

REPORT TO THE ORDINARY MEETING OF COUNCIL - DEVELOPMENT AND ENVIRONMENTAL SERVICES

Mayor and Councillors

I submit the following reports for consideration:-

1 DEVELOPMENT APPLICATIONS

1.1 Introduction

One (1) Development Application has been approved since Council's March 2017 Meeting.

DA NUMBER	APPLICANT	ADDRESS	DESCRIPTION	VALUE (\$)	PROGRESS
2014/001	Dr Ryan Heggie	Canonba Road, NYNGAN	Hangar	64,000	Applicant advises that the DA will continue subject to lease negotiations.
2016/015	WR Nominees	Lot 101 Lawlor Street, NYNGAN	Change of Use	15,000	Additional report provided on Fire Safety Upgrades prior to Christmas. Under Assessment. Additional Information required.
2016/016	Terry Lyons	Lot 2 DP 939430 Nyngan Street, Hermidale	Refurbishment of shed and extension	100,000	Advice from Applicant that the application will be withdrawn / amended to reduce scope of project.
2016/031	Mr KD Murphy	50 Oatley Street, Nyngan	Shed	50,000	Significant variation to DCP 2012 – awaiting outcome from DCP amendments – report refers.
2016/036	Taylor Made Buildings	1881 Hermidale - Nymagee Road, Hermidale	Transportable Dwelling	121,580	Approved.



2017/006	Mr J G Leek	54 Oatley Street, Nyngan	Manufactured Home	159,208	Under assessment.
2017/007	Evolution Planning	39-41 Pangee Street, Nyngan	Replacement Business Signage	45,000	Under assessment and on notification to adjoining neighbours.
2017/008	Mr L A Jeffery	66 -72 Flashman Avenue, Nyngan	Shed	14,000	Recently lodged.
CDC2017/ 001	Wrightway Building	15-21 Jubilee Street, Nyngan	New Dwelling	408,000	Under assessment.

1.2 Recommendation

That the Development Applications Report since the March 2017 Council Meeting be received and noted.

2 OPERATIONAL REPORTS

2.1 Introduction

The purpose of this report is to outline the key works undertaken since Council's March 2017 meeting by the Parks and Gardens Team and the Noxious Weeds Officer.

2.2 Discussion

Key works that have been undertaken by the Parks and Gardens Team consisted of the following:-

- Routine maintenance duties including whipper snipping, mowing, weed removal, edging and watering of:-
 - Heritage Park
 - O'Reilly Park
 - Davidson Park
 - Vanges Park
 - Teamsters Rest
 - Flood Memorial Rest Area
 - Nyngan Cemetery
 - Council Administration Building
 - Moonagee Street Park
 - Early Learning Centre.



- Replacement of solenoid batteries and damaged sprinkler heads within the Pangee Street garden beds.
- Completed Medical Centre irrigation system.
- Laid turf at the Medical Centre.
- Planted tree and shrubs at Medical Centre.
- Rectified irrigation at Cemetery.
- Undertook litter collection along river frontage and weir.

Key works that have been undertaken by the Noxious Weeds Officer consisted of the following:-

- Spraying of Blue Heliotrope on Gilgai Road;
- Spraying African box thorn on Highway / Town approaches;
- Relocate cochineal bug to prickly pear at Hermidale;
- Spray woody weeds on Highway at Girilambone and 10km either side;
- Spraying Noogoora Burr at Monkey Bridge;
- Spraying railway overpass on the Barrier Highway; and
- Road inspections.

2.3 Recommendation

That the Operational Report, including Parks and Gardens and Noxious Weed since Council's March 2017 meeting be received and noted.



3 BOGAN SHIRE SENIORS MULTIPLE DWELLINGS

Summary:-

- Following the public meeting on the 14 December 2016, Architectural Plans have been prepared of the Bogan Shire Seniors Living development.
- For the development to progress, further guidance is required from Council.

3.1 Introduction

The purpose of this report is to provide Council with Architectural Plans of the Bogan Shire Seniors Living Development and reach a resolution which progresses the development further towards the construction stage.

