting held 19 October resolved to place the Work, Health and Safety policy on public exhibition.

The Work, Health and Safety policy outlines Council's commitment to provide a safe and healthy working environment for all our employees, volunteers, contractors, trainees, and visitors including Council's elected members, who may be affected by works undertaken by Council, through the elimination or minimisation of risks. The policy was reviewed and updated to better define the commitment by Council.

The closing date for public exhibition was 19 November 2020 and Council had received no submissions.

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

**Risk/Policy/Legislation Considerations:**

Adoption of the policy by Council will formalise Council's commitment to Work, Health and Safety.

**Budget Implications:**

Nil

**Enclosures (following report)**

1 Work, Health and Safety policy

4 Pages

**Attachments (separate document)**

Nil



## Work Health and Safety Policy

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

**Strategic Policy**

**Purpose**

Council is committed to provide a safe and healthy working environment 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.

**Work Health and Safety Statement**

Blayney Shire Council will demonstrate its commitment to Work Health and Safety by:

- Promoting a culture where harm to people through work is unacceptable
- Applying a risk management 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 WH&S committee;
- Ensuring when procuring or using plant, substances, equipment and materials they are used and handled properly, 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 with management, employees, volunteers, and contractors on work health and safety issues;
- 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.

**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

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

**12) INFORMATION SECURITY POLICY****Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 2. Local Governance and Finance**File No:** GO.PO.1**Recommendation:**

That Council endorse the Information Security Policy and it be placed on public exhibition for a period of not less than 28 days.

**Reason for Report:**

For the Council to endorse the new Information Security Policy for public exhibition.

**Report:**

The following Information Security Policy has been developed and is tabled for consideration of Council.

The purpose of this Policy is to clearly articulate the information security behaviours and practices that Council requires councillors and staff to comply with. The Policy and supporting documents contain information relating to the responsibilities of all users to appropriately protect the information they use and manage as part of their daily roles. It has been drafted in line with the Information Security Standard ISO/IEC 27001:2013

The policy was developed per the recommendation from the Cyber Security Audit (Cyber Resilience Assessment) undertaken earlier in the year.

This policy is proposed for public exhibition for a period of not less than 28 days.

**Risk/Policy/Legislation Considerations:**

Nil

**Budget Implications:**

Nil

**Enclosures (following report)**

1 8G Information Security Policy

7 Pages

**Attachments (separate document)**

Nil





## Information Security Policy

<b>Policy</b>	8G
<b>Officer Responsible</b>	Manager Information Technology
<b>Last Review Date</b>	xx/xx/2020

**Strategic Policy**

**PURPOSE**

The Information Security Policy provides Blayney Shire Council (BSC) councillors and staff with direction and support and establishes a framework for IT security. The purpose of this Policy is to clearly articulate the information security behaviours and practices that BSC requires councillors and staff to comply with.

Information security is fundamental to the successful operations. As the custodians of information that is politically, commercially or personally sensitive, BSC has a duty of care to protect information from accidental or malicious modification, unauthorised access, loss or release.

This Policy and supporting documents contain information relating to the responsibilities of all users to appropriately protect the information they use and manage as part of their daily roles.

This Policy is written in line with the Information Security Standard ISO/IEC 27001:2013

**1. SCOPE**

The requirements and expectations outlined in this Policy applies to:

- All BSC councillors, permanent full time, part time, trainee and temporary staff, graduates, contractors, consultants and vendors.
- Anybody authorised to access and make use of any Council's IT systems, networks and / or information
- All third-party suppliers and hosted/managed service providers.

**2. POLICY STATEMENT**

BSC is committed to ensuring the confidentiality, integrity and availability of the information held. The Information Security Policy articulates the standard Council must operate to, within a security context. Council's security strategy, security improvements register and Information Security Management System (ISMS) enable this standard to be achieved.

Council is committed to maintaining and improving an ISMS to meet our obligations to protect its information assets under international industry standards.

**3. ISMS OBJECTIVES**

1. **Executive engagement** - Executive management are engaged by, aware of and support information security
2. **Assess threats and vulnerabilities** – The identification and assessment of security threats and vulnerabilities to key assets is undertaken regularly and tracked over time;
3. **Manage Information Security Risks** - Develop and maintain effective security management processes to address identified risks;
4. **Learn from security incidents** - Record, analyse and investigate all reported security incidents and policy breaches to develop improvements to prevent their reoccurrence;
5. **Cyber vulnerability trend** – Continuous improvement of security of all externally facing systems through a risk-based vulnerability management program;

6. **Project engagement** - Ensure all projects engage Information security during the planning phase at a minimum;
7. **Awareness** - Deliver continual security awareness to staff;
8. **Procurement** – Purchasing decisions consider information security;
9. **ISMS Calendar** – An ISMS calendar is maintained which specifies when key actions must occur;
10. **Induction** – Newly hired staff complete an induction program that identifies their responsibilities for Information security and confidentiality; and
11. **Compliance** with legislative and regulatory obligations

## 1. POLICY

### 1.1 Risk Management Process

Risk management is an essential part of an effective approach to information security. The approach to risk management is documented within the Enterprise Risk Management Framework and Policy.

Staff must consider risk in all of their activities. Should staff identify a risk they should raise it with their management and process it as per the Enterprise Risk Management Framework and Policy.

Risks are to be documented in the enterprise risk register.

### 1.2 Management commitment to information security

Background verification checks on all candidates for employment, contractors, and third party users must be carried out in accordance with relevant laws, regulations and proportional to the individual's proposed organisational role.

Newly recruited staff are required to complete an induction program that identifies their responsibilities for Information security and confidentiality.

All staff are accountable and required to comply with the Information Security Policy and must ensure Council's facilities, information or information processes will not be knowingly exposed to unacceptable levels of risk.

BSC takes a top down approach to information security by which the most senior levels of the organisation contribute to, review and approve the Information Security Policy. Updates are communicated to all staff to ensure they act in accordance with the Policy. Staff awareness is maintained through appropriate training and communication.

The following Information Security group provides oversight on information security matters

- Audit, Risk and Improvement Committee - Oversight and management of risks and audits to ensure Council meets its responsibilities and to enhance its potential to achieve its vision, objectives and goals.

**1.3 Allocation of information security responsibilities**

Role	Responsibilities
<b>Executive</b>	<ul style="list-style-type: none"> <li>• Assign overall responsibility for information asset protection and ownership;</li> <li>• Approves policies as appropriate</li> <li>• Ensures BSC develops, implements and maintains an effective information and cyber security plan</li> <li>• Determines BSC'S tolerance for security risks using the approved whole-of-government Internal Audit and Risk Management Policy</li> <li>• Appropriately resources and supports BSC cyber security initiatives including training and awareness and continual improvement initiatives to support this policy</li> <li>• Ensures that staff are aware of and adequately comply with Information Security Policies</li> </ul>
<b>Manager Information Technology (MIT):</b>	<ul style="list-style-type: none"> <li>• Ensures that all staff, including consultants, contractors and outsourced service providers understand the cyber security requirements of their roles;</li> <li>• Ensures a secure-by-design approach for new initiatives and upgrades to existing systems to ensure compliance with the organisations cyber risk tolerance</li> <li>• Defines and implements a cyber security framework</li> <li>• Attends Audit Risk and Improvement Committee meetings as an advisor when required</li> <li>• Implements policies, procedures, practices and tools to ensure compliance with this policy.</li> <li>• Establishes training and awareness programs to increase staff's cyber security capability</li> <li>• Builds cyber incident response capability</li> <li>• Advises, coordinates and promotes security</li> <li>• Provides information security advice on new projects and initiatives;</li> <li>• Ensures compliance with government and regulatory information security related requirements</li> <li>• Produces technical security risk assessments and recommendations.</li> <li>• Assists to ensure that the risk framework is applied in assessing cyber security risks and assist with setting of risk appetite.</li> <li>• Development of information security policies, procedures and controls</li> <li>• Management of information security incidents and investigations</li> <li>• Ensure that appropriate security, consistent with the policy, is implemented;</li> <li>• Determine access privileges based on roles and approval by relevant department managers/directors</li> </ul>

	<ul style="list-style-type: none"> <li>• Ensure security breaches or near misses affecting their information assets are investigated;</li> <li>• Assist with business continuity plans and maintain IT disaster recovery plans;</li> <li>• Ensure that security requirements are incorporated into the design, operation and management of information systems</li> <li>• Detect and report on security violation attempts (review &amp; monitoring);</li> <li>• Approve, reject, remove and review system privileges on a timely basis, to reflect user movements, absences, terminations and investigations;</li> <li>• Maintain a proactive approach to ensuring the security of the system for which they are responsible is kept at the highest possible security level.</li> <li>• Ensure that changes to system(s) are appropriately tested and change approval processes are followed</li> <li>• Appropriate escalation of security incidents, breaches, and weakness of which they are notified</li> <li>• Manage, maintain and measure Information Security Policy standard and process compliance;</li> <li>• Operate / administer IT security and adhere to the IT Security Policy;</li> <li>• Identify and manage information security improvements.</li> <li>• Respond to security incidents</li> <li>• Maintain and manage vulnerability management and penetration testing programs.</li> <li>• Monitor system/security logs for evidence of unauthorised activity</li> <li>• Report potential, suspected and actual security breaches</li> <li>• The investigation of potential, suspected and actual security breaches</li> </ul>
<p><b>Users:</b> A User is any staff or other authorised person who uses information in the course of daily business activities.</p>	<ul style="list-style-type: none"> <li>• Use and preserve assets' security by adhering to security policies;</li> <li>• Are aware of their responsibilities;</li> <li>• Comply with the requirements of these policies, standards and guidelines;</li> <li>• Report violations or suspected violations of these policies in a timely manner;</li> <li>• Maintain confidentiality of operating system and application passwords</li> <li>• Use information and information resources for responsible and authorised purposes.</li> <li>• Must not disclose information publicly or to unauthorised parties without the approval of a Director or above.</li> <li>• Contract employees (staff) must sign a formal undertaking concerning the need to protect the confidentiality of the Department's information, both during and after contractual employment with the Department</li> </ul>

**1.4 Segregation of duties**

Where practicable, approval and execution duties should be separated to prevent unauthorised access or misuse of information assets. Where this delineation is not controlled or the opportunity for collusion is high, auditing and alerting should be implemented in order to monitor these scenarios.

