



BUSINESS PAPER

ORDINARY MEETING

Thursday 15 February 2018

6.00pm

Council Chambers, Crookwell

TABLELANDS REGIONAL COUNCIL'S VISION

To build and maintain sustainable communities while retaining the region's natural beauty.

COUNCIL'S MISSION

To provide services and facilities to enhance the quality of life and economic viability within the Council area.

COUNCIL'S AIMS

To perform services in a cost efficient, effective and friendly manner in order to achieve Council's Mission in meeting the annual objectives and performance targets of the principal activities Council undertakes on behalf of the community.

NOTICE OF MEETING

7 February 2018

Councillors

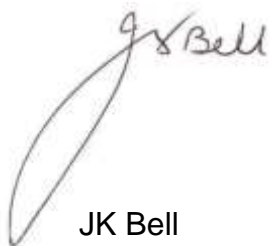
Dear Members

Ordinary Meeting of Council

Notice is hereby given that the next Ordinary Meeting of Council will take place on **Thursday 15 February 2018** in the **Council Chambers, Crookwell** commencing at **6.00pm**.

Your presence is requested.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'JK Bell', with a large, stylized loop on the left side.

JK Bell
General Manager
Upper Lachlan Shire Council

AGENDA

ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Traditional Custodians of this Land. I would also like to pay respect to the Elders past and present, of the Wiradjuri Nation, and extend that respect to other Aboriginals present.

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	Nil	
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UPPER LACHLAN SHIRE COUNCIL

LEAVE OF ABSENCE

General Manager
Upper Lachlan Shire Council
Spring Street
CROOKWELL NSW 2583

Dear Sir

I wish to apply for leave of absence from the Council Meeting to be held on

Date:

I will be absent for the following reason/s:

.....
.....
.....

Yours faithfully

.....
(Councillor Signature)

ETHICAL DECISION MAKING AND CONFLICTS OF INTEREST

A GUIDING CHECKLIST FOR COUNCILLORS, OFFICERS AND COMMUNITY COMMITTEES

ETHICAL DECISION MAKING

- Is the decision or conduct legal?
- Is it consistent with Government policy, Council's objectives and Code of Conduct?
- What will the outcome be for you, your colleagues, the Council, anyone else?
- Does it raise a conflict of interest?
- Could your possible conflict of interest lead to private gain or loss at public expense?
- Can the decision be justified in terms of public interest?
- Would it withstand public scrutiny?

CONFLICT OF INTEREST

- A conflict of interest is a clash between private interest and public duty. There are two types of conflict:
 1. Pecuniary – regulated by the *Local Government Act* and Department of Local Government and,
 2. Non-pecuniary – regulated by Codes of Conduct and policy, ICAC, Ombudsman, Department of Local Government (advice only).

THE TEST FOR CONFLICT OF INTEREST

- Is it likely I could be influenced by personal interest in carrying out my public duty?
- Would a fair and reasonable person believe I could be so influenced?
- Conflict of interest is closely tied to the layperson's definition of "corruption" – using public office for private gain.
- Important to consider public perceptions of whether you have a conflict of interest.

IDENTIFYING PROBLEMS

- 1st Do I have private interest affected by a matter I am officially involved in?
- 2nd Is my official role one of influence or perceived influence over the matter?
- 3rd Do my private interest conflict with my official role?

Whilst seeking advice is generally useful, the ultimate decision rests with the person concerned.

AGENCY ADVICE

Officers of the following agencies are available during office hours to discuss the obligations placed on Councillors, Officers and Community Committee members by various pieces of legislation, regulation and Codes.

Contact	Phone	Email	Website
Upper Lachlan Shire Council	(02) 4830 1000	council@upperlachlan.nsw.gov.au	www.upperlachlan.nsw.gov.au
ICAC	(02)8281 5999 Toll Free 1800463909	icac@icac.nsw.gov.au	www.icac.nsw.gov.au
Office of Local Government	(02) 4428 4100	olg@olg.nsw.gov.au	www.olg.nsw.gov.au
NSW Ombudsman	(02) 9286 1000 Toll Free 1800451524	nswombo@ombo.nsw.gov.au	www.ombo.nsw.gov.au

UPPER LACHLAN SHIRE COUNCIL
COUNCILLORS DISCLOSURE OF A

PECUNIARY INTEREST

PURSUANT TO SECTION 451 OF THE NSW LOCAL GOVERNMENT ACT 1993
(AS AMENDED)

To the General Manager

I, _____

Declare a Conflict of Interest, being a PECUNIARY Interest.

COUNCIL MEETING

Name of Meeting _____

Date of Meeting _____

Page Number _____ Item Number _____

Subject _____

Reason for Interest _____

OTHER THAN COUNCIL MEETINGS

Reason for Interest _____

Signature

Date

UPPER LACHLAN SHIRE COUNCIL
COUNCILLORS DISCLOSURE OF A
NON-PECUNIARY INTEREST

**PURSUANT TO SECTION 451 OF THE NSW LOCAL GOVERNMENT ACT 1993
(AS AMENDED)**

To the General Manager

I, _____

Declare a Conflict of Interest, being a NON-PECUNIARY Interest.

☐ Significant

☐ Non Significant

COUNCIL MEETINGS

Name of Meeting _____

Date of Meeting _____

Page Number _____ Item Number _____

Subject _____

Reason for Interest _____

As a result of my non-pecuniary interest, my involvement in the meeting will be as follows:

☐ **Option A** – Make a declaration, stay in the Chamber, participate in the debate, and vote.

☐ **Option B** – Make a declaration, stay in the Chamber, participate in the debate, but not vote.

☐ **Option C** – Make a declaration, stay in the Chamber, participate in the debate, but leave the Chamber for the vote.

☐ **Option D** – Make a declaration, stay in the Chamber, not participate in the debate, but vote.

☐ **Option E** – Make a declaration, stay in the Chamber, not participate in the debate and not vote.

☐ **Option F** – Make a declaration, do not participate in the debate, leave the Chamber upon making the declaration, and not return until the matter is resolved.

Signature

Date

4 CONFIRMATION OF MINUTES

The following minutes are submitted for confirmation -

4.1 Minutes of the Ordinary Meeting of Council of 21 December 2017..... 12

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 DECEMBER 2017

PRESENT: Mayor B McCormack (Chairperson), Clr P Culhane, Clr R Cummins, Clr P Kensit, Clr R Opie, Clr J Stafford, Clr J Wheelwright, Clr J Searl, Mr J Bell (General Manager), Mr A Croke (Director Finance and Administration), Mr M Shah (Director of Works and Operations), Mrs T Dodson (Director of Environment & Planning, Mrs H Peterson (Executive Assistant) and Ms D Crosbie (Media Officer).

THE MAYOR DECLARED THE MEETING OPEN AT 6.00PM

SECTION 1: APOLOGIES & LEAVE OF ABSENCE

An apology was received for the absence of Clr D O'Brien.

407/17 **RESOLVED** by Clr Searl and Clr Wheelwright that the apology be received and leave of absence granted.

- CARRIED

SECTION 2: CITIZENSHIP CEREMONY

Nil

SECTION 3: DECLARATIONS OF INTEREST

Clr R Opie declared a Pecuniary Interest in Item 10.10 – Streetscape Project Report as he has purchased a property at 161 Goulburn Street, Crookwell. He will make the declaration, leave the Chamber upon making the declaration and not return to the Chamber until the matter is resolved.

SECTION 4: CONFIRMATION OF MINUTES

408/17 **RESOLVED** by Clr Searl and Clr Culhane

That the minutes of the Ordinary Council Meeting held on 16 November 2017 be adopted.

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
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SECTION 5: MAYORAL MINUTES

ITEM 5.1 MAYORAL MINUTE - NOVEMBER/DECEMBER 2017

409/17 **RESOLVED** by Mayor McCormack and Cllr Searl

That Council receive and note the activities attended by the Mayor for November /December 2017.

- CARRIED

SECTION 6: PRESENTATIONS TO COUNCIL/PUBLIC

Mrs Jo Marshall presented on the Australian Agriculture Centre

410/17 **RESOLVED** by Cllr Stafford and Cllr Wheelwright that Council endorses the provision of a \$20,000 contribution, subject to the Australian Agricultural Centre acquiring appropriate funding from other stakeholders, towards a business case/concept design for the proposed Australian Agricultural Centre, located within the Upper Lachlan Shire Council Local Government Area.

- CARRIED

SECTION 7: CORRESPONDENCE

ITEM 7.1 CORRESPONDENCE FOR THE MONTH OF DECEMBER 2017

411/17 **RESOLVED** by Cllr Wheelwright and Cllr Searl

That Item 7.1 - Correspondence/Information listed below be received:

1. Touie Smith – Letter of congratulations to Council.
2. Crookwell Potato Festival – New Committee member – Darian Cameron.

412/17 **RESOLVED** by Cllr Searl and Cllr Wheelwright that Council endorse Darian Cameron as a member of the Crookwell Potato Festival.

- CARRIED

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3. Hon Darren Chester MP – Road to Recovery – Statement of Expectations.
4. NSW Government – Fit for the Future Conclusion – Finalisation of Monitoring Program.
5. Anne Jackson and Anne Cummins – Petition for a Green Waste Service – see item 10.5 Green Waste Collection Service Report from Manager of Operations item
6. Local Government NSW – Media Release – Rate Cap Improved, but it's still a slight off hand says sector.
7. Goulburn Mulwaree Council – Goulburn Crookwell Rail Trail.

413/17

RESOLVED by Clr Searl and Clr Stafford that Council writes to the Hon Pru Goward MP requesting that the Member for Goulburn sponsor proposed legislation, through the NSW Government, to close the Goulburn to Crookwell Rail Line.

- CARRIED

8. Angus Taylor MP – National Broadband Network (NBN) – Internet Services in Gunning.
9. Office of Local Government – Circular 17 - 39 Consultation on the Proposed Councillor Induction and Professional Development Guidelines.
10. Office of Local Government – Circular 17 - 40 Consultation of the draft Model Code of Meeting Practice for Local Councils in NSW.
11. Byron Shire Council – Seeking support for a Trial of a Tourism Accommodation Levy (Bed Tax).
12. Office of Local Government – Local Government Amendment (Regional Joint Organisations).
13. Kiamma Creek Landcare Group – Request for replacement of old wooden sign.

414/17

RESOLVED by Clr Cummins and Clr Wheelwright that Council supports the Kiamma Creek Landcare Group to replace the existing faded wooden sign near the Amenities Block and fronting Roberts Street with a new metal sign - the Kiamma Creek Landcare Group to liaise with the Director of Works and Operations in regards to the final design and details of the sign.

- CARRIED

SECTION 8: LATE CORRESPONDENCE

Nil

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REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 9: ENVIRONMENT AND PLANNING

ITEM 9.1 MONTHLY WEEDS ACTIVITIES REPORT
415/17 RESOLVED by Clr Searl and Clr Wheelwright

1. Council receives and notes the report as information.

Councillors who voted for:- Crs P Culhane, R Cummins, P
Kensit, B McCormack, R Opie, J
Searl, J Stafford and J
Wheelwright

Councillors who voted against:- Nil

- CARRIED

ITEM 9.2 DEVELOPMENT STATISTICS FOR THE MONTH OF NOVEMBER
2017
416/17 RESOLVED by Clr Searl and Clr Cummins

1. Council receives and notes the report as information.

Councillors who voted for:- Crs P Culhane, R Cummins, P
Kensit, B McCormack, R Opie, J
Searl, J Stafford and J
Wheelwright

Councillors who voted against:- Nil

- CARRIED

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ITEM 9.3 UPDATING THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

417/17 RESOLVED by Cllr Searl and Cllr Cummins

1. Council receives and notes the report as information.

Councillors who voted for:- Cllrs P Culhane, R Cummins, P Kensit, B McCormack, R Opie, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

- CARRIED

ITEM 9.4 DRAFT KEEPING OF COMPANION ANIMALS POLICY

418/17 RESOLVED by Cllr Searl and Cllr Wheelwright

1. Council withdraw the Draft Keeping of Companion Animals Policy.

Councillors who voted for:- Cllrs P Culhane, R Cummins, P Kensit, B McCormack, R Opie, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

- CARRIED

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ITEM 9.5 **DRAFT PLAN OF MANAGEMENT - PYE COTTAGE PRECINCT**
419/17 **RESOLVED** by Clr Searl and Clr Culhane

1. The Draft Plan of Management for Pye Cottage Precinct, Gunning be placed on public exhibition for a minimum period of 28 days.