3.2 Discussion

Following on from the public meeting held on the 14 December 2016 Architectural Plans have been compiled of the Bogan Shire Seniors Living development.

In order to progress the development further towards the estimation stage, construction plans are required to enable quantities to quantified in turn enabling estimations to be undertaken.

Once the construction plans have been compiled, an estimation of the total project cost can be determined and reported back to Council.

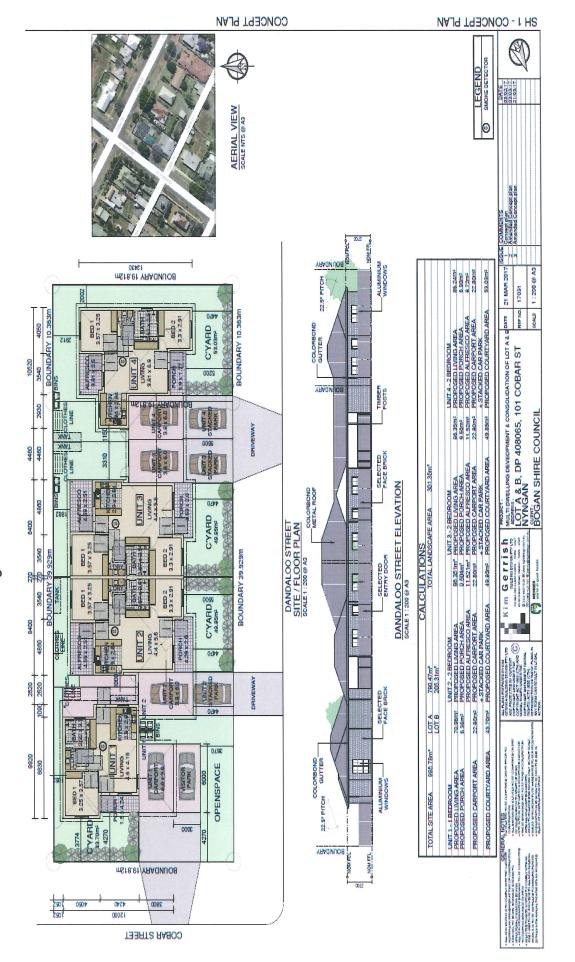
3.3 Attachments

Attachment 1 - Conceptual Design - Kim Gerrish Building Design

3.4 Recommendation

- 1. Council approve the architectural plans as tabled and provide \$7,000 in the 2017/18 budget to have the construction plans compiled.
- 2. A Report be presented to Council detailing the estimated cost of the development once the construction plans have been received and quantified.







4 CENTENARY PARK PROGRAM OF WORKS

Summary:-

The report is submitted for Council to consider the proposed scope of works for Centenary Park (Fountain).

4.1 Introduction

In the 2016/17 Capital Budget, Council allocated \$30,000 towards the refurbishment of Centenary Park.

This report proposes a scope of works for the park.

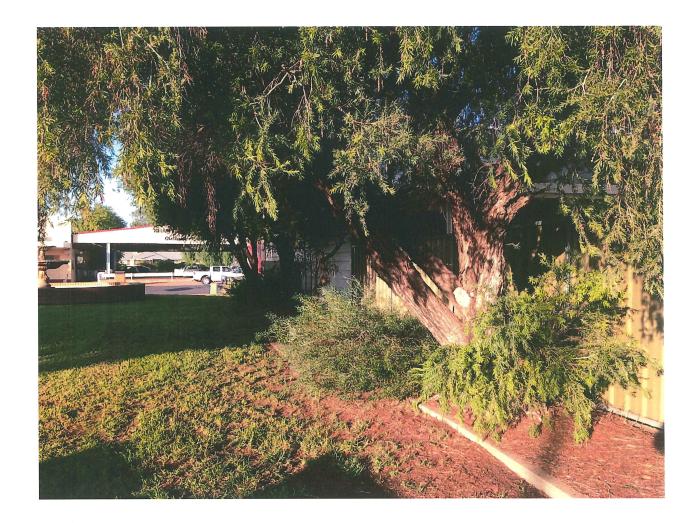
4.2 Discussion

In the 2016/17, Council resolved to dedicate \$30,000 towards the refurbishment of Centenary Park. Discussions held at the time identified that since the refurbishment of Heritage and Vanges Parks, there was a need to also refurbish Centenary Park in order to achieve a more consistent streetscape.