**1.5 Awareness**

All staff and Councillors are required to participate in Cyber Security training. Management are responsible for ensuring that their staff complete all mandatory information security training.

From time to time, IT may send out security advisories. These advisories will be communicated to staff and Councillors who should remain aware of the information security changes, consider the advice provided and apply it where practical.

**1.6 Identification of applicable legislation and contractual requirements**

All applicable legal, statutory, contractual, or regulatory requirements must be documented and defined. Specific requirements and responsibilities for controls or other activities related to these legal regulations must then be delegated to the appropriate directorate.

**2. RESPONSIBILITIES****2.1 Compliance, monitoring and review**

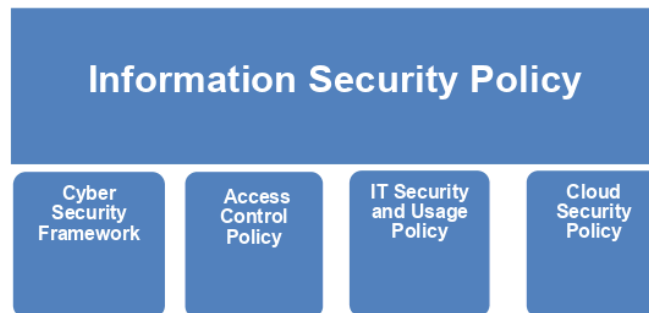
It is the responsibility of the Manager Information Technology to monitor and update this policy annually or more frequently when any significant new information, legislative or organisational change warrants amendments to this document.

Reviews shall incorporate:

- Assessment of opportunities for improvement of the approach to information security;
- Consideration of changes to the organisational environment, business circumstances, relevant laws, legal conditions, or technical environment;
- Changes in external and internal issues that are relevant to the ISMS;
- Results of risk assessments and status of risk treatments;
- Fulfilment of security objectives;
- Results of management review of information security;
- Results of independent review of information security;
- Results of security incidents.

**3. RELATED LEGISLATION AND DOCUMENTS**

This policy aligns with other policies as shown below:



This Policy ensures compliance to the NSW Cyber Security Policy.

Compliance to the above supports the intentions of:

**Commonwealth**

- Electronic Transactions Act 1999
- Electronic Transactions Amendment Act 2011
- Copyright Act 1968
- Cybercrime Act 2001
- Telecommunications (Interception and Access) Act 1979
- SPAM Act 2003
- Privacy Act 1988
- Crimes Act 1914

**NSW**

- Crimes Act 1900
- Independent Commission Against Corruption Act 1988
- Privacy Amendment (Enhancing Privacy Protection) Act 2012
- Public Finance and Audit Act 1983
- Privacy and Personal Information Protection Act 1998.
- Health Records Information Privacy Act 2002.
- Government Information (Public Access) Act 2009 (NSW).
- State Records Act 1998 (NSW).
- Workplace Surveillance Act 2005

<b>Adopted:</b>		
<b>Lasted Reviewed:</b>		
<b>Next Reviewed:</b>		

**13) TRANSFER OF LEASE OF VISITOR INFORMATION CENTRE CAFE**

**Department:** Corporate Services

**Author:** Director Corporate Services

**CSP Link:** 3. The Local and Visitor Economy

**File No:** PM.TN.10

---

**Recommendation:**

1. That the report on the Transfer of Lease of Visitor Information Café be received.
2. That Council endorse transfer of the existing lease agreement to the new proprietor.
3. That Council endorse execution of the Visitor Information Centre lease and associated documentation by the Mayor and General Manager under Council seal where required.

**Reason for Report:**

To update Council on a request for transfer of the lease of the Visitor Information Centre Café and seek Council endorsement for execution of lease and associated documentation.

**Report:**

Council is in receipt of a request from the proprietor of the Ironbark Espresso Bar (and lessee of the Visitor Information Centre Café) for transfer of the existing lease to the purchaser of their business. The proposed effective date is 1 January 2021. The last day of trading by the outgoing tenant will be 23 December 2020 and the first day of trading by the incoming tenant will be 11 January 2021.

The lease commencement date was 30 January 2017 with a lease term of 2 years and 3 further options of 2 years. The tenant has exercised their right to extend the current lease by 2 years commencing 30 January 2021. This will leave 1 x 2 year option expiring commencing 30 January 2023.

Pursuant to the lease clause 10.3, Council has requested information concerning the financial standing and business experience of the proposed transferee. Council is satisfied that the lessee has the capability to fulfil lease requirements.

The incoming lessee has requested Council take the opportunity to undertake maintenance in the form of sealing the flooring and deck at the Visitor Information Centre during the closure. Council has met with tradesmen to this end and an ongoing program of maintenance was recommended to Council for inclusion into future planning. The maintenance works proposed during the closure will be \$2,350.



Council endorsement of the lease transfer and execution of lease documentation under Council seal is required.

**Risk/Policy/Legislation Considerations:**

There are no issues foreseen by the consideration of this report.

**Budget Implications:**

Legal fees associated with the transfer of the lease contract and registration has been quoted at \$1,100 plus sundry costs. Council will seek its right to recover the costs associated with lease transfer per clause 10.6.

Council has an allowance in the 2020/21 Operational Plan for building maintenance however maintenance works proposed were not provided for in the original this budget and a budget adjustment will be required in the 2<sup>nd</sup> Quarterly Budget Review.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

- |   |  |         |
|---|--|---------|
| 1 | Deed of assignment of Lease  | 6 Pages |
|   | <i>This matter is considered to be confidential under Section 10A(2) (e) of the Local Government Act, as it deals with information that would, if disclosed, prejudice the maintenance of law.</i> |         |
| 2 | Variation of lease agreement   | 1 Page  |
|   | <i>This matter is considered to be confidential under Section 10A(2) (e) of the Local Government Act, as it deals with information that would, if disclosed, prejudice the maintenance of law.</i> |         |
| 3 | Lease transfer   | 1 Page  |
|   | <i>This matter is considered to be confidential under Section 10A(2) (e) of the Local Government Act, as it deals with information that would, if disclosed, prejudice the maintenance of law.</i> |         |

**14) LEASE AGREEMENT: NEVILLE MULTIPURPOSE COURT**

**Department:** Corporate Services

**Author:** Director Corporate Services

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

**File No:** CS.AG.1

---

**Recommendation:**

1. That the Council endorse the General Manager to finalise the Lease contract terms with the Presbyterian Church of Australia.
2. That Council endorse execution of the lease for Lot 100 / DP 1267329 being 4A Crouch Street, Neville and associated documentation by the Mayor and General Manager under Council seal, if required.

**Reason for Report:**

For Council to consider endorsement of the lease for Lot 100 / DP 1267329 being 4A Crouch Street, Neville.

**Report:**

Council at its meeting held 14 August 2017 resolved to provide approval and support for the Neville Multipurpose Court Project and to formalise a long term lease or licence agreement from the land owner.

The subdivision of land at 4A Crouch Street, Neville (Lot 100 DP 1267329), being the location for the Neville Multipurpose Court Project, was finalised in recent months. This has facilitated finalisation of the draft lease agreement that has been furnished with the land owner, Presbyterian Church of Australia, for their review and endorsement. As at report preparation date Council was awaiting a response and / or endorsement from the land owner.

To assist expediting finalisation of the lease Council endorsement of the General Manager to negotiate and finalise contract terms of the lease as required and execution of the lease and documentation is sought.

**Risk/Policy/Legislation Considerations:**

Council endorsement of this report will assist securing tenure for progression of the Neville Multipurpose Court Project.

**Budget Implications:**

Legal fees associated with the lease contract are to be borne by Council and provision exists for legal fees anticipated with this lease.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

- 1 Draft Lease Agreement 15 Pages

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

**15) CROWN LANDS PLAN OF MANAGEMENT PROGRAM UPDATE****Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 4. Community, Sport, Heritage and Culture**File No:** PR.AG.2**Recommendation:**

That Council undertake community consultation as part of the development and adoption of Plans of Management for Crown reserves recommended to be classified as Community Land.

**Reason for Report:**

This report provides Council with information outlining the progress to date on the classification and categorisation of Crown land under Council management and associated proposed community consultation on classification of Crown Land Reserves for classification as community land.

**Report:**

Council is currently developing legally required plans of management (PoM) for all of the community land Crown reserves that Council manage pursuant to the Local Government Act 1993 and the Crown Land Management (CLM) Act 2016. Part of this compliance exercise requires community consultation.

Many of the public parks, ovals and cemeteries within the Shire are on community Crown Land for which Council has been appointed the Crown Land Manager. Council must prepare a PoM for all Council managed community land; a document that sets out parameters for the use and development of Council managed community land within the Shire.

Comparable Crown reserves such as parks, ovals and sporting grounds can be “bundled” into 1 generic PoM. PoMs for individual reserves are only legally required for those reserves containing:

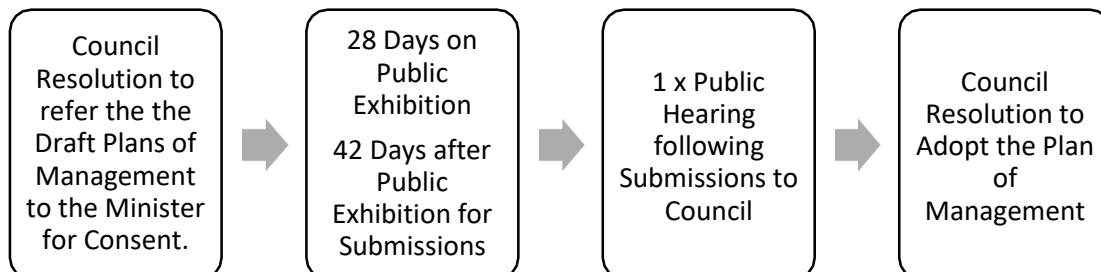
- Critical habitats;
- Threatened species;
- Significant natural features; or
- Cultural significance.