Councillors who voted for:- Crs P Culhane, R Cummins, P
Kensit, B McCormack, R Opie, J
Searl, J Stafford and J
Wheelwright

Councillors who voted against:- Nil

- CARRIED

ITEM 9.6 **CULLERIN RANGE WIND FARM COMMUNITY FUND S355**
420/17 **RESOLVED** by Clr Searl and Clr Kensit

1. Council endorses Michael Coley as one of the community representatives for the Section 355 Cullerin Range Wind Farm Community Fund Committee.

Councillors who voted for:- Crs P Culhane, R Cummins, P
Kensit, B McCormack, R Opie, J
Searl, J Stafford and J
Wheelwright

Councillors who voted against:- Nil

- CARRIED

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ITEM 9.7 **DEVELOPMENT APPLICATION 72/2017 - DEVELOPMENT FOR THE PURPOSE OF A SERVICE STATION, LOT 361 DP754108, 204 GOULBURN STREET, CROOKWELL**

421/17 **RESOLVED** by Cllr Searl and Cllr Wheelwright

Council determine development application 72/2017 by granting “deferred commencement” consent for the development for which consent is sought, except for the proposed pylon sign, pursuant to section 80 (3) and (4) (b) of the Environmental Planning and Assessment Act 1979, subject to the conditions specified below:.

PART 1 - DEFERRED COMMENCEMENT CONDITIONS

The following conditions have been applied pursuant to section 80 (3) of the Environmental Planning and Assessment Act 1979 (the Act). The consent is not to operate until the applicant satisfies Council, in accordance with the Environmental Planning and Assessment Regulation 2000, as to any matter specified in the conditions. Nothing in the Act prevents a person from doing such things as may be necessary to comply with the condition.

1. Deferred commencement consent condition

Pursuant to section 80 (3) of the Environmental Planning and Assessment Act 1979, the consent will not operate until information has been supplied to Council that addresses, to the satisfaction of Council and the NSW Environment Protection Authority, all matters specified in Attachment A to the Environment Protection Authority’s letter of 30 October 2017, attached as Schedule 2 to Council’s notice of determination of the development application.

2. Deferred commencement consent condition

Pursuant to section 80 (3) of the Environmental Planning and Assessment Act 1979, the consent will not operate until the following information has been supplied to and approved by Council:

- (a) A comprehensive noise management plan that identifies all potential noise emissions from the development, and details how they will be prevented, minimised or mitigated
- (b) Details of all proposed mechanical plant and its locations, including details of expected noise emissions and how they will be prevented, minimised or mitigated.

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PART 2 - GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and /or the building is carried out in such a manner that it is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on the development consent.

3. Partial consent

Pursuant to section 80 (4) (b) of the Environmental Planning and Assessment Act 1979, consent is granted for the development for which consent is sought, except for the erection and display of the 12.0m high pylon sign proposed immediately inside the land's southernmost corner.

4. Except where otherwise required or permitted by conditions of development consent, the development shall be carried out generally in accordance with the information accompanying the development application and the following stamped consent drawings, including any notations or amendments marked by Council in red.

- "Existing/Demo Site Plan 204 Goulburn St", Drg No A099, prepared by Richmond & Ross Pty Ltd, Rev A dated 4 August 2017
- "Proposed Site Plan", Drg No A100, prepared by Richmond & Ross Pty Ltd, Rev B dated 15 September 2017
- "Proposed Overall Site Plan", Drg No A101, prepared by Richmond & Ross Pty Ltd, Rev B dated 15 September 2017
- "Dimensioned Site Plan", Drg No A102, prepared by Richmond & Ross Pty Ltd, Rev B dated 15 September 2017
- "Proposed Floor Plan", Drg No A200, prepared by Richmond & Ross Pty Ltd, Rev B dated 15 September 2017
- "Proposed Building Elevations Sheet 1 of 2", Drg No A201, prepared by Richmond & Ross Pty Ltd, Rev A dated 4 August 2017
- "Proposed Building Elevations Sheet 2 of 2", Drg No A202, prepared by Richmond & Ross Pty Ltd, Rev A dated 4 August 2017
- "Proposed Building Sections", Drg No A203, prepared by Richmond & Ross Pty Ltd, Rev A dated 4 August 2017
- "Dimensioned Floor Plan", Drg No A204, prepared by Richmond & Ross Pty Ltd, Rev B dated 15 September 2017

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- “Proposed Roof Plan”, Drg No A207, prepared by Richmond & Ross Pty Ltd, Rev A dated 4 August 2017
 - “Proposed Canopy Floor Plan”, Drg No A310, prepared by Richmond & Ross Pty Ltd, Rev A dated 4 August 2017
 - “Proposed Canopy Elevations Sheet 1 of 2”, Drg No A311, prepared by Richmond & Ross Pty Ltd, Rev A dated 4 August 2017
 - “Proposed Canopy Elevations Sheet 2 of 2”, Drg No A312, prepared by Richmond & Ross Pty Ltd, Rev A dated 4 August 2017
 - “Proposed Canopy Sections”, Drg No A313, prepared by Richmond & Ross Pty Ltd, Rev A dated 4 August 2017
 - “Canopy Roof Plan”, Drg No A314, prepared by Richmond & Ross Pty Ltd, Rev A dated 4 August 2017
 - “Signage Details” (Car Park Signage only), Drg No A400, prepared by Richmond & Ross Pty Ltd, Rev A dated 15 September 2017
 - “Stormwater Concept Plan”, Drg No C130, prepared by Richmond & Ross Pty Ltd, Rev B dated 15 September 2017
 - “Erosion and Sediment Control Plan”, Drg No C140, prepared by Richmond & Ross Pty Ltd, Rev B dated 15 September 2017
 - “Erosion and Sediment Control Details”, Drg No C141, prepared by Richmond & Ross Pty Ltd, Rev A dated 7 August 2017.
5. All building work shall be carried out in accordance with the provisions of the Building Code of Australia. A reference to the Building Code of Australia is a reference to that Code as in force on the date that an application for a relevant construction certificate is made.
6. The development shall not operate before 7:00am or after 9:00pm on any day.
7. All fixed lighting in the development shall be installed and maintained to comply with the relevant provisions of Australian Standard AS 4282—1997 Control of the obtrusive effects of outdoor lighting and Australian/New Zealand Standard AS/NZS 1158.3.1 Lighting for roads and public spaces, Part 3.1: Pedestrian area (Category P) lighting—Performance and design requirements.
8. All underground petroleum storage systems in the development shall be designed, installed, commissioned and maintained in compliance with the relevant provisions of the Protection of the Environment Operations (Underground Petroleum Storage

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Systems) Regulation 2014, including installation of groundwater monitoring wells.

9. All wastes generated in the operation of the development shall be lawfully disposed of to a suitably authorised waste processing or disposal facility.
10. Food preparation and food storage areas in the development shall be constructed in accordance with the requirements of the Australia and New Zealand Food Standards Code.
11. The development shall be provided with lawful connections to Council's reticulated water supply and sewerage services.
12. No contaminated water shall be permitted to discharge into any stormwater drain or catchment. In this regard, the oil separator in the development shall be effectively maintained and operated at all times.
13. The consent does not permit the erection or display of any signage other than:
 - (a) indicated on the consent drawings (noting any notations, deletions or other amendments marked by Council in red), or
 - (b) identified by an environmental planning instrument as not requiring consent.
14. As Council is the water supply authority for the land, at least 48 hours' notice shall be given to Council to permit inspection of:-
 - (a) Internal drainage, and
 - (b) Hot & cold water; and
 - (c) External drainage; and
 - (d) Plumbing and drainage after completion.

Bookings for inspections should be made through Council's Crookwell Office on 02 4830 1000.

Any required re-inspection or additional inspection will incur a fee in accordance with Council's fees and charges, current at the time of inspection. Council will not grant an occupation certificate unless all inspection fees have been paid.

15. If Council is appointed as the principal certifying authority for the development, at least 48 hours' notice shall be given to Council to permit inspection of Class 5, 6, 7, 8 or 9 building works:
 - (a) After excavation for, and before placement of, any footings

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- (b) Prior to covering of fire protection at service penetrations to building elements that are required to resist internal fire or smoke spread, inspection of a minimum of one of each type of protection method for each type of service, on each storey of the building comprising the building work
- (c) Prior to covering any stormwater drainage connections
- (d) After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

These are critical stage inspections and must be inspected by the principal certifying authority. Bookings for inspections may be made through Council's Crookwell Office on 02 4830 1000.

Any required re-inspection or additional inspection will incur a fee in accordance with Council's fees and charges, current at the time of inspection. Council will not grant an occupation certificate unless all inspection fees have been paid.

- 16. The consent does not permit any earthworks other than indicated by the consent drawings or identified by an environmental planning instrument as not requiring consent.
- 17. Operation of the development shall not cause emission of offensive noise as defined by the Protection of the Environment Operations Act 1997:

Offensive noise means noise:

- (a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- (b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

PART 3 - PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate by the principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

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18. No construction certificate shall be granted for any building work in the development unless details, specifications and drawings submitted with the application for construction certificate accord to the development consent, including the consent drawings.
19. No construction certificate shall be granted for the development unless the following information has been supplied to and approved by Council's Work and Operations Department:
 - (a) Details of proposed connections to Council water supply, sewerage, stormwater drainage and other utility services, including details of safeguards to prevent stormwater contamination. In this regard, certification by a suitably qualified engineer shall be supplied to Council, confirming the adequacy of stormwater pipe sizes based on the catchment and impact of the development.
 - (b) Engineering drawings, prepared in accordance with Ausroads guidelines, detailing proposed upgrades of road and related facilities, including construction of kerb and gutter, landscaping, stormwater drainage, road geometry, traffic regulatory measures and parking facilities, in relation to existing infrastructure in road reserves for the entire road frontages of the development.
20. If Council is appointed as the principal certifying authority for the development, no construction certificate shall be granted for any building work in the development unless a geotechnical report indicating the classification of the site has been prepared and submitted to Council.
21. If Council is appointed as the principal certifying authority for the development, no construction certificate shall be granted for any building work in the development unless satisfactory practicing structural engineer's details of footings, slab(s) and structural components have been submitted to and approved by Council.
22. No construction certificate shall be granted for the development unless all necessary approvals have been obtained under section 138 of the Roads Act 1993 for any works proposed in Goulburn Street, Park Street or Robertson Lane in association with the development.
23. No construction certificate shall be granted for any building work in the development unless the following contribution has been paid to Council in accordance with section 94 of the Environmental

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Planning and Assessment Act 1979 and Upper Lachlan Development Contributions Plan 2007:

Roads	\$1,703.00
TOTAL	\$1,703.00

The above contribution is current at the time of determination of the development application and, until paid, shall be adjusted annually on 1 July by reference to the Consumer Price Index (All Groups) Sydney following publication by the Australian Bureau of Statistics.

24. No construction certificate shall be granted for any building work in the development unless the following contributions have been paid to Council in accordance with the provisions of section 64 of the Local Government Act 1993, section 306 of the Water Management Act 2000 and Council's Development Servicing Plans of October 2008 for water supply and sewer schemes:

Water supply services	\$14,122.80
Sewerage services	\$22,572.00
TOTAL	\$36,694.80

The above contributions are current at the time of determination of the development application and, until paid, shall be adjusted annually on 1 July by reference to the Consumer Price Index (All Groups) Sydney following publication by the Australian Bureau of Statistics.