It is proposed that:-

- The fountain be drained and waterproofed to prolong its servable expectancy.
- The plumbing with the fountain be inspected and repaired if necessary.
- The garden bed and trees located along the western boundary be removed and replaced with a pedestrian pathway which includes seating (similar to Heritage Park).
- Plant small native shrubs and grasses similar to what has been planted in the garden beds located immediately adjacent the railway gates.
- Remove the three trees fronting the railway crossing (which inhibit grass growth) and replace with a more suitable and consistent (with streetscape) species.
- Renew irrigation system to lawn and new trees.





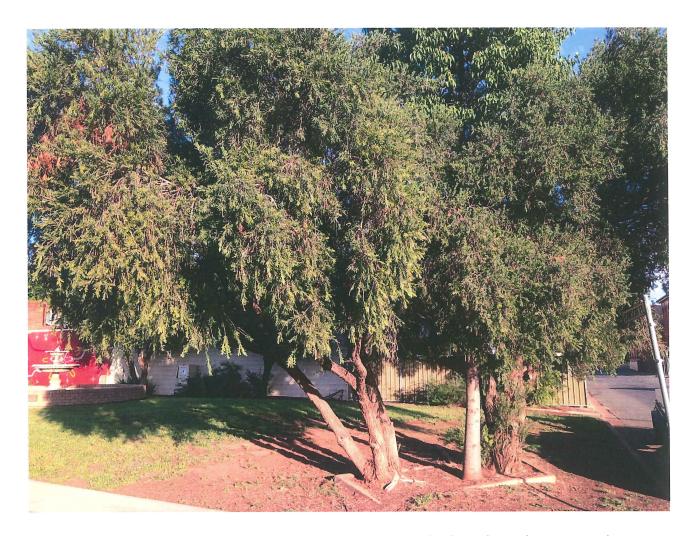
It is proposed that the existing trees and shrubs located along the western boundary be removed and placed and a pedestrian pathway and seating.





It is proposed that the existing trees and shrubs located along the western boundary be removed and placed and a pedestrian pathway and seating.





It is proposed that the three trees, two bottle brushes and a kurrajong, be removed as part of the works. These trees are inconsistent with the remaining streetscape and inhibit grass growth in the park as evident in the photo. It is proposed that these trees be replaced with a more suitable species of tree which is appealing and permits grass growth.





It is proposed as part of the scope of works that the fountain be drained and have all plumbing inspected and renewed if necessary and waterproof the fountain, in turn, prolonging its servable expectancy.

4.3 Recommendation

It is recommended that Council resolve to undertake the scope of works in Centenary Park as detailed.



5 BOGAN SHIRE SWIMMING POOL INSPECTION PROGRAM

Summary:-

This report is submitted for Council to effectively meet its obligations under the Swimming Pools Act 1992 in that it shall adopt a program for the inspection of swimming pools in its area to ensure compliance with the Act.

5.1 Introduction

In accordance with section 22B of the *Swimming Pools Act 1992*, Council must develop and adopt a program for the inspection of swimming pools in its Local Government area to ensure compliance with the Act.

A program has been developed and is presented for Council's consideration prior to exhibiting the program to the general public for a period of twenty-eight (28) days.

5.2 Discussion

Swimming pools offer a social amenity that is of great benefit to those who have use and access to it. With this however goes an obligation outlined in legislation to maintain the pool in a safe manner. The regulatory regime of pools on private property has been the subject of ongoing legislative review due to the tragic infant and toddler injury and death in swimming pools.

As a consequence, the *Swimming Pools Act 1992* was amended requiring Councils to develop and adopt an inspection program.

Key points of the Bogan Shire Swimming Pool Inspection Program include provisions for:-

- The inspection of high risk swimming pools located at motel/hotel accommodation, serviced apartments, boarding and guesthouses, bed and breakfast, backpacker accommodation and the like once (1) every three (3) years (legislative requirement).
- The inspection of swimming pools located at a premises subject to a new lease or contract of sale.
- The inspection of all other swimming pools within the Shire once (1) every five (5) years or when a Certificate of Compliance expires.