To ensure legal compliance with creation of these documents Council is required to:

1. Assign community land with 1 or more of the following categories:
  - Natural Area
  - Park
  - Sportsground
  - General Community Use
  - Area of Cultural Significance

2. Conduct Community Consultation.
3. Submit 'Native Title Advice' to the Native Title Tribunal and NTS Corp.

Once the Draft PoMs have been prepared, the adoption process will entail the following steps:



A PoM under the above referenced Acts outlines how a Crown land reserve is to be managed. It consolidates information about the reserves and its users in a bid to develop the most fitting management strategies that best suit the reserve purpose and serve user needs.

Community consultation is an integral part of ensuring public land is properly utilised in a way that maximises community use and enjoyment.

#### Important Considerations

Whilst this is predominantly a compliance exercise which will draw upon pre-existing council plans and policies, there are some decisions concerning certain community land reserves that require greater consideration.

The cemetery reserves primary use as a burial site is eclipsed by large areas of inactive cemetery containing grass meadows that hold strong environmental and Aboriginal cultural values.

The decision to classify and categorise the cemetery crown reserves requires greater review and consideration because:

- Due diligence is required when addressing areas of Aboriginal cultural value because of Council's legal obligations under the Native Title Act.
- The current reserve purpose assigned by Crown Land in the 1800 - 1900's do not align with the conservation goals of the Cemetery Management Plan.

There is an opportunity with the Crown Land PoMs Project to alter the reserve use so that it complements the Cemetery Management Plan and mitigates Council liability in the event there is a Native Title claim.

#### Significant Aboriginal Cultural Value

Council's Supervisor Parks and Recreation has actively engaged with members of the indigenous community that conduct cultural burnings in the conservation areas of the cemeteries.

Council is obligated under the CLM Act to ensure Aboriginal groups are able to observe their traditional laws and customs on crown land.

If an area is identified to have educational, ceremonial or other cultural significance to local Aboriginal people, or if an area's natural resources could be used by them, Council should put measures in place to ensure indigenous use of the area is not disturbed.

#### Significant Environmental Value

The Blayney Shire is situated in the sheep-wheat belt of NSW; over 80% of this region is extensively modified agricultural landscapes. There is little vegetation in existence in the local government area that remains untouched or unmodified. Council has the opportunity to preserve ecologically diverse flora sanctuaries within the cemeteries of Blayney Shire through this process.

#### Demand for Cemetery Space

Council has an obligation to ensure the community has the right to a dignified and affordable burial. Whilst these plans will “ring-fence” future expansion of cemeteries at Carcoar, Lyndhurst, Millthorpe, Neville and Newbridge there is sufficient space in Council cemeteries in the foreseeable future. Furthermore the Blayney Cemetery has scope for expansion and Hobbys Yard cemetery would remain operational.

In light of the above, it is recommended that Council engage the community on the following proposals:

1. Classify Carcoar, Lyndhurst, Millthorpe, Neville and Newbridge Cemeteries ('The Cemeteries') as Community Land under the CLM Act.
2. Categorise the cemeteries conservation areas identified in the Cemeteries Works Guide as 'Natural Areas - bushlands' under the CLM Act.
3. Declare the cemeteries as land containing significant natural features by Council Resolution pursuant to s.36C of the Local Government Act.
4. Declare the cemeteries and the public reserve in Neville as community land that comprises of areas of aboriginal cultural significance by Council resolution pursuant to s.36D of the Local Government Act.

#### Next Steps

While there is no requirement for Council to undertake community engagement as part of the initial classification or categorisation process it is considered prudent to engage the community including the Tourism, Towns and Villages Committee and Cemetery Forum Committee in the preliminary stages of this project given the significance of the proposed recommendations that will impact local residents' burial options and restrict future development opportunities on the land.

As the deadline of project completion is June 2021, it is proposed to undertake community consultation for all reserves at the same time.

Proposed recommendation 3 and 4 have a legal consequence, in which they require the reserves to have individual PoMs. Should Council endorse recommendations 3 and 4, Council will be required to prepare 6 PoMs in total:

<b>Plan Of Management Name</b>	<b>Crown Reserve Name</b>
Generic PoM - Natural Area, Parks, Sportsgrounds & General Community Use	Community Centre
	CentrePoint Sport & Leisure Centre
	Redmond Oval
	Carrington Park
	Lyndhurst Recreation Ground
	King George Oval
	Newbridge Public Recreation Reserve
	Blayney Golf Course
	Blayney Dakers Oval Reserve
	Naylor Street Playground
	Neville Recreation Reserve
	Heritage Park
	Pound Flat
	Blayney Showground
	Kurt Fearnley Park
Innes Park	
Millthorpe Cemetery PoM	Millthorpe Cemetery
Newbridge Cemetery PoMt	Newbridge Cemetery
Lyndhurst Cemetery PoM	Lyndhurst Cemetery
Carcoar Cemetery PoM	Carcoar Cemetery
Neville Cemetery PoM	Neville Cemetery

### Community Consultation

Community consultation is an integral part of ensuring public land is properly utilised in a way that maximises community use and enjoyment. It is proposed to be conducted in two separate stages.

The first stage will be done to direct the content creation of the PoM. It will involve two way communication where:

- Council informs the community about reserve management operations and the services provided; and
- Specific users groups and individual members of the community inform Council about the way they use reserves and how they would like to see reserves used in the future.

The second stage of community consultation will be done following Ministerial approval of Council's draft PoMs. The draft PoMs will be placed on public exhibition for 28 days and allow for receipt of submissions up to 14 days after the close of public exhibition. Following the end of the submission period an independent public hearing will be held that will allow community members an opportunity to comment in person. Community feedback from the second stage of community consultation will be incorporated into a revised draft PoM prior to Council's formal adoption of the documents.

The proposed timeframe and actions to is shown as follows:

<b>Timing</b>	<b>Action</b>
22 December 2020	Launch Community Consultation for all Crown Reserves
22 February 2021	Council Consider Submissions Submit Native Title Advice for PoMs
15 March 2021	Council table above listed recommendations at Council meeting
19 March 2021	Council Resolution to refer the Draft PoMs to the Minister for Consent at Council Meeting
Receive Ministerial Consent	Place draft PoMs on public exhibition
42 Days Later	Last day to receive submissions
Public Hearing	One public hearing to cover all PoMs facilitated by independently of Council
4 Days Later	Public hearing report to be made available for public inspection
Next Available Council Meeting	Adopt the PoMs

Council will embark on planning towards preparation of required plans with a view to finalisation with in the required timeframe.



**Risk/Policy/Legislation Considerations:**

Preparation of PoMs for all Council managed Crown land is a legislative requirement. Council Crown land managers must ensure there is a compliant PoM for all Crown land that they manage, as community land, within 3 years of the commencement of Part 3 of the CLM Act (that is, by 30 June 2021).

This is to ensure that Crown land is lawfully used and occupied, which is an essential part of Councils' role as the manager of Crown land. Council may lose its management rights over key Crown reserves if these legislative requirements are not met within the transitional timeframes.

**Budget Implications:**

The NSW Government allocated funding to assist in the implementation of the CLM Act and Council received \$40,853 as a contribution toward the cost of preparing compliant PoMs.

The financial implications of this process are yet to be fully understood. This funding has been applied to engagement of a skilled officer to assist with preparation of the PoM's and development of associated documentation and processes for Council going forward.

Additional costs, largely other staff time, have been absorbed by respective departments involved. It is expected that the total cost of the process will be in excess of the allocated grant funding.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**16) SALE OF LAND FOR UNPAID RATES - AUCTION RESULTS****Department:** Corporate Services**Author:** Director Corporate Services**CSP Link:** 2. Local Governance and Finance**File No:** RV.CF.2**Recommendation:**

That the report on Sale of Land for Unpaid Rates – Auction Results be received.

**Reason for Report:**

To inform Council on the outcome of the Sale of Land for Unpaid Rates auction held 10 November 2020.

**Report:**

Council held an Auction for the Sale of Land for Unpaid Rates on Tuesday 10 November 2020 pursuant to Local Government Act section 713. The auction for the sale of 6 parcels of land was held in the Blayney Shire Community Centre and was attended by approximately 30 interested parties.

Of the original 9 properties previously informed to Council, 4 properties were sold, 2 properties were passed in, 1 property was withdrawn following identification of a land title anomaly and 2 properties were withdrawn due to the amounts outstanding being paid.

Listed below are the results of the auction.

<b>Sale Lot No.</b>	<b>Property listed for Auction</b>	<b>Result</b>
1	13 Peach St, Mandurama (Lot 20 Section 9 DP 978887, Lot 1 DP 197207)	Sold for \$136,000
2	Withdrawn before auction	-
3	Danvers Street, Carcoar (Lots 9 and 10 DP138533)	Passed in
4	Withdrawn before auction	-
5	Withdrawn before auction	-
6	888 Moorilda Road, Moorilda (Lot 10 DP 112647)	Passed in
7	3145 Midwestern Highway, Blayney (Lot 8 DP 525642)	Sold for \$7,000
8	15 Campbell Street, Newbridge (Lot 6 DP 798289)	Sold for \$21,000
9	31 Church St, Millthorpe (Lot 1 DP 572821)	Sold for \$200,000

Settlement of the above 4 properties is due to occur on 22 December 2020. Following finalisation of sales Council will tabulate expenses of sale and a further report will be tabled to Council on the distribution of proceeds and amounts to be written off.

As Council has complied with the Local Government Act for the procedure of the auction, Council is now able to list the 2 remaining properties on the market. However as both remaining properties are landlocked it is proposed a further report be tabled to Council with proposed solutions for endorsement.

**Risk/Policy/Legislation Considerations:**

Division 5 of the Local Government Act – Sale of Land for Unpaid Rates and Charges outlines powers and responsibilities of Councils.