25. Any application for a construction certificate for building work in the development shall be accompanied by information and drawings demonstrating compliance with the Building Code of Australia.
26. No construction certificate shall be granted for any building work in the development unless the principal certifying authority is satisfied by information accompanying the construction certificate application that:
- Floor levels will be equal to or above the 100 year average recurrence interval flood level plus 500 mm freeboard (889.8m AHD)
 - All structures will have flood compatible building components below the abovementioned level
 - Structures are designed to withstand the forces of floodwater, debris and buoyancy up to the abovementioned level

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- Where it is not practicable to provide floor levels to the abovementioned level, an area is provided to store goods at or above that level.

27. No construction certificate shall be granted for any building work in the development unless details of proposed trade waste management and disposal, including installation of a minimum 1100L capacity grease trap to treat discharges from the development's food preparation facilities, have been submitted to and approved by Council's Works and Operation Department.
28. No construction certificate shall be granted for any building work in the development unless the following information has been submitted to and approved by Council:
- (a) A waste management plan detailing proposed waste management and disposal measures throughout demolition work and operation of the development
 - (b) A stormwater and run off collection and disposal plan, giving particular attention to separation of collection and treatment of run off from bunded areas
 - (c) A fire safety measures plan
 - (d) A "section J" report confirming design installations, specifications and compliance, prepared by a suitably qualified person.

PART 4 - PRIOR TO COMMENCEMENT OF WORK

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any work on site.

29. No building work in the development shall commence unless the following provisions of section 81A of the Environmental Planning and Assessment Act 1979 (the Act) have been complied with:
- (a) A construction certificate for the building work concerned shall be obtained; and
 - (b) A principal certifying authority shall be appointed and Council shall be notified of the appointment; and
 - (c) Council shall be notified in writing at least two days prior to building work commencing.
30. No building or demolition work in the development shall commence unless a sign has been erected, in a prominent position on any site on which such work is being carried out:

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

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

- 31. No building or demolition work in the development shall commence unless provision has been made for temporary toilet accommodation on the site of the work.
- 32. No demolition work in the development shall be carried out unless:
 - (a) A person having the benefit of the consent has supplied the engaged demolition contractor's licence details to Council; and
 - (b) Appropriate fencing to prevent public access to the site of the demolition work has been erected and will be maintained for the duration of the demolition work being carried out.
- 33. No work in the development shall commence unless satisfactory erosion and sediment controls have been put in place to prevent soil erosion, water pollution and the discharge of loose sediment on surrounding land as follows. Such measures shall include:
 - Diversion of uncontaminated run-off around cleared or disturbed areas, and
 - Erection of silt fencing to prevent debris escaping into drainage systems and waterways, and
 - Prevention of tracking of sediment by vehicles onto roads, and
 - Stockpiling of topsoil, excavated material, construction and landscaping supplies and debris at the site of works.

The above controls shall remain in place until all disturbed ground surfaces at the development site have been rehabilitated, vegetated and/or stabilised to prevent erosion or sediment loss.

- 34. No work in the development shall commence unless the following information has been supplied to Council and the principal certifying authority for the development (if not Council):
 - (a) Certification by a registered surveyor confirming box slab height. Slab floor level shall be at least 500mm above the 100 year average recurrence interval (ARI) flood level as specified by Council's Floodplain Risk Management Study and Plan.

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The 100 year ARI flood level has been identified as 889.3m for the land; floor levels therefore shall be at or above 889.8m.

- (b) Identification survey of boundary adjoining Robertson Lane in relation to concrete boxing, confirming no encroachment of the boundary.

PART 5 - DURING CONSTRUCTION

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

35. Building or demolition work in the development shall be carried out only:

- On Mondays to Fridays between 7:00am and 6:00pm, and
- On Saturdays between 7:00am and 1:00pm if inaudible on residential premises, otherwise 8.00 a.m. to 1.00 p.m.

No building or demolition work in the development shall be carried out on Sundays or public holidays.

36. All plumbing and drainage work shall be completed and certified by a licensed plumber to be in accordance with the National Construction Code – Plumbing Code of Australia.
37. The development, including any building component, vehicle manoeuvring, parking and loading/unloading facility, shall comply with Australian Standard AS1428.1-2001 – Design for access and mobility.
38. No building material or demolition waste shall be permitted to be deposited on any Council land, including public reserves, roads, gutters or footpaths. Unless pre-existing damage to Council infrastructure is notified to Council in writing prior to commencement of any work in the development, Council will hold the person(s) having the benefit of the consent liable for the cost of any necessary repairs.
39. The building shall be protected from subterranean termites in accordance with the Australian Standard 3660.1. Certification of the treatment shall be submitted to the principal certifying authority prior to the issue of an occupation certificate.

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40. Alterations to natural surface contours shall not impede or divert natural surface water runoff so as to cause a nuisance to adjoining property owners or create an erosion or sediment problem.
41. Vehicles entering and leaving the premises that are carrying excavated dusty materials, including clays, sands and soils, shall be covered at all times when not loading or unloading.
42. Roofwater shall be discharged to Council's stormwater drainage system, away from any existing or proposed building.
43. In the carrying out of demolition work in the development, any handling or removal of asbestos product shall be carried out by an appropriately licenced person in accordance with relevant WorkCover provisions.

PART 6 – DURING DEMOLITION

The following conditions of consent have been imposed to ensure that the demolition relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the demolition work occurring on site.

44. All demolition work in the development shall be carried out in accordance with Australian Standard AS2601-2001 – The Demolition of Structures and the following requirements:
 - No demolition work shall commence unless security fencing and/or hoarding have been provided to the perimeter of the demolition work site to prevent access by unauthorised persons throughout the demolition period.
 - Demolition work shall not be carried out in high winds.
 - Any identified lead contaminated materials shall be handled and disposed of in accordance with the requirements of the NSW Environment Protection Authority.
 - Dust controls shall be implemented on site prior to and throughout demolition work.
 - Any demolition material identified as containing asbestos shall be removed and disposed of in accordance with the requirements of WorkCover NSW.
 - All trucks/trailers entering or leaving the site shall have their loads adequately covered when not loading. Signage indicating this requirement shall be prominently displayed at the site's entry/exit point(s).
 - Temporary toilet facilities shall be provided on the site throughout demolition work.
 - Demolition work shall be restricted within the following hours:

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- Mondays to Fridays 7:00am-6.00pm
- Saturdays 8:00am-1:00pm
- Sundays & public holidays no demolition work permitted.
- Sound pressure levels emitted from the site, measured as LA10 15 minutes, shall not exceed background noise levels at the nearest affected residence by the following criteria for the time interval specified:
 - 20dB(A) (Demolition)—period up to four weeks
 - 10dB(A) (Demolition)—period greater than four weeks and not exceeding 26 weeks
 - 5dB(A) (Demolition)—period exceeding 26 weeks.

PART 7 - PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of an occupation certificate by the principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

- 45. The development shall not be occupied unless an occupation certificate has been obtained for the development.
- 46. If any damage is caused to any Council asset or infrastructure in the carrying out of the development or any associated transportation, no occupation certificate shall be granted for the development unless satisfactory repairs are carried out under Council's direction and at no expense to Council.
- 47. No occupation certificate shall be granted for the development unless all necessary fire safety certificates, with respect to the Fire Safety Schedule, have been submitted to the principal certifying authority for the development.
- 48. No occupation certificate shall be granted for any building work in the development unless the following documentation has been submitted to Council:
 - (a) An accurately drawn sewer diagram
 - (b) For plumbing and drainage work, a certificate of compliance with the relevant provisions of the National Construction Code – Plumbing Code of Australia.
- 49. No occupation certificate shall be granted for the development unless the principal certifying authority has been provided with certification by an appropriately qualified person confirming

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compliance with section J Design Report and Section J of the Building Code of Australia overall.

50. No occupation certificate shall be granted for the development unless works as executed drawings of all infrastructure works to be dedicated to Council have been supplied to and accepted by Council's Works and Operations Department. In this regard, a 12 months defect liability period applies to all public infrastructure after its dedication to Council.
51. No occupation certificate shall be granted for the development unless Council and the principal certifying authority (if not Council) have been supplied with certification from a suitably qualified person that all underground petroleum storage systems in the development have been installed and commissioned in accordance with the relevant provisions of the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014.

Part 8 - AGENCY Conditions

52. Roads & Maritime Services – (Refer to Schedule 1)

The development shall be carried out in accordance with all requirements of NSW Roads & Maritime Services as detailed in its attached letter of 23 October 2017.

ADDITIONAL NOTES/REQUIREMENTS AS YOUR PRINCIPAL CERTIFYING AUTHORITY (PCA)

1. The proprietor of the premises must notify their business details to the NSW Food Authority prior to the operations commencing. An application can be made via <http://www.health.nsw.gov.au/nafsis>.

Councillors who voted for:-

Crs P Culhane, R Cummins, P Kensit, B McCormack, R Opie, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

- CARRIED

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- ITEM 9.8** **DEVELOPMENT APPLICATION 89/2017 - SUBDIVISION OF LAND AND CARRYING OUT OF WORKS TO CREATE FIVE LOTS FOR THE PURPOSES OF EXTENSIVE AGRICULTURE AND DWELLING HOUSES, LOT 1 DP1162296, 24 RESERVOIR ROAD, CROOKWELL**
- 422/17** **RESOLVED** by Clr Searl and Clr Culhane

Council determine the application by granting consent, subject to the conditions listed :

PART 1 - GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and /or the building is carried out in such a manner that it is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term ‘applicant’ means any person who has the authority to act on the development consent.

- (1) Except where otherwise required or permitted by conditions of development consent, the development shall be carried out generally in accordance with the information submitted in support of the development application and the following stamped approved development drawings, including any notations or amendments marked by Council in red.
- Plan showing Proposed Subdivision Lot 1 DP 1162296 24 Reservoir Road Crookwell Sheet 1 and Sheet 2 dated 01/09/2017
 - Statement of Environmental Effects 5 lot subdivision Lot 1 DP 1162296 24 Reservoir Road Crookwell prepared by Laterals dated September 2017
 - Wastewater Management Assessment Residential Subdivision Development – Lot 1 DP 1162296 prepared by SOWDES dated 18 August 2017
 - Habitat Enhancement Plan for Lot 1 DP 1162296 prepared by Merops Services Pty Ltd August 2017

STAGE 1 – PROPOSED LOTS 1, 2 AND 3 - GENERAL CONDITIONS

- (2) Fully detailed plans, including survey and supporting documentation are to be provided to Council for consideration and approval for a right of carriageway from Reservoir Road to proposed Lot 3. This information is to demonstrate that the location of the proposed ROW and the formed access road within the ROW can achieve the following:

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- Council access standards outlined in Condition 5 of this approval;
- Avoid, or minimal, removal of any native trees within the road reserve and within proposed Lot 1; and
- No impacts on existing drainage within Reservoir Road and existing culverts located within the road reserve.

If relocation of the proposed access to proposed Lot 3, identified on the approved subdivision plans in Condition 1, is required to achieve the above standards, this location must be identified for consideration and approval by Council.

STAGE 2 – PROPOSED LOTS 4 AND 5 - GENERAL CONDITIONS

- (3) Harley Road is to be designed, upgraded and bitumen sealed for a length of 700m starting from the existing bitumen seal, at no cost to Council. Detailed engineering designs are prepared and provided to Council for approval. This upgrade and bitumen sealing work must be undertaken in accordance with current Austroads Design and Construction Guidelines and Upper Lachlan Development Control Plan 2010 Amendment No 2.
- (4) The proposed right of carriageway from Harley Road over proposed Lot 5 is to be constructed with a 4.0 metre wide gravel pavement and compacted thickness 150 mm thick with drainage structures designed in accordance with AUSTROADS specifications.

OTHER GENERAL CONDITIONS

- (5) Driveway access to proposed Lot 1, 2 4 and 5 will be constructed or upgraded to meet the following standards:
 - Compliance with Council sight distance standards for rural roads
 - The entrance gateway is to be setback 17 metres from the edge of the road formation. See Figure 14 – Rural Local Road – Typical Property Access (sheets 1 to 4) in Upper Lachlan Development Control Plan 2010
 - Where required, the installation of 3 x 375 mm RCP with precast headwalls or similar will be necessary (minimum length 4.88 metres). The culvert is to be installed with cover and bedding requirements in accordance with manufacturers recommendations based on the design load and class of pipe.