Notwithstanding, Council will continue to inspect any swimming pool where it is been made aware of possible contraventions of the Swimming Pools Act and/or is of the opinion that it poses a significant risk to public safety.

5.3 Attachments

Attachment 1 – Bogan Shire Swimming Pool Inspection Program

5.4 Recommendation

It is recommended that Council place the Bogan Shire Swimming Pool Inspection Program on public exhibition for twenty eight (28) days.





Bogan Shire Council Swimming Pool Inspection Program

April 2017



Contents

- Page 1 Purpose of the Program
- Page 1 Relevant Legislation and Standards
- Page 1 Relevant Definitions
- Page 2 Registration of Pools
- Page 2 The Importance of Pool Safety
- Page 3 What is a Certificate of Compliance?
- Page 3 Inspection Program
- Page 3 Tourist/Visitor Accommodation and Multi-Unit Developments
- Page 3 Properties for Sale or Rent/Lease
- Page 4 All Other Pools
- Page 4 Procedure
- Page 5 Fees



Purpose of the Program

The Swimming Pools Act 1992, Section 22B requires Council to develop and implement a swimming pool inspection program that increases pool safety awareness, and reduces infant drowning and near drowning events by ensuring compliance with the requirements of Part 2 of the Act - access to swimming pools – of the Swimming Pools Act 1992.

The Swimming Pool Inspection Program will assist:

- In ensuring all swimming pools in the Bogan Shire comply with the relevant Acts, Regulations and Australian Standards for swimming pools.
- the community with the responsibilities set out by the NSW Governments Swimming Pool Register
- meeting Councils obligations under the Swimming Pools Act 1992, and
- engagement with the community in regards to swimming pool safety.

Relevant Legislation and Standards

The legislation, regulation and standards that apply to the swimming pool inspection program include:

- Swimming Pools Act 1992
- Swimming Pools Regulations 2008
- Swimming Pools Amendment Act 2012
- Swimming Pools Amendment (Consequential Amendments) Regulation 2013
- Building Code of Australia
- Australian standards AS 1926.1
- Australian standards AS 1926.2



Relevant Definitions

- Certificate of Compliance- in respect of swimming pools means a certificate issued under section 22D of the Swimming Pools Act.
- Multi-occupancy Development a building or buildings that is, or are, situated on premises that consists of two or more dwellings.
- Relevant Occupation Certificate in respect of a swimming pool, which
 means an occupation certificate issued under the *Environmental*Planning and Assessment Act 1979 that is less than 3 years old and that
 authorises the use of the swimming pool.
- Swimming Pool- means an excavation, structure or vessel:
 - that is capable of being filled with water to a depth greater than 300 mm, and
 - that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity, and includes a spa pool but does not include a spa bath, anything that is situated within a bathroom or anything declared by regulations not to be a swimming pool for the purposes of this Act.
- Tourist and Visitor Accommodation- means a building or place that provides temporary or short-term accommodation on a commercial basis and includes backpacker's accommodation, bed and breakfast accommodation, farm stay accommodation and serviced apartments.

Registration of Pools

All pools in NSW are required to be registered on an on-line register by their owner.

To register a pool, owners are to self-assess that their pool complies with the applicable standard. The standard to be applied is based on information provided by the person registering the pool or spa.

The registration process can be completed by the owner via the NSW swimming pool register website (www.swimmingpoolregister.nsw.gov.au). It is free to register your pool via this website. Or, under the Swimming Pools Regulation 2008 (Section 18D), Council can complete the registration for the owner after they have filled out Councils registration form.



It is an offence under the *Swimming Pools Act 1992 (Section 30B)* to have an unregistered swimming pool.

The Importance of Pool Safety

Swimming pools offer a social amenity that is of great benefit to those who have use and access to it. With this however goes an obligation outlined in legislation to maintain the pool in a safe manner.

The regulatory regime of pools on private property has been the subject of ongoing legislative review due to the tragic infant and toddler injury and death in swimming pools.