It should be noted that there are restrictions on sale of land by private treaty to Councillors, staff or any relatives therein by virtue of Local Government Act s.716:

**Budget Implications:**

Council must apply all money received from the sale of each property towards sales expenses in the first instance and then to the payment of rates and charges (land and water) of that property. If the sale proceeds are insufficient to satisfy all rates and charges the balance left outstanding is written off by Council. If the sale proceeds are more than the rates and charges owing, the balance of the funds are paid to persons having estates or interests in the land immediately before the sale. If Council is unable to contact the persons having estates or interests in the land, Council is required to send all unclaimed monies to the Revenue NSW.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**17) UPDATE TO IPART RATING REVIEW - MINING RATE**

**Department:** Corporate Services

**Author:** Director Corporate Services

**CSP Link:** 2. Local Governance and Finance

**File No:** RV.CF.5

---

**Recommendation:**

That the report on the Update to IPART Rating Review – Mining Rate be received.

**Reason for Report:**

To provide Council an update on the IPART Rating Review – Mining Rate.

**Report:**

Council as its meeting held 21 September 2020 proposed a motion at the LGNSW Annual Conference in reference to recommendation 34, on the mining rate, of the IPART Review into the Local Government Rating system. At this meeting it was also requested that Council lobby the Minister for Local Government through the local State Member for Bathurst, Paul Toole.

Council has received a response from the Minister for Local Government and is tabled for information of Councillors.

**Risk/Policy/Legislation Considerations:**

Nil.

**Budget Implications:**

Nil.

**Enclosures (following report)**

- |   |   |         |
|---|---|---------|
| 1 | Response to Council correspondence re IPART Review into Local Government Rating | 3 Pages |
|---|---|---------|

**Attachments (separate document)**

Nil



**Paul Toole MP**  
Member for Bathurst Electorate



11 November 2020  
Our Ref: BA9809

Mr Scott Ferguson  
Mayor  
Blayney Shire Council  
PO Box 62  
BLAYNEY NSW 2799

Dear Scott

Please find attached a response from The Hon Shelley Hancock MP, Minister for Local Government, following representations I made on your behalf concerning the Local Government Rating System in NSW.

Yours sincerely

A handwritten signature in black ink that reads 'Paul Toole'.

Paul Toole MP  
**Member for Bathurst Electorate**



The Hon. Shelley Hancock MP  
Minister for Local Government

Ref: A732760

The Hon. Paul Toole MP  
Minister for Regional Transport and Roads  
Member for Bathurst  
PO Box 2237  
BATHURST NSW 2795

By email: bathurst@parliament.nsw.gov.au

Dear Minister 

Thank you for your correspondence of 8 October 2020 on behalf of Cllr Scott Ferguson, Mayor of Blayney Shire Council, regarding the Government's Final Response to the Independent Pricing and Regulatory Tribunal's (IPART's) Review of the Local Government Rating System in NSW, released on 18 June 2020.

I note that Blayney Shire Council is concerned about the Government's decision to support IPART's Recommendation 34, which is that *'any difference in the rate charged by a council to a mining category, compared to its average business rate, should primarily reflect differences in the council's cost of providing services to the mining properties.'*

Firstly, let me reassure you and Cllr Ferguson of the NSW Government's continuing commitment to ensuring that councils in regional and rural areas have a stable and reliable revenue base so they may plan and deliver services for communities into the future. I understand that many local councils and the communities they serve are facing difficult economic circumstances at this time as a result of the drought, bushfires and now the COVID-19 pandemic.

I believe that the Government's response, as a complete reform package, will enable greater financial sustainability for councils such as Blayney Shire. The reforms, once implemented, will provide for greater flexibility. For example, councils will benefit from more flexible rating categories and subcategories. Councils also have an option (but not an obligation) to proactively set general income below the rate peg during difficult times without having to permanently reduce the level of rates or services in the community.

In relation to the specific issue of mining rates, while I am carefully considering Blayney Shire Council's views, the Government's commitment reflects our recognition that mining land has different service needs and impacts upon communities across NSW. The intention is for mining rates to be set relative to other business categories, and not based on ability to pay. However, councils will be able to make higher mining rates where they can demonstrate differences in council costs arising from servicing these properties.

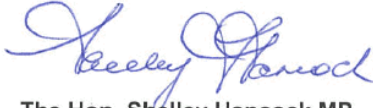
I have tasked the Office of Local Government (OLG) with preparing a bill to give effect to the Government's response, with a view to introducing it in the NSW Parliament early next year. However, I am pleased to advise, that it is my intention to release an Exposure Draft of the bill to obtain feedback from councils, communities and other interested organisations and individuals. This will provide councils with the opportunity to carefully consider and provide feedback on the proposed provisions ahead of their introduction to Parliament. It is my expectation that this document will be released before the end of this year, and I would encourage Blayney Shire Council to review the bill and provide Council's feedback.

GPO Box 5341 Sydney NSW 2001 ■ P: (02) 8574 5400 ■ W: [nsw.gov.au/ministerhancock](http://nsw.gov.au/ministerhancock)

In the meantime, if you or Clr Ferguson have any further questions about the implementation of the Government's response to IPART's review of the rating system, please do not hesitate to contact myself, or the OLG Council Engagement Manager, in the first instance.

Thank you for taking the time to bring this matter to my attention.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Shelley Hancock', written in a cursive style.

**The Hon. Shelley Hancock MP**  
Minister for Local Government

GPO Box 5341 Sydney NSW 2001 ■ P: (02) 8574 5400 ■ W: [nsw.gov.au/ministerhancock](http://nsw.gov.au/ministerhancock)

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

That the Director Infrastructure Services Monthly Report for December 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****High Pedestrian Activity Area (HPAA)**

Following Council's request to Transport for NSW for consideration of a 40km/h HPAA along Adelaide Street in 2019, Council has continued to meet with TfNSW officials as they have undertaken site inspections, and preparation of a report on the concept.

Because of the pandemic and the Premier's Priorities, the NSW Government has increased the profile of quality open and public spaces, and how communities move about (movement and place). Funding programs are also providing opportunities for Local Government to prepare projects and obtain funding for these types of work.

John Holland Rail have recently commenced investigations into undertaking maintenance work on the Adelaide Street crossing to address track issues and a recent near miss with a pedestrian on the crossing.

The NSW Government recently announced Resources for Regions funding for Council to extend upon the strategic work in the Blayney 2020 Main Street Master Plan (2016), and develop a main street beautification and accessibility plan. This will lay out key features to beautify the area, and identify pedestrian infrastructure and facilities, which cater to the needs of all pedestrians, and present a visual cue to motorists that results in slower motor vehicle speeds.

Council engagement with TfNSW and JHR continues and a consultant will be engaged in early 2021 to undertake the concept development, community engagement and early architectural work for this important project.



### Growling Local Economies – Blayney Heavy Vehicle Bypass

Council has been formally advised that it was unsuccessful in its application to the NSW Growing Local Economies fund for this large strategic transport project.

The General Manager and Director Infrastructure Services recently attended an online discussion with members of the Regional NSW team, on the outcomes of the assessment of the Business Case undertaken by Council.

The assessment was undertaken by Department of Premier and Cabinet, the Centre for Regional Development and Public Works Advisory.

The assessment was undertaken on four key criteria; strategic, affordability, deliverability and economic.

The Business Case satisfied the first 3 criteria, with some concerns around the development of Council's contingencies for the extensive nature of the project, programming and the ability to deliver a project of such a size. In terms of the economic criteria, the assessment determined the Cost Benefit Analysis was not > 1, but acknowledged this was because the business case sought to obtain all the project benefits in Stage 1, but many were not likely to be realised until Stage 2 was also completed. Any future business case should consider the full project, and provide improved data on usage (traffic modelling), benefits to business, and an improved understanding on traffic destinations and origins. Council will continue to engage with TfNSW on future strategies for the Mid-Western Highway and bypass options/timing.

### Blayney Retarding Basin Study

Council's consultant continues to make progress on this strategic project, to progress a high priority recommendation from the Blayney Floodplain Risk Management Plan (FRMP).

Delays have occurred as a result of the wet conditions, impacting on the ability for geotechnical engineers to obtain access, however this and the investigations for the Review of Environmental Factors have now been completed.

Hydraulic modelling identified 1 of the proposed basins would provide minimal benefit, and this has since been removed from the assessment. Alternate solutions are currently being evaluated, including stormwater pipe upgrades, and other basin sites also being assessed. All efforts are being made to minimise the impact on land with possible higher value development potential. Council has also commenced discussions with the owner of the old copper mine site to evaluate opportunities to incorporate a basin here as part of any future site remediation.

Updates have been provided in September and October to landholders, and made available via Council's social media platform.

As a result of delays associated with wet weather access and alternate solutions, the project has been delayed and will progress past the February 2021 completion date.

### **Major Works**

#### Hobbys Yards Road

The majority of the works on the Hobbys Yards Road project are complete. The only item remaining is line marking. This will be completed in conjunction with other projects to ensure cost effective delivery.

#### Carcoar Street

The main drainage pipes have been covered and capped with topsoil. Kerb and Gutter has been installed from the Mid-Western Highway to Amos Street. Preparations are now underway so road pavement base works can commence in the New Year. It is intended that Carcoar Street is reopened to enable through traffic over the Christmas break.

#### Newbridge Road

Drainage works have been completed and the majority of road works also completed. This project will be sealed in the week commencing 14 December subject to weather. The majority of works will then be completed with only linemarking and a small amount of land acquisition to be finalised in the New Year.

#### Hay/Leabeater Initial seal

Following sealing works in the week commencing 7 December this work is complete.

#### KGO Recycled Water Pipeline

Pump station fit out has been completed in preparation for receiving the recycled water when the treatment plant is complete.

#### Boondaroo Road Bridge

Survey, hydraulic and hydrology works have been completed. The REF is in draft. It is intended that this project will be delivered in a joint tender with Gallymont Road.

#### Gallymont Road Bridge

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

**Road Maintenance Works**

Road maintenance works including pot hole patching, vegetation management and signage works have been undertaken on Hobbys Yards Road, Blayney Streets, Millthorpe streets, and Forest Reefs.

Tallwood Road

This project is now sealed. Remaining items are line marking and guide post installation.