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- Provision of a vehicle access of 200 mm consolidated thickness of approved gravel, minimum 4.0 metres wide at the entrance gateway and 8.0 metres wide at the edge of the road pavement. Where the road pavement is sealed, from the edge of the road pavement to the gateway is to be sealed with a double 14/7 mm bituminous seal.
- All work in any public road reserve shall be conducted by Council, or a Council approved contractor who complies with relevant provisions of the Work Health and Safety Act 2011 and subordinate regulations.

- (6) In accordance with the provisions of S94 Environmental Planning and Assessment Act 1979 the following contributions are to be paid to Council in accordance with section 94 of the Environmental Planning and Assessment Act 1979 and Upper Lachlan Development Contributions Plan 2007

Stage 1 – Proposed Lots 1, 2 and 3 (2 lots)

Road	\$18,930
Waste Management	\$1,040
Open Space & Recreation	\$1,642
Community Facilities	\$2,846
Emergency Services	\$1,310
Plan Administration	\$356
TOTAL	\$26,124

Stage 2 – Proposed Lots 4 and 5 (2 lots)

Road	\$18,930
Waste Management	\$1,040
Open Space & Recreation	\$1,642
Community Facilities	\$2,846
Emergency Services	\$1,310
Plan Administration	\$356
TOTAL	\$26,124

The above contributions are current at the time of determination of the development application and, until paid, shall be adjusted annually on 1 July by reference to the Consumer Price Index (All Groups) Sydney following publication by the Australian Bureau of Statistics.

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Note: In light of requirements of conditions of consent for road construction and sealing of Harley Road, Council may consider a written request to reduce the road contributions payable, in accordance with section 2.2.3 of Upper Lachlan Development Contributions Plan 2007.

- (7) Electricity, in respect of all lots at high or low voltage, is to be:
- (a) Available in sufficient capacity from the existing high voltage distribution;
 - (b) Provided to each lot, and
 - (c) Covered by an easement(s) as required by and in favour of Country Energy on the final subdivision plan, centred on:
 - (i) All existing power lines which cross the subdivision; and
 - (ii) All proposed power lines, structures, stays etc which the developer is having constructed to provide electricity to the lots within the subdivision; and
 - (iii) All proposed power lines for which the developer is not required to make a capital contribution, but which would be required to be constructed in the future to provide power to the boundary of each lot (staged and proposed developments).

PART 2 - PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate by the principle certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

- (8) No construction certificate shall be granted for any subdivision work in the development unless details, specifications and drawings submitted with the application for construction certificate reflect consistency with the development consent, including the stamped approved development drawings.
- (9) No construction certificate shall be granted for any subdivision work in the development unless three (3) copies of detailed engineering drawings of the subdivision work, prepared by a suitably qualified and experienced civil engineering professional and consistent with the development consent and associated stamped approved development drawings, have been submitted to and approved by Council.

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- (10) No construction certificate shall be granted for any building or subdivision work in the development unless the name, details of qualifications, and contact details of a suitably qualified civil engineer, appointed to supervise work carried out in the development, have been submitted in writing to Council.

In this regard, all work carried out in the development shall be supervised by the appointed civil engineer on a daily basis (or as agreed to with the Principal Certifying Authority). The supervising engineer shall ensure compliance with and adherence to all approved specifications and design plans, and shall be responsible for quality control of work in general.

PART 3 - PRIOR TO COMMENCEMENT OF WORK

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any work on site.

- (11) No building or subdivision work in the development shall commence unless the following provisions of section 81A of the Environmental Planning and Assessment Act 1979 (the Act) have been complied with:
- a) A construction certificate for the subdivision work concerned shall be obtained; and
 - b) A principal certifying authority shall be appointed and Council shall be notified of the appointment; and
 - c) Council shall be notified in writing at least two days prior to subdivision work commencing.
- (12) The development must not commence until the applicant has subsequently given Council a "Commencement of Subdivision Work" Notice and advised that Council or an Accredited Certifier has been appointed as the Principal Certifying Authority.
- (13) No work in the development shall commence unless satisfactory erosion and sediment controls have been put in place to prevent soil erosion, water pollution and the discharge of loose sediment on surrounding land as follows. Such measures shall include:
- a) Diversion of uncontaminated run-off around cleared or disturbed areas, and
 - b) Erection of silt fencing to prevent debris escaping into drainage systems and waterways, and

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- c) Prevention of tracking of sediment by vehicles onto roads, and
- d) Stockpiling of topsoil, excavated material, construction and landscaping supplies and debris at the site of works.

The above controls shall remain in place until all disturbed ground surfaces at the development site have been rehabilitated, vegetated and/or stabilised to prevent erosion or sediment loss.

PART 4 - DURING CONSTRUCTION

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development on site.

- (14) Subdivision and construction work in the development shall be carried out only:
 - a) On Mondays to Fridays between 7:00 AM and 6:00 PM, and
 - b) On Saturdays between 7:00 AM and 1:00 PM if inaudible on residential premises, otherwise 8.00 AM to 1.00 PM.

No subdivision or construction work in the development shall be carried out on Sundays or public holidays.

- (15) At least 48 hours' notice shall be given to Council for inspection of any of the following works in the development:
 - a) Roadworks
 - b) Sub-grade earthworks prior to gravel
 - c) Gravel test results available
 - d) Compacted gravel base completed
 - e) Sealing completed

No subdivision certificate shall be granted for the development unless each of the above components of work has been completed to the satisfaction of Council's Works and Operations Department.

- (16) All work is to be undertaken in accordance with the documentation required and approved under this Consent.
- (17) The developer is responsible for ensuring all erosion and sediment control measures are implemented in accordance with the approved plan.

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- (18) Vehicles and equipment associated with the subdivision work in the development shall be located to minimise potential adverse impact on residential amenity in the locality.
- (19) Subdivision and construction works shall be supervised by a suitably qualified and experienced Civil Engineer on a daily basis. The supervising engineer is to ensure compliance with the requirements of the specification, adherence to design plans and quality control of all works.
- (20) Vehicles entering and leaving the premises that are carrying excavated dusty materials, including clays, sands and soils, shall be covered at all times when not loading or unloading.
- (21) All native trees to be retained within the site are to be identified and protected during construction activities associated with the construction and upgrading of access.

PART 5 - PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a subdivision certificate by the principle certifying authority. All necessary information to comply with the conditions of consent must be submitted with the application for subdivision certificate.

- (22) A Subdivision Certificate must be applied for and released prior to the registration of the Plan of Subdivision with Land and Property Information New South Wales. A Subdivision Certificate will only be signed when each condition has been satisfied. Compliance with conditions must be achieved either by completion of the required physical works, meeting requirements or compliance with Council procedures (eg. lodging a bond or bank guarantee for incomplete works).
ADVISING - Current fee (2017/18) for the Subdivision Certificate is \$356.00.
- (23) Any Subdivision Certificate application to Council shall be accompanied by:
 - a) The original Final Plan of Subdivision, including indication of the locations of any easements and permanent improvements on one print, and
 - b) At least five (5) copies of the Final Plan of Subdivision, and
 - c) A corresponding Deposited Plan Administration Sheet ("Plan Form 6") including a schedule of addresses in

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accordance with clause 60 of the Surveying and Spatial Information Regulation 2012.

- (24) No Subdivision Certificate shall be granted for the development unless contributions have been paid to Council in accordance with section 94 of the Environmental Planning and Assessment Act 1979 and Upper Lachlan Development Contributions Plan 2007.
- (25) No Subdivision Certificate shall be granted for the development unless Council has been supplied with written evidence from Essential Energy or a suitably certified or accredited person that an electricity supply service has been made available to each lot.
- (26) No Subdivision Certificate shall be granted for the development unless Council's applicable "Works and Operations Inspection Fee Relating to a DA" has been paid to Council. In this regard, Council's current fee at the time of consent (2017/2018 financial year) is \$160 per inspection, per lot; if any re-inspection is required (e.g. if works have not been satisfactorily completed), an additional fee will apply, being 125% of the original inspection fee.
- (27) No subdivision certificate shall be granted for the development unless, if survey identifies that any public road encroaches on the land to be subdivided, the affected land is dedicated as public road.
- (28) At the conclusion of the construction works, works-as-executed (WAE) drawings must be submitted to Council. These drawings are required before the subdivision plans will be released. The preferred format for WAE drawings is on computer disk using Autocad software.
- (29) Any works bonded shall be completed by the applicant within 12 months from the date of release of the Subdivision Certificate, or Council shall utilise the bond to undertake the required outstanding works.
- (30) No subdivision certificate shall be granted for the development unless written evidence has been submitted to Council from Telstra, or a Telstra authorised contractor, including:

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- a) A plan of the development area including current records of Telstra network and associated information relating to Telstra assets;
- b) Written advice specific to any indicated Telstra assets within the property.

PART 6 - ON-GOING

- (31) Any works bonded shall be completed by the applicant within 12 months from the date of release of the Subdivision Certificate, or Council shall utilise the bond to undertake the required outstanding works.
- (32) If any Aboriginal artefacts are identified during any construction work, work must stop immediately and NSW OEH must be contacted by calling 131 555. If human skeletal remains are discovered, work must stop and both the NSW Police and NSW OEH must be contacted.
- (33) If Aboriginal artefacts are identified and harm to those objects cannot be avoided, an Aboriginal Heritage Impact Permit is required to be prepared in accordance with NSW OEH guidelines.

PART 7 - AGENCY CONDITIONS

Nil

ADDITIONAL NOTES/REQUIREMENTS AS YOUR PRINCIPLE CERTIFYING AUTHORITY (PCA)

- (1) To preserve and enhance the natural environment, all soil erosion and sediment control measures must be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from soil erosion and sediment control measures when no more than 40% capacity has been reached and appropriately disposed of. These measures shall continue in proper operation until all development activities have been completed and the site is fully stabilised.

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Councillors who voted for:- Crs P Culhane, R Cummins, P
Kensit, B McCormack, R Opie, J
Searl, J Stafford and J
Wheelwright

Councillors who voted against:- Nil

- CARRIED

SECTION 10: WORKS AND OPERATIONS

ITEM 10.1 WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE
423/17 RESOLVED by Clr Searl and Clr Wheelwright

1. Council receive the report and note the information.

- CARRIED

ITEM 10.2 WORKS IN PROGRESS - TECHNICAL & MANAGERIAL
424/17 RESOLVED by Clr Searl and Clr Stafford

1. Council receive the report and note the information.

- CARRIED

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ITEM 10.3 **OVER EXPENDITURES IN ROAD REHABILITATION PROJECTS**
425/17 **RESOLVED** by Clr Searl and Clr Stafford

1. Council fund the \$800,851 over expenditure on Council projects using Section 94 Contributions, Roads and Maritime Services Block Grant allocation and Road Maintenance Council Contract internally restricted MR54 works contingency;
2. Council authorise the Manager of Works to implement Council's decision.

- CARRIED

ITEM 10.4 **WATER SUPPLY AND SEWERAGE SERVICES UPDATE**
426/17 **RESOLVED** by Clr Searl and Clr Culhane

1. Council receive the report and note the information.

- CARRIED

Item 10.5 **GREEN WASTE COLLECTION SERVICE - DOMESTIC WASTE MANAGEMENT**

Clr Searl foreshadowed an amendment

Moved Clr Searl and Clr Culhane that Council consider the provision of a Green Waste Collection Service in the context of the 2018/19 Operational Service Delivery Plan and Budget after seeking the views of all ratepayers across the local government area by a suitable survey method ahead of Council's Budget Workshop in 2018.

ON BEING PUT TO THE MEETING THE AMENDMENT BECAME THE MOTION

THE MOTION WAS CARRIED

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427/17

RESOLVED Clr Searl and Clr Culhane that Council consider the provision of a Green Waste Collection Service in the context of the 2018/19 Operational Service Delivery Plan and Budget after seeking the views of all ratepayers across the local government area by a suitable survey method ahead of Council's Budget Workshop in 2018.