Children aged 4 years of age and under are the most vulnerable. They are dependent on their parents or carers for their safety. The personal and social cost associated with the death of a child is enormous and cannot be adequately described. The death of a young child in circumstances that could have been prevented is a tragedy for all.

What is a Certificate of Compliance?

A Certificate of Compliance is issued once a pool has been inspected against the relevant pool safety requirements and is deemed to satisfy those requirements. The certificate is valid for three years. A pool may be inspected more frequently than three years if:

- a complaint has been received with respect to pool safety, or
- there is good reason to suspect the pool no longer complies with the pool safety requirements, or
- at the request of the owner/s.

If an inspection is undertaken and Council is satisfied that the requirements for the issue of a certificate of compliance have not been met, Council will issue a certificate of non-compliance to the owner.

Inspection Program

In accordance with Section 22B of the Act, Council has developed this program to maintain compliance with the relevant Acts, Regulations and Australian Standards for swimming pools.



Tourist/Visitor Accommodation and Multi-Unit Developments

All tourist and visitor accommodation buildings and multi-unit premises (i.e. more than two dwellings) within the Bogan Shire that have a swimming pool installed will be inspected once every three years or if a complaint is received. These buildings include motel/hotel accommodation, serviced apartments, boarding and guesthouses, bed and breakfast, backpacker accommodation and the like.

Properties for Sale or Rent/Lease

From 29 April 2016 all properties with a pool being sold or leased must have a valid swimming pool certificate of compliance or a certificate of non-compliance or a relevant occupation certificate before it can be sold or leased.

Where a property with a swimming pool is being sold or leased, and valid occupation certificate does not exist, the property owner/s must lodge a certificate of compliance application with Council to instigate an inspection.

All Other Swimming Pools

All other swimming pools in the local government will be inspected on a rotational five (5) year basis.

Pools where a valid certificate of compliance exists will not be subjected to an inspection until such time its validity has expired.

Council will however inspect any swimming pool where it is been made aware of possible contravention's of the *Swimming Pools Act* and/or is of the opinion that it poses a significant risk to public safety.



Procedure

Where Council is required to complete inspections under this program, the following procedure will be followed:

- The pool owner will be notified by Council in writing that an inspection will be taking place at the property, a minimum of fourteen days prior the inspection. The letter will include the time and date the inspection will occur and the proposed fee of \$150.00 that will need to be paid to Council. If a second inspection is required, a fee of \$100.00 is required to be paid to Council.
- Council's authorised officers will than conduct the inspection at the property on the allotted date and time set. The owner does not have to be present but is preferred.
- Council will notify the owner of the property of the results of the inspection. The results to the inspection are as follows:-
 - Issue of a Compliance Certificate if the pool is found to be compliant with all relevant Acts, Regulations and Australian Standards, Council will than issue a Compliance Certificate in accordance with Section 22D of the Swimming Pools Act 1992.
 - Notice if works are required to be undertaken to receive a Compliance Certificate, a notice will be sent to the owner under Section 22E of the Swimming Pools Act 1992, with a list of requirements to be completed before a second inspection can occur.

<u>Fees</u>

The Swimming Pool Act provides that Council may charge a fee the inspection conducted by an authorised officer, being a fee that is no greater than the maximum fee prescribed by the Swimming Pool Regulation. At the time of gazettal of the Swimming Pool Regulation (April 2013) the maximum initial inspection of \$150 is payable and a second inspection fee of \$100 is payable. No fee may be charged for further inspection.

Council will charge a fee of \$150 for an initial inspection (which includes the issue of a Certificate of Compliance for complying pool fences) and \$100 for one follow-up inspection.



6 BOGAN SHIRE DEVELOPMENT CONTROL PLAN 2012 AMENDMENT TO OUTBUILDINGS

Summary:-

- This report is submitted for Council to finalise the proposed amendments to the Bogan Shire Development Control Plan 2012 and adopt those changes.
- It is recommended that Council adopt the proposed amendments as exhibited.

6.1 Introduction

A report was previously submitted to Council (February 2017) regarding the amendments proposed to the Bogan Shire Development Control Plan 2012 (Bogan DCP 2012) relating to outbuildings and the ongoing issues Council staff are faced when assessing outbuildings such as free standing garages and sheds that are submitted and have continued to significantly vary the current size under the DCP 2012.