Errowanbang Road Culvert

Much of the road is complete and a prime seal has been laid. Traffic has now been returned to the original alignment and the detour track has been closed. It is planned for a pavement rehabilitation in 2021 to bring the pavement to the same pre-disaster condition.

Reseals

Reseals have been completed on Carcoar Road & Forest Reefs Road.

**Footpaths**Boomerang Street Millthorpe

An RFQ has been issued for the shared path works in 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.

Victoria Street Underpass Footpath

Design work is currently underway.

**Assets**

Council staff have completed the annual National Local Roads Data System return for the Grants Commission, and the Australian Local Government Association National State of Assets data return.

Staff have also provided information for the IPWEA Road Condition Reporting Project, which is a trial program to enable Councils to undertake electronic condition assessment (using artificial intelligence) of sealed roads. In addition, staff have participated in the development of the IPWEA Council Road Asset Inspection Framework Tool.

Condition assessments for the Parks and Recreation Asset class have been completed and data cleansing continues in preparation for the 2021 revaluation.

**Parks and Recreation**

The Parks and Recreation team have recently partnered with the Blayney Town Association to supply and install planters (including potting mix) in Adelaide Street, outside local businesses to enable supportive businesses to plant them out and maintain.

Spring growth across the Shire continues to keep the Parks and Recreation team busy, with the mowing of open space areas, back lanes and sporting ovals. Tree planting and maintenance also continues although in limited amounts, being mindful of the warmer conditions potential to impact on success rates.

Routine maintenance including mowing and spraying of cemeteries, irrigation repairs and maintenance of sporting ovals and parks also continues.

#### Showground Entrance Road

The showground boundary fence and entrance sign is now complete after a wet start to the project causing delays to the progress of works. Sealing of the front road entrance will be completed by the end of the year.

#### Newbridge Showground Pavilion Refurbishment

The pavilion and pathway slabs have been poured. Council is currently waiting on the steel to be galvanised before it can be erected.

#### Dakers Oval Amenities Building

Works have commenced with the building pad now in place for the construction works. It is expected construction will commence in February 2021.

#### Dakers Oval playing field fence

This project has now been completed and sets off the oval very well.

#### Belubula River Heritage Walk Stage 2 – Environmental Works.

Council has engaged a contractor for the removal of willows and other noxious weeds from the area known as "the island" and toward Dakers Oval. Works are programmed for late February to minimise regrowth and for replanting with natives to occur in early autumn. Regional NSW recently undertook a video interview with the Director for future social media use.

The Parks and Recreation team continue to maintain previously established areas, presenting the community with a rehabilitated area that continues to grow in size and success.

#### Community Recreation Shelter at Redmond Oval

This majority of this project is now complete with only minor landscaping works to be completed which will occur in the New Year.

#### Blayney Tennis Club Amenities Building

The amenities block is now complete and final external ground works required to finish off the works.

#### Stillingfleet Netball Court Resurfacing

The contractor is programmed to commence repair works on the existing surface in the week commencing 14 December, with the matting and acrylic surface to be installed following the Christmas break. The project is expected to be completed in January 2021.

**Wastewater**

The new solar installation has been commissioned and is generating along with the existing 33kW making a total of 66kW now installed.

NSW Department of Planning Industry & Environment will undertake a business case for energy storage at the STP premises, which is expected to be completed by end of February. This site has potential for a positive business case due to the fluctuating power requirements throughout the day, making storage more beneficial.

**Treated Effluent Recycling Water Treatment Plant**

Construction works have commenced on this project with the chlorine contact tank and water storage tank now installed. Mechanical fit-out will occur in January with commissioning due for end of January.

**Fleet and Plant****Fleet and Plant Telematics**

Council undertook a pilot project to install a number of GPS tracking devices on some Council plant items which we have been trialling for the purpose of tracking machine use hours, efficiency of utilisation and fleet servicing reminders.

A decision has been made to roll out the installation of GPS telematics across the whole of Councils plant, being all construction vehicles, plant and some high value trailers or implements. This will be completed during the week commencing 14 December.

The system will provide data for accurate estimating of future projects, track vehicles entering and exiting key areas like quarries and construction sites, provide any evidence for incidents that may occur, give Council accountability for their vehicle locations relating to resident complaints and protect Council against theft.

**Risk/Policy/Legislation Considerations:**

Information report only

**Budget Implications:**

Information report only

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**19) PROPOSED FEES - BLAYNEY SHOWGROUND EQUESTRIAN - GATOR & RAKE FEE & AUSTRALIAN RANCH HORSE****Department:** Infrastructure Services**Author:** Director Infrastructure Services**CSP Link:** 4. Community, Sport, Heritage and Culture**File No:** FM.FC.1**Recommendation:**

1. That the proposed seasonal hirer fee of \$1,240 for Australian Ranch Horse be exhibited for a period of not less than 28 days.
2. That the proposed seasonal hirer fee of an additional \$400 for seasonal hirer user groups 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.

**Reason for Report:**

For Council to consider a new hire fee to be introduced at Blayney Showground for use of the Gator & Rake and for Australian Ranch Horse (ARH) seasonal hire.

**Report:**

Council is in receipt of a new booking for Blayney Showground by Australian Ranch Horse, a request to become a seasonal hirer has come through several general enquiries and the Blayney Showground User Group and Blayney Shire Sports Council.

Current fees in place in the 2020/21 Operational Plan for Blayney Showground are charged on a User Pay Principle and are as follows:

<b>Description</b>	<b>Fee (GST inc)</b>
Carcoar & District Pony Club	\$600
Central West Dressage	\$1,240
Orange Equestrian Club	\$1,240
Blayney Shire Horse Sports	\$1,240
Central Tablelands Working Equitation	\$1,240
Individual Accredited Coaching Clinics	\$250

No hire fee currently exists for Australian Ranch Horse and a fee of \$1,240 is proposed.

Seasonal Hirers have advised that the current fee for hire of the gator and rake is too high, and at a Blayney Showground User Group Meeting agreed on all groups paying an additional \$400 per year to cover the costs for seasonal hire groups to use the gator and rake.

Council is obligated under the Local Government Act to exhibit these fees and consider submissions prior to adoption.

**Risk/Policy/Legislation Considerations:**

The Local Government Act s610A states that Council must not determine a fee until it has given public notice and has considered any submissions made during the period of public notice.

**Budget Implications:**

Council will derive additional revenue following exhibition and adoption of this fee.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**20) BELUBULA WAY BRIDGE OVER ICELY CREEK****Department:** Infrastructure Services**Author:** Manager Operations**CSP Link:** 1. Public Infrastructure and Services**File No:** RD.MT.498**Recommendation:**

That Council:

1. Endorse the reactive measures and expenditure of \$80,000 on the Belubula Way Bridge via supplementary vote to the December 2020 Quarterly Budget Review.
2. Prioritise the design and scope of works to replace the Belubula Way Bridge over Icely Creek in 2021
3. Nominate the Belubula Way Bridge Replacement as the first project for funding under the Local Roads and Community Infrastructure Program Phase 2.

**Reason for Report:**

To inform Council of a deteriorated concrete structure on Belubula Way.

**Report:**

At the workshop on 2 November 2020, the Manager Operations informed Council of a recently identified bridge failure. The subject bridge crosses Icely Creek, on the Belubula Way, Mandurama. The bridge is 1.1km past Wells Lane, close to the entrance to Blayney Council's Will's Quarry.

The bridge is a double cell reinforced concrete box culvert structure which had been part of a shire wide inspection and condition rating assessment program in May 2020 when it was given a rating of 4-5 or poor/very poor).

In September Council engineers undertook another inspection of the culvert which was found to have exposed steel reinforcement due to concrete spalling. A speed restriction on the approaches to the affected section of road, to reduce dynamic loading on the bridge was put in place immediately; and an engineering consultant engaged to undertake further inspection.

It was recommended to install props underneath the bridge and plan for the repair or replacement of the bridge.

In early December the bridge was propped and the speed reduction remains, to ensure safe travel of vehicles through this section of road. While the propping took place, it was identified during propping that the spalling was more extensive than the initial inspection, contributing to approximately 60% of the deck area (Figure 1).





Figure 1: Extent of spalling identified during propping works.

An additional structural engineering inspection took place ensure that the culverts in their current state, while propped are suitable for general access vehicles, or whether a loading restriction needs to take place.

Due to the additional spalling, it was recommended by the structural engineer that 20 additional props are installed (currently 10 installed). Until these additional props are installed, load limit is recommended to not exceed 12 tonnes.

Works are already in place to coordinate the load limit of Belubula Way with neighbouring Councils and attempt to source and install the additional props before Christmas.

It is apparent that replacement needs to be prioritised. Due to the urgency of the matter, the Manager Operations has commenced engaging contractors for Geotechnical Design, Hydrological modelling and Review of Environmental Factors.

A similar structure to this is the Browns Creek Road, Sugarloaf Creek Bridge that was installed in 2019/20 which cost \$320,000.

**Risk/Policy/Legislation Considerations:**

Being a busy Regional Road, there is a risk of bridge failure while under load; and Council should be ensuring that all measures are in place to maintain road safety. This will be our main priority whilst the scope of works and design is completed and Council can consider a replacement cost and where the funding will be sourced.

There remains a number of similar condition 4 and 5 concrete bridge structures within Blayney Shire Council that do not have any planned maintenance or remediation. The objective should be to plan for the bringing the condition of these assets to a safe risk level and condition 1 or 2.

It is proposed that a suitably qualified contractor be engaged to inspect all condition 4 and 5 concrete structures (Bridges and Major Culverts) and provide Council with a report assessing the risk of failure and proposed remediation methods with estimated costing; and inspection of those condition 2 and 3 concrete structures, with a proposed remediation method for proactive maintenance, with estimated costing.

The aim of this is to increase condition of the asset and prevent the asset from reaching an unsafe risk level. It is intended that the remediation will extend the life of the asset at a small financial cost. Once these strategic plans are produced, Council will then be able to allocate funding over a planned period to remediate deteriorated concrete structures.