- CARRIED

CLR CUMMINS CALLED FOR A DIVISION

Councillors who voted for:- Crs P Culhane, B McCormack, J Searl and J Wheelwright.

Councillors who voted against:- Crs R Cummins, P Kensit, R Opie and J Stafford.

The Mayor, Clr B McCormack used his casting vote to break the deadlock voting for the motion.

Clr Cummins foreshadowed a further amendment.
Moved Clr Cummins and Clr Opie that

1. Council introduce a kerbside green waste collection service to all existing Domestic Waste Management customers in the Shire commencing in July 2018;
2. Council include the costs of purchase of the bins and delivery of service as part of the 2018/19 Operational Plan;
3. The green waste collection service is incorporated into the Domestic Waste Management annual charge and there is no additional cost to the ratepayer for the implementation of the new service.
4. Council authorise Manager of Operations to implement Council's decision.
5. The Director of Works is to be commended for finding a way to provide a much needed service across the Shire especially for our older residents, an age group that will substantially increase over the upcoming years.

ON BEING PUT TO THE MEETING THE AMENDMENT BECAME
THE MOTION

THE MOTION WAS CARRIED.

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428/17

RESOLVED by Clr Cummins and Clr Opie that

1. Council introduce a kerbside green waste collection service to all existing Domestic Waste Management customers in the Shire commencing in July 2018;
2. Council include the costs of purchase of the bins and delivery of service as part of the 2018/19 Operational Plan;
3. The green waste collection service is incorporated into the Domestic Waste Management annual charge and there is no additional cost to the ratepayer for the implementation of the new service.
4. Council authorise Manager of Operations to implement Council's decision.
5. The Director of Works is to be commended for finding a way to provide a much needed service across the Shire especially for our older residents, an age group that will substantially increase over the upcoming years.

- CARRIED

CLR SEARL CALLED FOR A DIVISION

Councillors who voted for:-

Crs P Culhane, R Cummins, P Kensit, B McCormack, R Opie, J Stafford and J Wheelwright.

Councillors who voted against:-

Cr J Searl.

ITEM 10.6

EXTENSION OF SCOPE - CROOKWELL WATER SUPPLY UPGRADE

429/17

RESOLVED by Clr Searl and Clr Wheelwright

1. Council adopts the revised project scope and time extension as offered by Infrastructure NSW;
2. Council include the proposed revised scope within the 2017/18 Operational Plan and adjust the December 2017 Quarterly Budget Review to reflect these changes;
3. Council authorise Manager Operations to implement Council resolution.

- CARRIED

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ITEM 10.7 **CROOKWELL LANDFILL UPGRADE PROJECT**
430/17 **RESOLVED** by Clr Searl and Clr Culhane

1. Council receive the report and note the information.

- CARRIED

ITEM 10.8 **TRAFFIC AND PARKING ARRANGEMENTS IN LAGGAN ROAD**
431/17 **RESOLVED** by Clr Wheelwright and Clr Searl

1. Council introduce parking restrictions in Laggan Road to the southern side and 30m No Parking Zone to the northern side provided in the attached plan;
2. Council introduce one way entry to Viewhaven Lodge and the exit;
3. Council introduce appropriate signage to implement the proposed traffic and parking changes;
4. Council authorise Manager of Works to undertake the proposed works.

- CARRIED

ITEM 10.9 **ITEM FROM TRAFFIC COMMITTEE - HORSE PLEASURE**
432/17 **CARRIAGE EVENT**
RESOLVED by Clr Searl and Clr Kensit

1. Council approve the Pleasure Carriage Driving Event and authorise the Director Works and Operations to implement Council's decision.

- CARRIED

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Clr Opie left the meeting in accordance with his declaration of interest the time being 7.43pm

ITEM 10.10 STREETScape PROJECT REPORT

433/17 RESOLVED by Clr Searl and Clr Cummins

1. Council endorse the ULSC Streetscape Improvements - Community Engagement Report and the ULSC Streetscape Themes Guide, to be used as the basis for the development of the Streetscape designs.
2. Council thanks Fresh Landscape Design for their excellent presentation and outcome of the Streetscape Project Report.

- CARRIED

Clr Opie returned to the meeting the time being 7.48pm

ITEM 10.11 REPORT ON GAS SUPPLY TO THE TOWNSHIP OF CROOKWELL AND GUNNING

434/17 RESOLVED by Clr Searl and Clr Cummins

1. Council continues to utilise a strategy of attempting to attract large commercial natural gas supply users in order to create demand.
2. Council prepares a submission so that Council are "shovel ready" to submit an application to any future Growing Local Economies Fund or similar grant for the construction of a natural gas main and pipeline infrastructure to service the future economic development of the Shire.

- CARRIED

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ITEM 10.12 **PRIORITIES FOR GRANT FUNDING - ROADS AND BRIDGES**
435/17 **RESOLVED** by Clr Searl and Clr Wheelwright

1. Council adopts the following road priorities for future grant consideration:
 - Reconstruction and sealing of Grabine Road;
 - Reconstruction and sealing of the unsealed sections of MR258 Wombeyan Caves Road;
 - Reconstruction and sealing of 3kms of the Peelwood Road;
 - Reconstruction of parts of 7kms of the Breadalbane Road.
 - Reconstruction and sealing of 5km of Boiler Hill on Reids Flat Road.
 - Reconstruction and sealing of 5kms of the Wheeo Road;
 - Reconstruction and sealing of Gunning – Collector Road;
 - Reconstruction and sealing of MR 241 Dalton/Rye Park Road.
2. Council authorise Director of Works and Operations to implement Council decision.

- CARRIED

ITEM 10.13 **REPORT ON REVIEW OF CHARGES OF KERB AND GUTTER -**
INFILL DEVELOPMENT
436/17 **RESOLVED** by Clr Wheelwright and Clr Searl

1. Council continue with charging 50% of kerb and guttering consistent with existing practice within Upper Lachlan Shire Council;

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2. Council authorise Director of Works and Operation to implement Council's policy and decision.
3. Council creates a Charges for Kerb and Gutter – Infill Development Policy and places the policy on Public Exhibition for community comment.

- CARRIED

The meeting adjourned the time being 8.03pm
The meeting resumed the time being 8.20pm

SECTION 11: FINANCE AND ADMINISTRATION

ITEM 11.1 INVESTMENTS FOR THE MONTH OF NOVEMBER 2017

437/17 **RESOLVED** by Clr Searl and Clr Wheelwright

1. Council receive and note the investment report as information.

- CARRIED

ITEM 11.2 BANK BALANCE AND RECONCILIATION - 30 NOVEMBER 2017

438/17 **RESOLVED** by Clr Searl and Clr Wheelwright

1. Council receive and note the report as information.

- CARRIED

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ITEM 11.3 **RATES AND CHARGES OUTSTANDING AT 30 NOVEMBER 2017**
439/17 **RESOLVED** by Clr Searl and Clr Wheelwright

1. Council receive and note the report as information.

- CARRIED

ITEM 11.4 **APPLICATION FOR WAIVER OF MULTIPLE RURAL WASTE**
440/17 **CHARGES**
RESOLVED by Clr Searl and Clr Kensit

1. Council in accordance with Section 610E, of the Local Government Act 1993, waive the multiple Rural Waste Charges totalling \$935.00 (GST Inclusive).

- CARRIED

ITEM 11.5 **DELIVERY PROGRAM BI-ANNUAL REVIEW 2017/2018**
441/17 **RESOLVED** by Clr Searl and Clr Cummins

1. Council adopt the Delivery Program Review and the Fit for the Future Action Plan Review Reports for the first six month period of 2017/2018.
2. That when appropriate, Council hold a Workshop to fully review the Delivery Program Action Table.

- CARRIED

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**ITEM 11.6 CODE OF CONDUCT COMPLAINTS REPORT TO THE OFFICE OF
LOCAL GOVERNMENT**

442/17 RESOLVED by Clr Searl and Clr Wheelwright

1. That Council receive and note the report as information.

- CARRIED

ITEM 11.7 RECORDS MANAGEMENT POLICY

443/17 RESOLVED by Clr Searl and Clr Stafford

1. Council adopts the reviewed Records Management Policy.

- CARRIED

ITEM 11.8 MICROPHONE TECHNOLOGY USE FOR COUNCIL MEETINGS

444/17 RESOLVED by Clr Cummins and Clr Kensit

1. Council proceed with the supply and installation of the microphone technology in the Crookwell Council Chambers, in accordance with the quotation, at a cost of \$23,024 (GST Exclusive) - the purchase is funded from the Information Technology internally restricted reserve.

- CARRIED

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SECTION 12: GENERAL MANAGER

ITEM 12.1 STAFFING MATTERS

445/17 RESOLVED by Cllr Searl and Cllr Wheelwright

1. Council receive and note the report as information.

- CARRIED

ITEM 12.2 CBRJO ANNUAL REPORT 2017

446/17 RESOLVED by Cllr Searl and Cllr Wheelwright

1. Council receive and note the report as information.

- CARRIED

ITEM 12.3 JOINT ORGANISATIONS - CBRJO

447/17 RESOLVED by Cllr Searl and Cllr Cummins

1. That the Upper Lachlan Shire Council inform the Minister for Local Government (Minister) of the Council's endorsement of the Minister recommending to the Governor the establishment of the Canberra Region Joint Organisation (CBRJO) in accordance with this resolution.
2. To approve the inclusion of the Upper Lachlan Shire Council's area in the Canberra Region Joint Organisation's area.
3. That the Canberra Region Joint Organisation be established to cover the Upper Lachlan Shire Council's area and all of the following Council areas:

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Hilltops Council, Yass Valley Council, Goulburn Mulwaree Council, Queanbeyan Palerang Regional Council, Snowy Monaro Council, Upper Lachlan Shire Council, Eurobodalla Shire Council, Bega Valley Shire Council with the ACT Government to be an associate member.

4. That before 28 February 2018, the General Manager provide the Minister with a copy of this resolution including the date on which Upper Lachlan Shire Council made this resolution.
5. That, for the purpose of the Minister issuing a certificate under Section 400P of the Act, on the expiry of a period of 28 days from the making of this resolution, the General Manager inform the Minister that this resolution has not been rescinded.

- CARRIED

ITEM 12.4
448/17

CONSULTATIVE COMMITTEE MEETING MINUTES

RESOLVED by Cllr Searl and Cllr Culhane

1. Council receives and notes the Consultative Committee Meeting Minutes as information and adopts the following recommendation contained within the Consultative Committee Meeting Minutes:
 - The reviewed Consultative Committee Constitution be adopted by Council.

- CARRIED

ITEM 12.5
449/17

CENTROC ANNUAL REPORT 2017

RESOLVED by Cllr Searl and Cllr Stafford

1. That Council receive and note the report as information.

- CARRIED

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ITEM 12.6
450/17

GRANTS REPORT

RESOLVED by Clr Searl and Clr Stafford

1. Council receive and note the report as information.

- CARRIED

ITEM 12.7
451/17

ACTION SUMMARY - COUNCIL DECISIONS

RESOLVED by Clr Searl and Clr Stafford

1. Council receive and note the report as information.

- CARRIED

SECTION 13: LATE REPORTS

Nil

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**SECTION 14: REPORTS FROM OTHER COMMITTEES, SECTION 355
COMMITTEES AND DELEGATES**

ITEM 14.1 REPORTS FOR THE MONTH OF DECEMBER 2017
452/17 RESOLVED by Cllr Searl and Cllr Wheelwright

That Item 14.1 - [Minutes of Committee/Information] listed below be received:

1. Audit, Risk and Improvement Committee – Minutes from meeting held 22 November 2017.

ITEM 4.1 - CORRESPONDENCE

RECOMMENDED that the Correspondence/Information listed be received and information noted.

**Item 4.2 - COUNCIL INVESTMENTS PORTFOLIO TO 31
DECEMBER 2017**

RECOMMENDED that the report on Council's investment portfolios is received and the information noted.

**ITEM 4.3 - PRESENTATION OF THE 2016/2017 ANNUAL
REPORT**

RECOMMENDED that the Council adopt the 2016/2017 Annual Report

RECOMMENDED that the Committee congratulates the General Manager and staff on the achievements for the year as detailed in the Annual Report.