The proposed amendments to the Bogan DCP 2012 were placed on public exhibition for a period of 28 days and four (4) submissions were received during this period.

6.2 Discussion

Following public exhibition of the proposed amendments to the Bogan DCP 2012, a total of four (4) submissions were received. A copy of each submission is included within *Attachment 1*.

An assessment of the submissions has been undertaken by Council staff particularly in respect to their content and justification with any potential further modifications required to the DCP 2012. A brief summary of each submission and comments are provided below.

Submission 1 did not object to the proposed amendments, noting that the height increase would be beneficial for caravan storage, however, provided concerns relating to the percentage ratio of the land size to the outbuilding floor area. The examples in this submission detailed that a block of 1,000m² or less is allowed to have 10% of land area covered by an outbuilding in comparison to 2.2% of land covered on a block of 8,001m².



In response to this submission, it is important for Council to be aware that this is one of the primary reasons for the proposed modifications to the DCP 2012. A large residential block of land upward of 2,000m² is characterised as rural residential or a 'lifestyle block' of land, not located within the immediate residential area of the CBD and still enables a substantial home and septic tank with effluent disposal areas (for most of those larger lots that are not serviced by sewer) to be built on the land. If a 10% equivalent sized outbuilding was proposed on a block that was 8,000m² for example, this would result in an 800m² shed which is clearly not the character sought in a residential area and would result in an 'industrial sized' shed being proposed on residential land.

Submission number 2 details a strong opposition to the amendment as it is believed that no changes are needed and the rules have served the Bogan Shire for many years. Importantly, the DCP has been in force since Council adopted the first version of the Plan in June 2012 by Minute Number 176/2012. A number of issues have been raised with a number of sheds since this time that whilst may have complied with the maximum floor area, have requested significant variations to the overall height permitted under the current plan.

Submissions 3 (anonymous submission) does not object to the proposed amendments however details that they are looking to buy a large block of land to build a large shed and may leave Bogan Shire to another Council that allows a bigger shed. No justification is specifically provided in relation to the amendments proposed. In response to this submission, many other Council areas do not permit oversized sheds in residential areas and the NSW State Planning Policy for complying development limits a shed on residential land at 100m². The reason for this is a residential block of land is not appropriate for an industrial sized shed and is not the desired character for a residential area. This is also the clear direction of the NSW State Planning Policy.

Submission 4 (anonymous submission) does not object to the proposed amendments however noted the decrease in floor area proposed for outbuildings and stated it should be bigger than currently permitted. No justification for this statement is provided.



As detailed in the February 2017 report to Council, the following tables are provided in respect to the amendments:-

Table 1: Current DCP provisions – Maximum height of 3.2m to eave and 3.6m to peak of roof for all zones

Zone	Size	Cumulative Outbuildings	
R1	100sqm	175sqm	
R1 >2000sqm	160sqm	235sqm	
R5	200sqm	300sqm	
RU1	Not specified	Not specified	
RU5	100sqm	175sqm	

Note: Cumulative outbuildings means total size of all sheds / outbuildings permitted on the land in the respective zone.

Table 2: Amendments to DCP provisions

Lot size (Zones R1, R5, RU5)	Maximum height to eave/gutter	Maximum floor area of Outbuilding	side and rear	Setback from front boundary/street
<1000m ²	3.2m	100m ²	1m	6m
1001- 2000m ²	3.4m	120m ²	3m	6m
2001- 4000m ²	3.6m	140m ²	5m	10m
4001- 8000m ²	3.8m	160m ²	7m	10m
8001m ² >	4.0m	180m ²	9m	10m
_	he height in all above shall not be in fro	re cases shall not exceed nt of building line	in 5.5 metres.	
RU1	N/A	N/A	10m	20m

6.3 Attachments

Attachment 1 – Public Exhibition Submissions



6.4 Recommendation

It is recommended that Council adopt the proposed amendments to the Bogan Shire Development Control Plan 2012 as exhibited (amend pages 11 and 12 of the Plan) including the following table:

Lot size (Zones R1, R5, RU5)	Maximum height to eave/gutter	Maximum floor area of Outbuilding	side and rear	Setback from front boundary/street
<1000m ²	3.2m	100m ²	1m	6m
1001- 2000m ²	3.4m	120m ²	3m	6m
2001- 4000m ²	3.6m	140m ²	5m	10m
4001- 8000m ²	3.8m	160m ²	7m	10m
8001m ² >	4.0m	180m ²	9m	10m
NOTE: Ridge height in all above cases shall not exceed in 5.5 metres. Outbuildings shall not be in front of building line				
RU1	N/A	N/A	10m	20m

Ty Robson

ACTING MANAGER OF DEVELOPMENT & ENVIRONMENTAL SERVICES

Submission 1

To,

The General Manager, Derek Francis.

I have seen the proposed amendment for outbuildings and have a concern regarding the floor area.

The increase height would be handy for a lot of people giving them the opportunity to store caravans and other belongings inside out of the weather.

The percentage ratio of land size in m2 to outbuilding floor in m2 area differs dramatically in size of the persons block.

For example:

A block less than or equal to 1000m2 is allowed to have 10% of land area covered by an outbuilding.

A block 2000m2 is only allowed to have 6% of land area covered by an outbuilding.

A block 6000m2 is only allowed to have 2.6% of land area covered by an outbuilding.

A block 8001m2 is only allowed to have 2.2% of land area covered by an outbuilding.

I know the Development Control Plan is ONLY A GUIDE LINE it is by no means a firm rule that has to be followed but people buy larger blocks of land so they can have plenty of room and have good sized storage sheds. Not everyone needs/wants a big shed but it would be very handy for the people who own a large block to be able to have what they want built on their land.

Yours sincerely

Kevin Murphy

Kevin Murphy



Submission 2

2 minore Street Nyngan 2825

10 The General Manager, MR Dorek Francis

West Relations to Bogan Shere Development Control flan 2012.

- Proposed. Amendment for Outhenitatings.
I strongly offore the above Amendment. I think they are O.K. just as they are . We don't need any changes What rules we have now have served the Bogan Shere for many years without any mojor concerns, So Why change. It is a waste of Our rate payers money Time a money that could be better spent on other projets

Over town well become a groot fown with all the rules a regulations imposed on the residents a the fecture residents

a feeture developers. It is becoming a joke .
We have got lots of emply shops in town a feeture shop owners are being fut off by some of the rules now we want feople to come to town and leave, we want lower the stops a share our four. We want fugle to stay where not move out to another Sowns who don't make such rules.

I think the shine is very presumption in this matter we the rate faces maybe have to living in the Ombudsman in bring book the rate faces association to help out

If you want a project -clean up the fown as you dure onto know, say from the Destitio road there are lots of rullust, over grown potfuths, over grown gutters a real eye some. Maybe this shine may be able to bung in what I have seen in other towns . When the ride on mouses is in use at has a lien attached to do the operator has a long forge gripper so they can fick up the sublish & not mow over if thiso do something about all the water that everyone has to go through to get ento a out of Our worder feel Day core center when it rains in anyway Thanks for newding my letter A lot of fughto have voiced there objections to this development but will they furt frem to paper like me, chope fully they all will pagards been Bourke 68322596



Submission 3

\sim

The General Manager

Derek Francis.

As a current concerned resident who is looking to buy a large block of land in the hopes of building a large shed I would need the floor area to be increased greatly for it to be practical for me. If the floor area gets changed to the proposed size I may have to leave the Bogan Shire Council and move to a council that allows bigger sheds.

Regards

Concerned Rate Payer

BOGAN SHIRE COUNCIL
FILE R/N
1 2 APR 2017
ASSIGNEE



Submission 4

Dear,	
The General Manager.	
I have noticed that there has been a large decrea	se in floor area allowed for outbuildings.
I don't understand why it needs to be decreased bigger.	from the size that was allowed, I think it should be
Regards	BOGAN SHIPE COLUMN
J	BOGAN SHIRE COUNCIL
Nyngan Resident	FILE R/N
	1 2 APR 2017

ASSIGNEE