**Budget Implications:**

There is an implication of a potential \$320,000 of unforeseen expense for the replacement of the Belubula Way Bridge on Icely Creek.

The costs for reactive propping and inspection, rather than planned remediation or renewal works is expected to have an additional cost in excess of \$80,000.

This project may be eligible for funding under the Commonwealth Government's Local Roads and Community Infrastructure (LRCI) Phase 2 program, being works on a road managed by local government that improves road safety outcomes. LRCI Phase 2 opened on 14 December 2020 and closes on 31 July 2021, with Eligible Funding Recipients Works Schedules approved after 1 January 2021.

If no external funding is sought or available; Council will need to review the 2020/21 Operational Plan and provide a supplementary vote at the second quarterly budget review statement (QBRs) in February 2021 for this replacement cost.

Forecast for asset write off of the old structure is \$90,153.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**21) CENTRAL WEST JO - SUPPLY AND DELIVERY OF ROADS SIGNS CONTRACT**

**Department:** Infrastructure Services

**Author:** Director Infrastructure Services

**CSP Link:** 1. Public Infrastructure and Services

**File No:** GO.ME.2

---

**Recommendation:**

1. That Council accept and sign contracts with the following providers for the supply and delivery of road signs:-
  - a. Artcraft
  - b. Barrier Signs
  - c. Central Signs Road and Safety\*
  - d. DeNeefe Signs
  - e. Hi-Vis Group\*pending receipt of updated accreditation certificates
2. Council is able to sign contracts with any or all of the recommended providers.

**Reason for Report:**

Under the Local Government Act Tendering Regulation, where a contract is for over \$250,000 it needs to go to both open tender and be considered by Council. Central NSW Joint Organisation, on behalf of participating member councils, has undertaken a formal Request for Quotation/Tender (RFX) process in October 2020 to identify suitable providers for the supply and delivery of road signs.

**Report:**

CNSWJO member councils have participated in regional contracts for the supply and delivery of road signs since 2006, and expressed interest in conducting another procurement process for a new regional contract to commence on 1 January 2021.

The term of the contract is 1 January 2021 to 31 December 2022, with an optional 12 month extension.

Council heard a report on 21 September 2020 whereby it was resolved to participate in a regional contract for the supply and delivery of road signs. **(Resolution No. 2009/014).**

Based upon historic sign procurement over the past three years Council has spent approximately \$141k.

### **Tender Evaluation**

An open request for quotation/tender process was undertaken through the CNSWJO eProcure Portal. The Request for Quotation/Tender for the supply and delivery of road signs opened on 17 September 2020 and closed on 9 October.

The Evaluation Panel undertook an assessment of the responses remotely, and participated in a consensus evaluation meeting via Zoom on 27 October 2020. The TEP consisted of the following members, and was assisted by Kate Barker from CNSWJO:

- Peter Heffernan – Cabonne Council
- Mark Frecklington – Orange City Council
- Ben Howard – Parkes Shire Council

### **Tender Evaluation Criteria**

The selection criteria advertised and used in selecting the successful respondents were:

- Customer Service and Delivery
- Quality Assurance
- Safety
- Environmental Sustainability
- Pricing

### **Summary of Responses Received**

The following companies submitted tender responses for S1\_2021: Supply and Delivery of Road Signs for Central NSW Councils (in alphabetical order):

- Adelaide Signs Group
- Artcraft
- Barrier Signs
- Central Signs Road and Safety
- DeNeefe Signs
- Hi-Vis Group
- Neolite

### **Evaluation of Submissions**

#### **Evaluation rankings were as follows:**

1. Central Signs – 88.1%
2. Barrier Signs – 86.3%
3. Hi-Vis Group – 79.5%
4. Artcraft – 79.4%
5. DeNeefe – 77.5%
6. Adelaide Signs Group – 59%
7. Neolite – non-compliant

### **Evaluation of the Preferred Respondents**

The TEP resolved to recommend a panel of preferred providers for the supply and delivery of road signs, consisting of:

- Artcraft
- Barrier Signs
- Central Signs\*

- DeNeefe Signs
- Hi-Vis Group

\*pending receipt of updated accreditation certificates

The recommended providers were selected based on their:

1. Compliance with the evaluation criteria
2. Demonstrated ability to meet Council's requirements, and
3. Competitive price for the services offered.

### **Pricing**

Respondents were requested to provide a schedule of rates on a variety of products. A basket of goods was selected by the TEP as part of the evaluation plan. The pricing provided by respondents was used to assess pricing against the pre-selected basket of goods.

### **Risk/Policy/Legislation Considerations:**

CNSWJO has managed the process including all costs of advertising and tender assessment and will receive a 2% management fee from the service providers to cover these costs.

As council purchases less than \$250,000 worth of road signs each year it is not bound to purchase off of a contract. Staff can seek quotes each time they look to purchase signs but have no guarantee of what the quotes can come in at. This requires more staff time regarding each purchase.

Council utilises the Road Signs panel suppliers, and a local sign writer for its signs depending upon needs and type.

### **Budget Implications:**

Nil

### **Enclosures (following report)**

Nil

### **Attachments (separate document)**

- |   |                          |          |
|---|--------------------------|----------|
| 1 | Tender Evaluation Report | 10 Pages |
|---|--------------------------|----------|

*This matter is considered to be confidential under Section 10A(2) (c) of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

**22) MINUTES OF THE BLAYNEY SHIRE SPORTS COUNCIL MEETING HELD THURSDAY 19 NOVEMBER 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 19 November 2020, be received and noted.
2. That the Australian Ranch Horse Association be accepted as a User Group of the Blayney Showground and CWELC facility.

**MINUTES OF THE BLAYNEY SHIRE SPORTS COUNCIL MEETING HELD ON THURSDAY 19 NOVEMBER 2020 AT THE BLAYNEY SHIRE COMMUNITY CENTRE**

Meeting commenced at 6.00pm.

**PRESENT**

Grant Baker (Blayney Shire Council), Cr David Kingham (Chair), Lorraine Dunkley (Lyndhurst Village Committee), Christine Smith (Heritage County Schools PSSA), Julie Prosper (Blayney Cricket Club and Blayney Netball Association), Trevor Jones (Blayney Harness Racing), Geoff Redmond (Blayney Bears Junior Rugby League and Blayney Shire Horse Sports), Rebecca Scott (Blayney Senior Football Club), Rosemary Reid (Blayney A&P), Cr John Newstead (Blayney Shire Council).

**APOLOGIES**

**RECOMMENDED:** That the apologies submitted on behalf of Adam Hornby (Blayney Bears Senior Rugby League), Jordan Butler (Blayney Rugby Union Club) and Cheryl Rutherford (Blayney Tennis), be accepted.

**MINUTES FROM PREVIOUS MEETING – 20 August 2020**

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

(Rosemary Reid / Julie Prosper)

**MATTERS ARISING FROM THE MINUTES**

**ACTION:** Council to provide a copy of the Sport and Recreation Masterplan to members for discussion at the February Sports Council Meeting.

User Fees: Christine Smith noted correspondence will be submitted next year closer to Council's consideration of budget for Fees & Charges 2021/22.

**DISCLOSURES OF INTEREST**

Nil.

**EVENT CALENDAR UPDATE**

Noted great outcome of showground preparations for Harness Racing events.

**ACTION:** King George Oval users to consider sharing of ground during 2021 winter season whilst Napier Oval being upgraded.

Ranch Sorting (RSNCA) in conjunction with Blayney Shire Horse Sports event proposed for 16-17 January at Blayney Showground.

**ACTION:** Council to follow up with Orange City Council on issues with netball courts.

**GRANT FUNDING & PROJECT UPDATES**

As Tabled.

**CORRESPONDENCE**

Nil.

**GENERAL BUSINESS**

**AUSTRALIAN RANCH HORSE**

**RECOMMENDED:** That the Australian Ranch Horse Association be accepted as a User Group of the Blayney Showground and CWELC facility.  
(Lorraine Dunkley / Geoff Redmond)

**NAPIER OVAL – MEMORIAL PLAQUE**

Blayney Soccer Club enquired about a memorial plaque to be located at Napier Oval.

**ACTION:** Rebecca Scott to prepare a letter of request to Council for consideration.

**NEXT MEETING**

Next meeting will be held Thursday 18 February 2021 at 6.00pm in the Blayney Shire Community Centre.

**MEETING CLOSED**

There being no further business the meeting closed at 6:54pm.

**Enclosures (following report)**

Nil

**Attachments (separate document)**

Nil

**23) MINUTES OF THE TRAFFIC COMMITTEE MEETING HELD 11 DECEMBER 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 11 December 2020, be received and noted.
2. That parking be restricted, and No Stopping signs restricting parking between 5.00pm and 8.00 pm Monday to Friday, excluding Australia Post vehicles, be installed to replace the existing parking signage on Burns Street outside the Blayney Post office, being 60 Adelaide Street, Blayney.
3. That Council endorse the Blayney section of the Classic Outback Trial, to be staged on Fell Timber and Mt Macquarie Roads, Carcoar on 10 March 2021. The event to be classified as a Class 2 event, and approved subject to the conditions detailed in the Director Infrastructure Services' Report and subject to the following amendment to proposed condition h.
  - The Event Organiser is to notify all business proprietors including Central Tablelands Water, and residents affected by the event at least 7 days prior to the event, in writing and by means of appropriate road closure signage on either end of the affected roads.
4. That Council remove 'Crossroad' intersection warning signs from both Carcoar Road approaches to the intersection.
5. a) That Council does not support the use of this area as an informal school bus stop, and the application and school bus operator be notified, advising that the design and creation of an approved bus bay is outside Council's current budgetary allocations.  
b) The proponent and the bus company to liaise in relation to an outcome for safe location(s) for pick up and drop off points.

**MINUTES OF THE BLAYNEY SHIRE COUNCIL TRAFFIC COMMITTEE MEETING HELD IN THE CHAMBERS, BLAYNEY SHIRE COUNCIL COMMUNITY CENTRE, ON 11 DECEMBER 2020, COMMENCING AT 10:00AM****PRESENT**

**Members:** Cr Bruce Reynolds (Blayney Shire Council - Chair), Reg Rendall (Paul Toole Representative), Angie Drooger (TfNSW), Sharon Grieson (TfNSW).