**ITEM 4.4 - 2016/2017 NSW AUDIT OFFICE CLIENT SERVICE
REPORT**

RECOMMENDED that the NSW Audit Office Client Service Report on the financial statements for the year ended 30 June 2017 be received and noted.

**ITEM 4.5 - GRANT THORNTON AUSTRALIA – INTERNAL
AUDIT PROGRAM UPDATE**

RECOMMENDED that the internal audit update be received and the information noted.

**ITEM 4.6 - 2016/2017 NSW AUDIT OFFICE FINAL AUDIT
MANAGEMENT LETTER**

RECOMMENDED that the NSW Audit Office Final Management Letter on the conduct of the external audit for the year ended 30

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June 2017 be received and the management response addressing the audit issue is endorsed.

453/17

RESOLVED by Clr Searl and Clr Stafford that item 4.1 to 4.6 of the Audit Risk and Improvement Committee be adopted.

- CARRIED

2. Crookwell Potato Festival Committee – Minutes from meeting held 5 October 2017.

ITEM 6.4 – SUPPORT FOR A LOCAL CHARITY

RECOMMENDED that a donation be made to Upper Lachlan Foundation (ULF) General Fund.

454/17

RESOLVED by Clr Opie and Clr Searl that Item 6.4 of the Crookwell Potato Festival Committee be adopted.

- CARRIED

3. Crookwell Potato Festival Committee – Minutes from meeting held 2 November 2017.

ITEM 4.3 – CORRESPONDENCE

RECOMMENDED that the Committee pay another year's membership of 2017/2018 membership of ULS Tourist Association

455/17

RESOLVED by Clr Opie and Clr Kensit that Item 4.3 of the Crookwell Potato Festival Committee be adopted.

- CARRIED

4. Building Review Committee – Minutes from meeting held 27 November 2017.

ITEM 4.1 – SENIOR STAFF RESPONSES TO ISSUES RAISED AT THE 28 AUGUST 2017 BUILDING REVIEW COMMITTEE MEETING

RECOMMENDED that

1. The Building Review Committee receive and note the information.
2. The Building Review Committee recommends to Council that the General Manager be given authority to negotiate with Randall Dutailis Architects Pty Ltd to prepare and present initial concepts to examine all options for the integration of the existing Council Office and Chambers and the former Bank House.

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3. The initial concept plans be utilised to create a scoping document which will be the basis to approach up to three architectural firms to provide final plans and estimates.

ITEM 4.2 – CORRESPONDENCE

RECOMMENDED that

1. The Building Review Committee receive and note the information.
2. That the Building Review Committee forward the details of email exchange of 31 October 2017 and the correspondence from Crookwell Taralga Aged Care on 4 October 2017 to the Economic Development Task Force for consideration and appropriate action.

ITEM 4.3 – LATE CORRESPONDENCE

RECOMMENDED that The Building Review Committee receive and note the information and thank Peter Mayoh for his valuable input.

ITEM 5.1 – SITE PLANS FOR DISCUSSION

RECOMMENDED that congratulations be forwarded to Council Management and the team on the acquisition of the former Bank House.

456/17

RESOLVED by Cllr Cummins and Cllr Opie that items 4.1, 4.2, 4.3 and 5.1 of the Building Review Committee be adopted.

- CARRIED

5. SEATS – Report from conference held 9 October 2017.
6. CENTROC – Minutes from meeting held 23 November 2017.
7. Goulburn – Crookwell Rail Trail – Minutes from meeting held 21 November 2017.
8. Taralga Wind Farm Community Fund s355 Committee – Minutes from meeting held 22 November 2017.

ITEM 5 – STATUS OF PROJECTS FOR 2017/18

RECOMMENDED that the information be received and noted and further that confirmation of unspent monies from 2017/18 be advised to Pacific Hydro and Committee Members prior to the end of December 2017

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ITEM 6 – ADVERTISING OF COMPLETED 2016/2017 PROJECTS

RECOMMENDED that Media coverage will be provided in the May 2018 edition of the Voice for the 2016/17 completed projects and will include photographs.

ITEM 7 - DATES FOR 2018/19 FUNDING ROUND

Recommended that the Funding Round be advertised from 30 January 2018 with applications closing 30 March 2018. Fund allocation meeting to be held Tuesday 8 May 2018 commencing at 11.00am.

457/17

RESOLVED by Clr Searl and Clr Stafford that items 5, 6 and 7 of the Taralga Wind Farm Community Fund S355 Committee be adopted.

- CARRIED

9. Community Technology Committee – Minutes from meeting held 30 November 2017.

ITEM – GENERAL BUSINESS

RECOMMENDED that the CTC Committee make a payment of \$350 to the Bigga Public School Technology Award for 2017 towards the purchase of SPHERO 2.0.

458/17

RESOLVED by Clr Searl and Clr Opie that Item – General Business of the CTC Committee be adopted by Council

- CARRIED

10. Taralga Historical Society – Newsletter No 4 – November 2017.
11. Pye Cottage Committee – Minutes from meeting held 8 November 2017.
12. Mayor Clr Brian McCormack – report from the Mayors Weekend Seminar held 4-5 November 2017
13. Clr Pam Kensit – report from the Mayors Weekend Seminar held 4-5 November 2017
14. Upper Lachlan Tourist Association – Minutes from Annual General meeting held 5 December 2017.

ITEM 6 – APPOINTMENT OF COMMITTEE FOR 2017/18

RECOMMENDED that the Upper Lachlan Shire Council ratify the appointment of the following Community Representatives:- Lucy Lindner, Judith Basile, Wentworth Hill, Leslie Bush, Cristy

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O'Sullivan, Jan Pont and Margaret McPherson, to the Sec 355 Upper Lachlan Tourist Association.

459/17 **RESOLVED** by Clr Searl and Clr Stafford that item 6 from the Upper Lachlan Tourist Association be adopted.

- CARRIED

Upper Lachlan tourist Association Meeting held 5 December 2017

ITEM 6 a – CORRESPONDENCE

RECOMMENDED that Council Staff investigate and report to Council on the feasibility of the following sites to be used for short term, low cost overnight parking (24/48 hours) for self-contained RV vehicles: 1. Railway land adjacent to the Heritage Railway work shed and 2. Council's off-leash dog park in Hay and Prell Streets

460/17 **RESOLVED** by Clr Searl and Clr Opie that item 6a from the Upper Lachlan Tourist Association be adopted.

- CARRIED

15. Upper Lachlan Access Committee – Minutes from meeting held 29 November 2017.

ITEM 5.2 – ISSUES WITH ACCESS TO THE DISABLED TOILET USING MLAK KEY

RECOMMENDED that Council retain the current arrangement and wait for further community feedback. The Chairperson to advise Joy Shepherd of the outcome.

461/17 **RESOLVED** by Clr Searl and Clr Opie that item 5.2 from the Upper Lachlan Shire Access Committee be adopted.

- CARRIED

- CARRIED

SECTION 15: BUSINESS WITHOUT NOTICE

Nil

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SECTION 16: NOTICES OF MOTION

ITEM 16.1 GRANTS REPORT

“That the monthly business papers include a regular report on Grants currently available and those coming-up. The report to include grants already applied for and on which we are awaiting replies and successful applications. The report to include info on grants that we are working on and on what basis. ie 50% contribution council/community etc.

THIS ITEM WAS DEALT WITH IN ITEM 12.6 OF THE GENERAL MANAGERS REPORT

ITEM 16.2 COMMUNICATIONS STRATEGY

462/17

RESOLVED by Cllr Stafford and Cllr Opie

That Council calls a meeting of the Media Communications Committee to review its current communication strategy to further improve Council’s ability to keep all ratepayers, residents and businesses informed of Councils activities.

- CARRIED

ITEM 16.3 KEEPING OF COMPANION ANIMALS POLICY

“That Council does not adopt the Draft Keeping of Companion Animals Policy”

THIS ITEM WAS DEALT WITH IN ITEM 9.4 OF THE ENVIRONMENT AND PLANNING REPORT

SECTION 17: QUESTIONS WITH NOTICE

ITEM 17.1 CROOKWELL RUBBISH DUMP

Refer to the Business Paper for 21 December 2017 for the General Manager’s comments.

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ITEM 17.2 UPDATE OF RUBBISH DUMP

Refer to the Business Paper for 21 December 2017 for the General Manager's comments

ITEM 17.3 TRUCK PARKING IN TOWN CENTRES

Refer to the Business Paper for 21 December 2017 for the General Manager's comments

A motion was moved by Cllr Opie and Cllr Cummins that the Director of Works and Operations undertakes to report to Council at the 15 February 2018 Council Meeting the approximate costs for a Traffic and Parking Study for the township of Crookwell for consideration as a part of the 2018/2019 Operational Plan.

ON BEING PUT TO THE MEETING THE MOTION WAS CARRIED

463/17 RESOLVED by Cllr Opie and Cllr Cummins that the Director of Works and Operations undertakes to report to Council at the 15 February 2018 Council Meeting the approximate costs for a Traffic and Parking Study for the township of Crookwell for consideration as a part of the 2018/2019 Operational Plan.

- CARRIED

ITEM 17.4 WORKING TOGETHER TO DELIVER WORKSHOP ISSUES

Refer to the Business Paper for 21 December 2017 for the General Manager's comments

CLOSED COUNCIL ITEMS

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 10A (2)(c) and 10A (2)(d(i)) of the Act and should be dealt with in a part of the meeting closed to the public and the media.

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Note: Pursuant to Clause 25(1) of the Local Government (Meetings) Regulation, Council invites verbal representation by members of the public about whether the items listed below should not be considered by Council in a Closed Meeting. The items are:

464/17 **RESOLVED** by Clr Searl and Clr Culhane

1. That Council move into closed Council to consider business identified, together with any late reports tabled at the meeting.
2. That pursuant to 10A 2 of the Local Government Act 1993: the press and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A (2)(c) and 10A (2)(d(i)) as outlined above.
3. That the report relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.

- CARRIED

Council closed its meeting at 9.27pm and the public, staff and press left the chambers.

A member of the public raised an objection to the closure of the meeting under Sec 10B.

465/17 **RESOLVED** by Clr Searl and Clr Culhane

That Council move out of closed Council and into open Council.

- CARRIED

Open Council resumed at 10.02pm.

Resolutions from the Closed Council Meeting

The following resolutions of Council, while the meeting was closed to the public, were read to the meeting by the Mayor.

SECTION 18: CONFIDENTIAL SESSION

ITEM 18.1 TENDER FOR THE CONSTRUCTION OF ROAD PROJECTS

466/17 **RESOLVED** by Clr Searl and Clr Stafford

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1. Accepts the tender submitted by Coopers Earthmoving & Haulage Pty Ltd for Contract WO 11.17 Minor Civil Works – Rehabilitation of Select Local Roads with Coopers Earthmoving & Haulage Pty Ltd.;
2. Council authorise Director of Works and Operations as Principal to execute Contract WO 11.17 Minor Civil Works – Rehabilitation of Select Roads with Coopers Earthmoving & Haulage Pty Ltd.
3. Advises all Tenderers of Council's decision.
4. Council allocate an additional \$5,000 from Developer Contribution Plan to fund these projects and include this variation as a part of the December 2017 Quarterly Budget Review;
5. Council authorise Manager Works to implement Council's decision.
6. Council authorise the Mayor and General Manager to sign and affix the seal of Council to the documents relating to the transaction as required.

- CARRIED

ITEM 18.2 PURCHASE OF A REPLACEMENT GRADER FOR ONGOING CONSTRUCTION WORKS

467/17 RESOLVED by Clr Wheelwright and Clr Searl

1. Council purchase one Caterpillar 12M grader from Westrac for the sum of \$360,000.00 (ex GST);
2. Council sell existing grader Plant No.472 via Pickles Auctions;
3. Council authorise Director of Works and Operations to implement Council resolution.
4. Council authorise the Mayor and General Manager to sign and affix the seal of Council to the documents relating to the transaction as required.

- CARRIED

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ITEM 18.3 REQUEST FOR COMPENSATION - CROOKWELL LANDFILL FACILITY

468/17 RESOLVED by Clr Wheelwright and Clr Culhane

1. Council appoint Pikes and Verekers Lawyers to negotiate a suitable agreement on behalf of the Council.

- CARRIED

THE MEETING CLOSED AT 10.03PM

Minutes confirmed 15 FEBRUARY 2018

.....
Mayor

5 MAYORAL MINUTES

The following item is submitted for consideration -

5.1	Mayoral Minute - January - February 2018	64
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Mayoral Minutes - 15 February 2018

ITEM 5.1

Mayoral Minute - January - February 2018

FILE REFERENCE I18/49

DECEMBER

15 December	Opening of the Water Treatment plant
16 December	SES Crookwell Presentation of Service Awards
18 December	Roads Works inspection at Devil's Elbow (blasting)
21 December	Inspected Croker Place Crookwell – re noise complaint
21 December	Australia Day Nominees – Mayoral Reception

JANUARY

24 January	Photo shoot for the new Crookwell/Goulburn Bus Service
25 January	Dinner with the Australia Day Ambassador – Mr Gordon Bray and his wife Catherine
26 January	Gunning, Crookwell and Taralga Australia Day Celebrations
29 January	Induction of the Anglican Rector, Wayne Landford

FEBRUARY

1 February	Gullen Range Solar Farm launch
1 February	Media and Communications meeting

7 CORRESPONDENCE

The following item is submitted for consideration -

7.1	Correspondence for the month of February 2018	66
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Correspondence - 15 February 2018

ITEM 7.1

Correspondence for the month of February 2018

RECOMMENDATION:

That Item 7.1 - [/Correspondence/Information] listed below be received:

1. NSW Government Transport for NSW – Dalton/Rye Park Road Project.
2. NSW Government Local Government Association – 2018 Australia Future Let's Make It Local.
3. Telstra Corporation – Mobile Black Spot Program – Lost River.
4. Telstra Corporation – Mobile Black Spot Program – Peelwood Road.
5. Telstra Corporation – Mobile Black Spot Program – Rye Park.
6. Senator Hon Bridget McKenzie – Mobile Phone Coverage Update.
7. Gunning Show Committee – Proposal for Formal Approval to Name Showground Bar.

ATTACHMENTS

1. ↓	NSW Government Transport for NSW - Dalton / Rye Park Road Project - Round Three NSW Government Fixing Country Roads Program	Attachment
2. ↓	Australian Local Government Association (ALGA) - 2018 Australia Future Let's Make it Local - Conferences Save the Date	Attachment
3. ↓	Telstra Corporation Limited - Mobile Black Spot Program (MBSP) - Lost River	Attachment
4. ↓	Telstra Corporation Limited - Mobile Black Spot Program (MBSP) - Peelwood Road	Attachment
5. ↓	Telstra Corporation Limited - Mobile Black Spot Program (MBSP) - Rye Park	Attachment
6. ↓	Senator the Hon Bridget McKenzie - Response to Council Letter Dated 1 December 2017 - Mobile Phone Coverage Update - MR54 Mobile Blackspot Program	Attachment
7. ↓	Gunning Show Committee - Proposal for Formal Approval to Name Showground Bar	Attachment



RNSW1651

13 December 2017

Mayor Brian McCormack
Upper Lachlan Shire Council
PO Box 42
GUNNING NSW 2581

Cc Ms Linus Nesbitt-Hawes

UPPER LACHLAN SHIRE COUNCIL
GUNNING OFFICE
19 DEC 2017
File No:

Dear Mayor McCormack

I am writing in relation to the application for funding of the **Dalton/Rye Park Road project** under Round Three of the NSW Government's *Fixing Country Roads* program.

A total of 150 projects were reviewed and assessed against the program criteria by the *Fixing Country Road* Technical Panel and the Regional Independent Assessment Panel. As a result, 67 projects have been recommended funding.

The standard of applications was extremely high and unfortunately on this occasion your application for Dalton/Rye Park Road project was not successful.

A representative of Transport for NSW will be in contact with Ms Linus Nesbitt-Hawes shortly to discuss the application. The feedback can assist with the development of subsequent grant applications under *Fixing Country Roads* and other grant programs. Please contact us on freight@transport.nsw.gov.au if you wish further information.

Thank you for your interest in the *Fixing Country Roads* program and we look forward to continuing to work with you in the future.

Yours sincerely

A handwritten signature in black ink, appearing to read "Damian Colclough".

Damian Colclough
Executive Director, Freight Industry
Freight, Strategy and Planning
Transport for NSW

Transport for NSW

18 Lee Street, Chippendale NSW 2008 | PO Box K659, Haymarket NSW 1240
T 02 8202 2200 | F 02 8202 2209 | W transport.nsw.gov.au | ABN 18 804 239 602



AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION

14 December 2017

Upper Lachlan Shire Council
PO Box 42
GUNNING NSW 2581

UPPER LACHLAN SHIRE COUNCIL
GUNNING OFFICE
19 DEC 2017
File No:

To the Mayor, Councillors and CEO (please distribute accordingly)

2018 Australia's Future: Let's Make it Local

I have no doubt that 2018 will be a huge year for Local Government in Australia. It is becoming increasingly likely there will be a federal election. The Australian Local Government Association (ALGA) is well advanced in planning for the next election and, with your support, we can influence the national agenda before, during and after the election.

You and your Council can be involved in a number of ways but one of the key mechanisms is to have your issues recognised on the national stage through ALGA's conferences. Three major national conferences will be convened next year and I encourage you to 'save the dates' for these in your calendar now, the conferences are:

1. Regional Cooperation and Development Forum, 17 June, Canberra
2. National General Assembly of Local Government, 17 – 20 June, Canberra
3. National Local Roads and Transport Congress, 20-22 November, Uluru

Updates and information on the conferences and ALGA's advocacy will be published regularly in ALGA News, to subscribe go to the ALGA website alga.asn.au

Each year these conferences provide unique opportunities for you to hear from the leaders in our sector and across government giving you unparalleled one on one access to the most influential decision makers in the nation.

We received terrific feedback from delegates at each of the conferences in 2017. We know they addressed the key topics that impact your community. In 2018 they will once again inform, motivate and inspire elected members and staff alike and elevate your local issues to the national stage.

To deliver on your aspirations, and those of all conference delegates, I've met with dozens of politicians at Parliament House, and attended regular COAG and Ministerial council meetings. Join us at every opportunity to push the Local Government case and the need for a greater partnership with the federal government. I'd like to thank you personally for your support and participation in these activities throughout 2017. Your support has strengthened the voice of Local Government and increased the weight and reach of our message.

I look forward to meeting you at one or more of our major events in 2018.

Yours Sincerely

Mayor David O'Loughlin
President

NGA 2018

National Convention Centre Canberra
17-20 June 2018

National General Assembly of Local Government Call for Motions Discussion Paper

Australia's Future, Make it Local

The purpose of this discussion paper is to provide guidance to councils for the development of Motions for debate at the 2018 National General Assembly. The paper provides an overview of policy areas in which the NGA has well-established positions and identifies potential new and emerging policy areas which are being developed by ALGA and require detailed consideration. Councils are particularly encouraged to submit Motions on these policy areas.

Highlighting the issues below contributes to implementing ALGA's Strategic Plan 2017-2020 and its objectives to:

- strengthen Local Government in the areas of financial sustainability; delivering services in regional cities; infrastructure; and innovation and digital transformation, as well as,
- facilitating collaboration between state and territory associations in Local Government's role in Indigenous policy issues, scale and capacity; women in Local Government; and diversity in representation.

Criteria for Motions

Motions must meet the following criteria:

- ✓ be **relevant** to the work of local government **nationally**
- ✓ be **consistent with the theme** of the NGA
- ✓ **complement or build** on the policy objectives of your state and territory local government association
- ✓ be submitted by a council which is a **financial member** of their state or territory local government association
- ✓ propose a **clear action and outcome**
- ✓ **not be advanced** on behalf of external third parties that may seek to use the NGA to apply pressure to Board members or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.

Our Opportunity

The primary focus of all Motions should be to strengthen the capacity of local government to provide services and infrastructure in Australia. Providing clear actions within areas that are still emerging provides councils with an opportunity to influence the development of ALGA policy and advocacy by ALGA on federal election commitments.

Emerging Issues

Councils across Australia are constantly being asked to do more with less. Changing community needs, including ageing populations, technological advancements and changing economic circumstances, are a challenge for all communities.

Analysis suggests that a Commonwealth election may well be called between August 2018 and May 2019. The 2018 NGA therefore provides an important opportunity to progress Local Government issues in the Federal agenda. Below are some critical areas in which Local Government needs to consider the role it can in local communities on the national stage. In particular, the 2018 NGA is calling for Motions that provide clear policy advice and/or policy initiatives that will help Local Government to address the following policy challenges:

Housing Affordability

Housing affordability is a major challenge in many communities. The Commonwealth frequently asserts that housing affordability is a problem because of the supply of housing. As such there has been a focus on planning reform.

Motions are called for on ways to improve housing supply and improve land use planning and associated local government infrastructure to support increased housing supply.

Financial Sustainability – Oppose Cost Shifting

In 2005 The House of Representatives Inquiry into Cost Shifting from States onto Local Government estimated that cost shifting amounted to between \$500m - 1.4b annually. This includes regulatory and other services that Local Government provided on behalf of states without adequate compensation.

Motions are called for on ways to reduce cost shifting from states and the Commonwealth on to Local Government and on areas of regulatory reform and services that Local Government could provide efficiently and effectively on behalf of states or the Commonwealth if appropriately funded.

Innovation and Digital Transformation – Smart Communities

Technological advancements are changing the way councils communicate with citizens and deliver services and infrastructure.

Motions are called for on ways to improve the ability of councils to support their community to understand and benefit from digital transformation, ways to improve data, protect privacy and increase security of council-held data.

Harmonising Local Government Data

National Local Government data is held in a variety of places and is often of variable quality. National advocacy on behalf of Local Government needs a strong evidence base. ALGA has been working with JRA on the State of the Assets project which collects data on the quality and condition of all local government assets. Increasingly, councils are being required to provide data to third parties.

Motions are called for on ways to improve the collection of local government data, how data could be better linked across the sector, and ways to improve the quality of data.

Cyber Security

Recent malware attacks have highlighted the vulnerability of business and government computer systems. Strong measures are required to ensure that all Australians and Australian businesses and governments are aware of the risks and take appropriate measures to ensure cyber security.

Motions are called for on ways to improve local government cyber security.

Environment

Local Government plays a critical role in environmental management, with actions often embedded into other day to day operations as well as included in economic management considerations

Motions are called for on what should be national priorities and on ways to improve environmental management systems, waste management, product stewardship and biodiversity.

Regional Development

Local Government plays a critical role in regional development, with an active role working with neighbouring councils, industry, state government agencies, community and other key stakeholders to set and achieve regional goals.

Motions are called for on ways to improve regional policy approaches, funding ideas on regional sustainability and equity.

Motions should be lodged electronically using the online form available on the ALGA webpage at: alga.asn.au. All Motions require, among other things, a contact officer, a clear national objective, a summary of the key arguments in support of the motion, and the endorsement of your Council.

Motions should be received by ALGA no later than **11:59pm on Friday 30 March 2018**.

Established ALGA Policy Areas

Financial Assistance Grants

Adequate and appropriate Local Government services and infrastructure are critical to all communities. The Commonwealth Financial Assistance Grants are important to all councils. Success has been achieved in the last 12 months by restoration of the indexation of the Financial Assistance Grants (FAGs). ALGA's priority in this area is to continue advocating for FAGs funding to be increased to a level equal to at least one per cent of commonwealth taxation revenue.



Freight Strategy

Local government manages around 75 per cent of Australia's local roads network. These roads were generally built decades ago and today are required to carry increasing amounts of freight, including higher productivity vehicles. Poor and unsafe roads are a barrier to increased productivity. ALGA's priority is the promotion and development of a freight strategy with funding of \$200m per year for five years to address first and last mile access issues, leading to an increase in local, regional and national productivity.