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

**APOLOGIES**

Michael Chooi (NSW Police).

---



**CONFIRMATION OF MINUTES****MINUTES OF THE PREVIOUS MEETING BLAYNEY TRAFFIC COMMITTEE MEETING HELD 9 OCTOBER 2020**

**RECOMMENDATION:** That the Minutes of the previous Traffic Committee Meeting held on Friday 9 October 2020, be confirmed to be a true and accurate record of that meeting.

(Reg Rendall/Angie Drooger)

**MINUTES OF THE PREVIOUS MEETING BLAYNEY TRAFFIC COMMITTEE MEETING HELD ELECTRONICALLY - OCTOBER 2020**

**RECOMMENDATION:** That the Minutes of the previous Traffic Committee Meeting held Electronically in October 2020, be confirmed to be a true and accurate record of that meeting.

(Angie Drooger/Reg Rendall)

**MATTERS ARISING FROM THE MINUTES**

Nil.

**DECLARATION OF INTEREST**

Nil.

**CORRESPONDENCE****LOAD LIMIT VITTORIA ROAD - REPORT FROM CABONNE COUNCIL**

Noted.

**REPORTS****20201211:01 REGULATORY SIGNAGE - BURNS STREET**

**RECOMMENDATION:** That parking be restricted, and No Stopping signs restricting parking between 5.00pm and 8.00 pm Monday to Friday, excluding Australia Post vehicles, be installed to replace the existing parking signage on Burns Street outside the Blayney Post office, being 60 Adelaide Street, Blayney.

(Reg Rendall/Cr Bruce Reynolds)

**20201211:02 STREET EVENT - CLASSIC OUTBACK TRIAL - 2021**

**RECOMMENDATION:** That Council endorse the Blayney section of the Classic Outback Trial, to be staged on Fell Timber and Mt Macquarie Roads, Carcoar on 10 March 2021. The event to be classified as a Class 2 event, and approved subject to the conditions detailed in the Director Infrastructure Services' Report and subject to the following amendment to proposed condition h.:

- The Event Organiser is to notify all business proprietors including Central Tablelands Water, and residents affected by the event at least 7 days prior to the event, in writing and by means of appropriate road closure signage on either end of the affected roads.

(Angie Drooger/Cr Bruce Reynolds)

**20201211:03 SIGNAGE REVIEW - CARCOAR & BROWNS CREEK ROADS**

**RECOMMENDATION:** That Council remove ‘Crossroad’ intersection warning signs from both Carcoar Road approaches to the intersection.

(Reg Rendall/Angie Drooger)

**ACTIONS:**

1. Install traffic counters on Browns Creek Road to determine the 85th percentile speed. The need for ‘Crossroad’ signage on Browns Creek Road may then be determined.
2. Undertake a further sight distance evaluation of the Carcoar Road approaches to the intersection to determine the need for “Stop Sign Ahead’ signage.

**20201211:04 SIGNAGE REVIEW - HOBBS YARDS ROAD****RECOMMENDATIONS:**

1. That Council does not support the use of this area as an informal school bus stop, and the applicant and school bus operator be notified, advising that the design and creation of an approved bus bay is outside Council’s current budgetary allocations.
2. The proponent and the bus company to liaise in relation to an outcome for safe location(s) for pick up and drop off points.

(Angie Drooger/ Reg Rendall)

**ACTION:** Council to provide draft guidelines for Rural School Bus Routes and Bus Stops to the Committee for review at the February 2021 Traffic Committee Meeting.

**TRAFFIC REGISTER**

Noted.

**GENERAL BUSINESS****20201211:05 MILLTHORPE VILLAGE COMMITTEE MATTERS****ACTIONS:**

1. Council to undertake a review of the existing Low Bridge Ahead signage in Millthorpe in accordance with the Australian Standard.
2. Council to undertake an audit of existing parking arrangements within the Village, and report back to the Committee.

**20201211:06 SISD - PANUARA & CADIA ROAD INTERSECTION**

**ACTION:** That traffic counters be installed at the Panuara / Cadia Road intersection to determine the 85<sup>th</sup> percentile speed. Pending the data returned from traffic counters, the application of “Side Road Intersection’ warning signage may be applicable.

**20201211:07 GENERAL BUSINESS - MISCELLANEOUS ITEMS****ACTIONS:**

1. Council refer the request for a concealed driveway sign at 339 Millthorpe Road, Blayney to Transport for NSW, as the road is a State (Classified) Road.
2. Council refer the request to review the Canowindra (Belubula Way) directional signage at Mandurama to Transport for NSW, as the road is a State (Classified) Road.
3. That the concerns related to the Victoria and Montgomery Street intersection and parking be considered as part of the audit of existing parking arrangements within the Village, as identified in the report on Millthorpe Village Committee matters.
4. Council request NSW Police undertake enforcement of No Stopping/Parking regulations in the Blayney Shire.

**SPEEDING CONCERNS - MANDURAMA ROAD (20190607:06)**

Noted

**INFORMAL MATTERS****MONTHLY ROAD SAFETY REPORT - ANDREW CUTTS, ROAD SAFETY OFFICER - OCTOBER 2020**

Noted

**MONTHLY ROAD SAFETY REPORT - ANDREW CUTTS, ROAD SAFETY OFFICER - NOVEMBER 2020**

Noted

**CHIFLEY LOCAL AREA COMMAND - SERIOUS/FATAL MVA REPORT - SEPTEMBER 2020**

Noted

**CHIFLEY LOCAL AREA COMMAND - SERIOUS/FATAL MVA REPORT - OCTOBER 2020**

Noted

**FUTURE MEETING DATES - 2020**

- Friday, 5 February 2021
- Friday, 9 April 2021
- Friday, 18 June 2021
- Friday, 23 July 2021
- Friday, 8 October 2021
- Friday, 10 December 2021

There being no further business, the meeting concluded at 11:50am.

24) **DEVELOPMENT APPLICATION 87/2020 - CHANGE OF USE AND INTERNAL ALTERATIONS - 27 VICTORIA STREET, MILLTHORPE**

**Department:** Planning and Environmental Services

**Author:** Town Planner

**CSP Link:** 5. The Natural Environment

**File No:** DB.AB.1543

---

**Recommendation:**

That Council consent to Development Application DA87/2020 for a Change of Use and Internal Alterations at Lot 3 DP11941 – 27 Victoria Street, Millthorpe subject to the recommended conditions of consent.

**Reason for Report:**

Council resolved at the November meeting to defer determination of DA87/2020 (**Resolution No 2011/013**), seeking further information from the applicant on transport and parking matters associated with the development.

Council received a Traffic and Parking Management Report, prepared by Premise on behalf of the applicant on 7 December 2020. The Traffic and Parking Management Report is provided as an enclosure.

**Report:**

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

The subject property comprises a total area of 950m<sup>2</sup> and is regular in shape. The existing building is known as the Grand Western Lodge, a State and Local Heritage Item and is located within the Millthorpe Heritage Conservation Area pursuant to the *Blayney Local Environmental Plan 2012*.

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

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

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

**RECOMMENDATION**

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

**PROPOSED DEVELOPMENT**

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

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

The hotel and motel accommodation propose the following arrangements:

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

The internal alterations include the following works:

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

No external works are proposed.

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

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

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

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

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

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

## Blayney Local Environmental Plan 2012

### Part 1 – Preliminary

#### Clause 1.2 Aims of Plan

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

#### Clause 1.7 Maps

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

#### Clause 1.9A – Suspension of Covenants, Agreements and Instruments

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

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

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

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

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

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

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

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

The objectives of the RU5 Village Zone seek to:

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

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

**Part 5 – Miscellaneous provisions****Clause 5.10 – Heritage Conservation**

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

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

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

## **Part 6 – Additional local provisions**

### **Clause 6.2 Stormwater management**

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

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

### **Clause 6.8 Essential services**

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

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

### **State Environmental Planning Policy 55 – Remediation of Land**

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

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



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

### **Blayney Shire Development Control Plan 2018 (the ‘DCP’)**

#### **Part D: Commercial, Community & Industrial Development**

##### **D4 Access & Parking**

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

##### **D4.4 Parking**

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

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

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

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

##### **D4.5 Pedestrian Access & Mobility**

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

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

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

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

##### **D4.7 Off Street Car Parking**

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

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

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

#### **D4.8 Exemptions to Off Street Car Parking Requirements**

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

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

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

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

**3) Existing Building:** The proposed development involves alterations and additions to an existing building, and the alterations and additions have a gross floor area of less than 25m<sup>2</sup> and do not encroach on existing off-street parking areas;

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

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

a) A description of the proposal and the expected hours of operation;

b) An assessment of the traffic generation and expected vehicle parking demand (customer, staff and service vehicles);

c) Reasons why the lot(s) used for the proposed development cannot accommodate the off street parking requirements

d) An assessment of the impacts of on-street parking on the public road system and adjacent lots and their existing or potential land uses.

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

The proposed development includes the change of use of an existing Heritage Item, involves the alterations to an existing building that has a gross floor area of less than 25m<sup>2</sup> and does not encroach on existing off street parking areas; therefore, an exemption to off street carparking is considered appropriate.

#### **Part H – Heritage Conservation**

##### **H5 Development within Heritage Conservation Areas**

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

##### **H3.3 Adaptive Reuse**

The objectives of the H3.3 seek to ensure that:

- O1. Adaptive reuse of a building should retain important architectural qualities and features of the building, where possible, particularly features that contribute to the streetscape and the heritage significance of the place.
- O2. Adaptive reuse must involve minimal change to the significant fabric of the place.
- O3. Adaptive reuse must acknowledge and respect significant associations and meanings of the place.
- O4. Adaptive reuse must have regard to the relevant legislation of the *National Construction Code* (NCC) and other relevant Australian Standards.

The proposed development is consistent with the objectives of H3.3 as the change of use to a *hotel or motel accommodation* is within an existing building that has historically been used as a boarding house. The proposed internal alterations will be constructed in accordance with the Heritage Advisor recommendations and the Building Code of Australia, no external alterations are proposed.

### **H3.5 Materials and Colours**

The objectives of the H3.5 seek to ensure that:

- O1. Original materials of heritage items should not be replaced with different materials or materials of different colour, unless unavoidable or it can be shown not to detract from the heritage significance of the heritage item and the streetscape.
- O2. Non – original materials of heritage items that are being replaced should be replaced with materials that match or complement the original as closely as possible.
- O3. Colour schemes are to reflect the period and detail of the property, in consultation with Council or the Heritage Advisor.
- O4. Painting or rendering face brick is generally supported, where appropriate.

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

### **H3.6 Doors and Windows**

The objectives of the H3.6 seek to ensure that:

- O1. Original window and door openings are important elements and should generally be retained.
- O2. Where original windows and doors in important elevations have been removed and replacement of the joinery is proposed, the original windows or doors should be reconstructed or replaced in sympathy.
- O3. New windows and door openings in important elevations must be carefully located to retain the original relationship of solids and voids and of proportions, materials and details similar to existing windows and door openings in the building.

O4. New windows and doors visible from the street must be located to complement the original design of the building and of proportions and details to complement the original character of the building.

The proposed development does not propose any new doors or windows and original window and door openings will be retained and repaired. The Heritage Advisor has advised that the proposed development is acceptable subject to a number of minor amendments regarding colour and hardware finishes, therefore, ensuring the significance of the building is maintained. Conditions of consent are recommended to ensure compliance.

**Section 4.15(1)(a)(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**

There are no planning agreements relating to the subject property.

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

- **In the case of a development application for the demolition of a building, the provisions of AS 2601 (Clause 92)**  
Not applicable.
- **In the case of a development application for the carrying out of development on land that is subject to a subdivision order made under Schedule 7 to the Act, the provisions of that order and of any development plan prepared for the land by a relevant authority under that Schedule (Clause 92)**  
Not applicable.
- **Fire safety and other considerations (Clause 93)**  
A Fire Safety and Life Audit Report, prepared by BCA Logic was submitted with the application to assess the existing building against the provisions of the Building Code of Australia. The building is a Class 3 residential type building which will require upgrading to achieve a reasonable level of fire protection for the occupants of the building. Council's Building Surveyor has recommended a condition of consent to ensure compliance with the Report prior to the issue of an occupation certificate.

An Access Report, prepared by NW Access Consultancy was submitted with the application to assess the existing building in regard to providing access for people with a disability. The building will need to be upgraded to comply with the access provisions of the Building Code of Australia, in particular to provide access from the public footpath to two (2) ground floor bedrooms, one (1) bathroom and a dining room. An accessible car parking space will also be required to be provided on the property. Council's Building Surveyor has recommended a condition of consent to ensure compliance with the Report prior to the issue of an occupation certificate.

- **Buildings to be Upgraded (Clause 94)**

A Fire Safety and Life Audit Report, prepared by BCA Logic was submitted with the application to assess the existing building against the provisions of the Building Code of Australia. The building is a Class 3 residential type building which will require upgrading to achieve a reasonable level of fire protection for the occupants of the building. Council's Building Surveyor has recommended a condition of consent to ensure compliance with the Report prior to the issue of an occupation certificate.

An Access Report, prepared by NW Access Consultancy was submitted with the application to assess the existing building in regard to providing access for people with a disability. The building will need to be upgraded to comply with the access provisions of the Building Code of Australia, in particular to provide access from the public footpath to two (2) ground floor bedrooms, one (1) bathroom and a dining room. An accessible car parking space will also be required to be provided on the property. Council's Building Surveyor has recommended a condition of consent to ensure compliance with the Report prior to the issue of an occupation certificate.

- **BASIX Commitments (Clause 97A)**

Not applicable.

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

The likely impacts of the proposed development have been addressed below:

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

The existing building is known as the Grand Western Lodge and has historically been used as a boarding house. The proposed development will allow short term accommodation for temporary workers required for mining and other projects within the area, while ensuring that a prominent heritage building is preserved and utilised without impacting the heritage significance of the building and surrounding streetscape. Based on this assessment, it is considered that the proposed development is unlikely to have a significant or detrimental impact on the surrounding context and setting.

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

During the operational phase, it is proposed that residents occupying the short-term accommodation will be picked up from local public transport or the Orange airport by bus. During the allocated working hours, residents will travel by bus to and from the required working sites within the area, therefore, reducing the impact of parking and traffic within the surrounding street network. It is important to note that due to the size of the allotment and the frontages to various streets; it is considered that the subject property has a large amount of off street parking surrounding the boundaries of the subject property.

Furthermore, an accessible car parking space will also be required to be provided on the property. Council's Building Surveyor has recommended a condition of consent to ensure compliance with the Report prior to the issue of an occupation certificate. Based on this assessment, it is considered that the proposed development is unlikely to have a significant or detrimental impact on the surrounding area.

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

The proposed development has been assessed by Council's Heritage Advisor and has advised that the proposed development is acceptable subject to a number of minor amendments regarding colour and hardware finishes, therefore, ensuring the significance of the building is maintained. Recommended conditions of consent will apply to ensure compliance. Based on this assessment, it is considered that the proposed development is unlikely to have a significant or detrimental impact on the heritage significance of the building or surrounding heritage items or character of the village.

**Noise and Vibration** - During the construction phase it is envisaged that noise levels will increase; however, majority of the works will be undertaken within the limits of the building and will be during times prescribed by Council and in accordance with the provisions of the *Protection of the Environment Operations Act 1997*. A condition of consent is recommended.

During the operational phase it is envisaged that noise levels will have a minimal impact to surrounding land owners due to the following reasons:

- The building has historically been used as a boarding house and the proposed development supports the functionality of the existing building;
- The building is surrounded by existing commercial and retail premises which have high volumes of pedestrian and vehicle movements;
- The proposed development is for short term accommodation purposes for temporary workers required for mining and other projects within the area, therefore, residents will have limited time on the subject property;
- It is proposed that residents will not have access to the first floor balcony until the veranda is repaired as per the Structural Report,

completed by Calare Civil. The veranda restoration does not form part of this application; therefore, a condition of consent will apply ensuring that no residents occupy the veranda until a separate approval is obtained;

- All residents will be required to act in accordance with the terms and conditions of the subject property, which will include curfew times to mitigate disturbance to the surrounding area; and
- A house manager will be onsite while residents are present at the subject property.

**Social and Economic Impact in the Locality** - The proposed development will have a positive impact on the local economy throughout the construction and operational phase and will provide social and economic benefits to the local economy and the surrounding area. Based on this assessment, it is considered that the proposed development is unlikely to have a significant or detrimental impact on the social and economic influences of the locality.

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

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

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

Two (2) submissions have been received from surrounding residential landowners at 29 Victoria Street and residents along Pilcher Street, Millthorpe. Copies of the submissions are attached.

The key issues identified in the submissions include:

#### The proposed use of the building as hotel or motel accommodation and the impact on the village of Millthorpe

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

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

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

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

It is considered appropriate that the proposed development is defined as a hotel or motel accommodation use, as it is providing short-term accommodation on a commercial basis and comprises of rooms. No meals are provided on the subject property.

### Noise impacts from the veranda and from the bus loading early in the morning for shift workers

During the construction phase, it is envisaged that noise levels will increase; however, majority of the works will be undertaken within the limits of the building and will be during times prescribed by Council and in accordance with the provisions of the *Protection of the Environment Operations Act 1997*. A condition of consent is recommended.

During the operational phase, it is envisaged that noise levels will have a minimal impact to surrounding landowners due to the following reasons:

- The building has historically been used as a boarding house and the proposed development supports the functionality of the existing building;
- The building is surrounded by existing commercial and retail premises which have high volumes of pedestrian and vehicle movements;
- The proposed development is for short term accommodation purposes for temporary workers required for mining and other projects within the area, therefore, residents will have limited time on the subject property;
- It is proposed that residents will not have access to the first floor balcony until the veranda is repaired as per the Structural Report, completed by Calare Civil. The veranda restoration does not form part of this application, therefore, a condition of consent will apply ensuring that no residents occupy the veranda until a separate approval is obtained;
- All residents will be required to act in accordance with the terms and conditions of the subject property, which will include curfew times to mitigate disturbance to the surrounding area; and
- A house manager will be onsite while residents are present at the subject property.

### Will there be an in house manager to control noise and any curfews imposed

All residents will be required to act in accordance with the terms and conditions of the subject property, which will include curfew times to mitigate disturbance to the surrounding area. A house manager will be onsite while residents are present at the subject property.

### Parking Concerns

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

It is important to note that due to the size of the allotment and the frontages to various streets; it is considered that the subject property has a large amount of off street parking surrounding the boundaries of the subject property.



Furthermore, the proposed development seeks an exemption under the *Blayney Development Control Plan 2018, D4.8 Exemptions to Off Street Car Parking Requirements*. The proposal includes the change of use of an existing Heritage Item, involves the alterations to an existing building that has a gross floor area of less than 25m<sup>2</sup> and does not encroach on existing off street parking areas; therefore, an exemption to off street carparking is considered appropriate. Based on this assessment, it is considered that the proposed development is unlikely to have a significant or detrimental impact on the surrounding area.

#### **Section 4.15(1)(e) The public interest**

The proposed development is consistent with the *Blayney Local Environmental Plan 2012*, the *Blayney Development Control Plan 2018* and all relevant State Environmental Planning Policies. No adverse impacts are assessed to the public as outlined throughout this report.

#### **Conclusions:**

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

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

#### **Risk/Policy/Legislation Considerations:**

Nil

#### **Budget Implications:**

Nil

#### **Enclosures (following report)**

Nil

#### **Attachments (separate document)**

1	Plans	7 Pages
2	Statement of Environmental Effects	13 Pages
3	Traffic and Parking Management Report	12 Pages
4	Submissions	3 Pages
5	Proposed Conditions	5 Pages

**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.

**25) LEGAL MATTER**

*This matter is considered to be confidential under Section 10A(2) (g) of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*