Roads to Recovery

The Roads to Recovery Program provides councils with essential additional funding to help address the backlog of maintenance and renewal of local roads. Success was achieved with Roads to Recovery by having the expiration date removed and essentially creating an ongoing program. Further work in this area is being undertaken to ensure Roads to Recovery funding is permanently doubled.



Additional Local Roads Funding for South Australia

Additional funding for South Australian local roads to address an anomaly in FAGs ceased in 2014. It was reinstated in 2017–18 but only for two years. The focus is now on securing ongoing additional funding for South Australian local roads, indexed annually in line with FAGs.



Climate Change Plans

Many councils are addressing or wish to address climate change. With the important role Local Government can play helping the Australian Government to achieve internationally agreed climate change targets, a priority has been placed on supporting councils to work with local businesses and communities to implement local and regional Climate Change Adaptation Plans.



Indigenous

Addressing Indigenous disadvantage across Australia is a priority for all Australian governments. Advocacy is about closing the gap between Indigenous and non-Indigenous Australians in the areas of housing, health, early childhood development, education, economic participation and remote service delivery.



Community Infrastructure

Funding support for community infrastructure will enable all local councils to plan and deliver adequate and appropriate community infrastructure. ALGA is urging political parties to commit to specific local government community infrastructure funding at the level of \$300 million per annum over the next four years.



From: Luff, Matthew
To: [Upper Lachlan Shire Council](#)
Subject: Lost River Mobile Blackspot tower live
Date: Thursday, 21 December 2017 10:20:23 AM
Attachments: [image001.png](#)

Dear Brian McCormack

I am pleased to inform you the community of Lost River is now benefitting from state of the art mobile technology following the activation of a new Telstra mobile base station in the area under the Federal Government's Mobile Black Spot Program (MBSP). Telstra is a proud long-time member, service provider and employer in the NSW community, and we know that increased coverage is the number one priority for people and businesses in regional Australia.

Lost River and the surrounding area now has access to Telstra's 3G and superfast 4GX mobile coverage, allowing the community to keep in contact with family and friends and run their businesses more effectively, whether by speaking on the phone or using a range of online services over our fast mobile internet network.

Once activated, all our sites undergo rigorous testing and monitoring to optimize the new services. At times, this may result in some disruption to the new coverage in the first few weeks while we work to ensure the best outcome is achieved for the community. The network stabilizes once we have finished optimizing and configuring the base station.

Telstra is rolling out a total of 577 new mobile base stations across rural and regional Australia under the MBSP, representing more than \$486 million worth of co-investment between Telstra, the Federal and State Governments as well as numerous local councils to improve mobile coverage along major regional transport routes, in small communities and in locations prone to natural disasters.

In addition to the new mobile base stations, Telstra is installing a number of 4G small cells to deliver high speed 4G data services in some small country towns where suitable Telstra infrastructure is available.

This builds upon significant investment already undertaken by Telstra to expand and upgrade our wireless networks for the long term.

Telstra has a proud 100-year history of investing in rural and regional Australia and we are excited to be connecting so many more Australians under the MBSP.

Kind regards,



Chris Taylor
Area General Manager
Telstra Country Wide
TelstraACTSthNSW@team.telstra.com

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

From: Luff, Matthew
To: [Upper Lachlan Shire Council](#)
Subject: Peelwood Road Mobile Blackspot tower live
Date: Thursday, 21 December 2017 10:26:47 AM
Attachments: [image001.png](#)

Dear Brian McCormack

I am pleased to inform you the community of Peelwood Road is now benefitting from state of the art mobile technology following the activation of a new Telstra mobile base station in the area under the Federal Government's Mobile Black Spot Program (MBSP). Telstra is a proud long-time member, service provider and employer in the NSW community, and we know that increased coverage is the number one priority for people and businesses in regional Australia.

Peelwood Road and the surrounding area now has access to Telstra's 3G and superfast 4GX mobile coverage, allowing the community to keep in contact with family and friends and run their businesses more effectively, whether by speaking on the phone or using a range of online services over our fast mobile internet network.

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Kind regards,



Chris Taylor
Area General Manager
Telstra Country Wide
TelstraACTSthNSW@team.telstra.com

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From: Luff, Matthew
To: [Upper Lachlan Shire Council](#)
Subject: Rye Park Mobile Blackspot tower live
Date: Thursday, 21 December 2017 10:28:12 AM
Attachments: [image001.png](#)

Dear Brian McCormack

I am pleased to inform you the community of Rye Park is now benefitting from state of the art mobile technology following the activation of a new Telstra mobile base station in the area under the Federal Government's Mobile Black Spot Program (MBSP). Telstra is a proud long-time member, service provider and employer in the NSW community, and we know that increased coverage is the number one priority for people and businesses in regional Australia.

Rye Park and the surrounding area now has access to Telstra's 3G and superfast 4GX mobile coverage, allowing the community to keep in contact with family and friends and run their businesses more effectively, whether by speaking on the phone or using a range of online services over our fast mobile internet network.

Once activated, all our sites undergo rigorous testing and monitoring to optimize the new services. At times, this may result in some disruption to the new coverage in the first few weeks while we work to ensure the best outcome is achieved for the community. The network stabilizes once we have finished optimizing and configuring the base station.

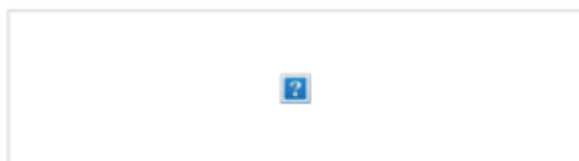
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Kind regards,



Chris Taylor
Area General Manager
Telstra Country Wide
TelstraACTSthNSW@team.telstra.com

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UPPER LACHLAN SHIRE COUNCIL
GUNNING OFFICE
- 2 FEB 2018
File No:



Senator the Hon Bridget McKenzie

Deputy Leader of The Nationals
Minister for Rural Health
Minister for Sport
Minister for Regional Communications

Ref No: MC17-124861

Mr Mursaleen Shah
Director of Works and Operations
Upper Lachlan Shire Council
PO Box 42
GUNNING NSW 2581

31 JAN 2018

Dear Mr Shah

I refer to your letter 1 December 2017 to Senator the Hon Mitch Fifield, Minister for Communications about mobile reception in the Upper Lachlan Shire. This matter has been referred to me as the Minister for Regional Communications. I apologise for the delay in responding.

I note your concern regarding mobile phone coverage issues along Main Road 54 (MR54) between Goulburn and Bathurst. The Australian Government committed \$220 million through the Mobile Black Spot Program (the program) to invest in telecommunications infrastructure to address mobile black spots along major regional transport routes and in small communities.

I can confirm that the base station to be located at Lost River is funded under the program and will provide some improved hand-held coverage between Crookwell and Binda. The base station is due to commence delivering services by mid-2018. Additionally, the base station located at Trunkey Creek in Bathurst Regional Shire is due for completion during the first quarter of 2018 and will also provide some coverage to MR54. Continuous coverage along MR54 would require a large number of mobile base stations due to the hilly and twisted nature of the route.

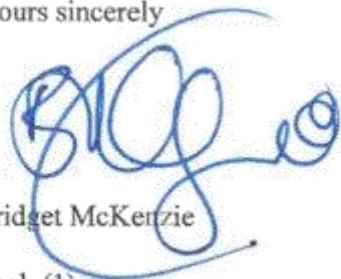
I would encourage you to contact the carriers to make Councils coverage issues known and to identify ways of maximising mobile phone reception along MR54. I have enclosed the contact details of the carriers for reference.

For 2018, the Government's focus is on delivering the 765 base stations from rounds 1 and 2 of the program and the 125 priority location sites. At this point, no further rounds of the program have been announced. However, the Government is working closely with the mobile carriers to encourage their continuing investment in regional mobile networks.

2

Thank you for writing on this matter.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Bridget McKenzie', with a large, stylized initial 'B' and 'M'.

Bridget McKenzie

Encl. (1)

Carrier contact details**Telstra**

Contact: Ms Tricia Wilson
Position: Area General Manager, Central NSW
Telstra Country Wide
Email address: TelstraCentralNSW@team.telstra.com
Website: www.telstra.com.au

Optus

Customer Service: 133 937
Website: www.optus.net.au

Vodafone

Contact: Ms Trudy Schmidt
Position: National Community Relations Manager
Telephone no: 1300 302 703
Email address: communityrelations@vodafone.com.au
Website: www.vodafone.com.au

From: Gunning Show Secretary
To: [Upper Lachlan Shire Council](#)
Subject: Att: John Bell re Gunning Show proposal for naming of bar at Gunning Showground
Date: Friday, 2 February 2018 10:04:17 AM

Good morning John

I am writing to Council with the proposal to formally name the Gunning Showground Bar as "Paddy's Bar" following the unexpected passing of Patrick Smith in July last year. Initially it was going to be an informal naming but I was advised to seek formal acknowledgement through Council. Is it possible to please confirm whether the Upper Lachlan Shire Council would support this proposal. We intend to order a plaque stating the name and a wood sign will be hung in the bar area.

Proposal:

For the bar rotunda at the Gunning Showground be named "Paddy's Bar" to commemorate the enormous contribution Patrick Smith made to the Gunning PA&I Society as well as many other community groups around the district. The link with naming the bar after Patrick is that he managed the bar at the Gunning Show for many many years. He was also on our committee as Treasurer, in total contributing around 25 years. The Gunning Show Committee agreed it was a really lovely way to memorialise his contribution. We plan to hold an "opening" of the bar as part of the general show opening at 4pm, Saturday 17 February 2018, where Mayor McCormack and Councillor John Searl will be attending in an official capacity.

Should you require further information Patrick or the planning around this, please don't hesitate to let me know.

Kind regards

Jennifer Medway
Secretary, Gunning Show
0417 490 329

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9 ENVIRONMENT AND PLANNING

The following items are submitted for consideration -

9.1	Monthly Weeds Activities Report	84
9.2	Development Statistics for the months of December 2017 and January 2018	88
9.3	Outdoor Dining Policy Review	100

Environment and Planning - 15 February 2018

ITEM 9.1 Monthly Weeds Activities Report

FILE REFERENCE I18/55

AUTHOR Manager of Noxious Weeds

ISSUE

Providing Council with a summary of weed control activities conducted in the past month.

RECOMMENDATION That -

1. Council receives and notes the report as information.

BACKGROUND

Standard monthly report providing Council with a summary of the weed control activities conducted in December 2017 and January 2018.

REPORT

Property Inspections

Property	Weed	Parish	Road or Street	Date	Action	Degree
Lot 60 DP753067	S/T	Grabine	Grabine	24/11/17	Notified	2
Lot 10 DP753041	S/T & B/B	Keverstone	Bigga	28/11/17	Notified	2 & 3
Lot 2 DP1229337	S/T	Keverstone	Bigga	28/11/17	Notified	2
Lot 1 DP1229337	S/T	Keverstone	Bigga	28/11/17	Notified	2
Lot 205 DP753041	S/T	Keverstone	Bigga	28/11/17	Notified	2
Lot 69 DP753010	B/B	Belmore	Peelwood	5/12/17	Notified	2
Lot 2 DP1026211	B/B	Belmore	Peelwood	5/12/17	Routine	1
Lot 1 DP841070	S/T	Upper Tarlo	Woodhouslee	11/12/17	Notified	3
Lot 7309 DP1140197	B/B & SJW	Binda	Kangaloolah	13/12/17	Notified	2 & 2
Lot 2 DP713720	B/B	Crookwell	Boobalaga	13/12/17	Notified	2
Lot 2 DP94316	SJW	Binda	Binda	13/12/17	Notified	3
Lot 2 dp1023250	S/T	Grabben	Range	18/12/17	Notified	2
Lot 2 DP1008071	S/T	Grabben Gullen	Range	18/12/17	Notified	2
Lot 2 DP1192174	S/T	Tuena	Peelwood	4/1/18	Routine	2
Lot 1 DP862233	S/T	Tuena	Peelwood	4/1/18	Routine	2
Lot 84 DP753034	S/T	Hillas	Yalbraith	4/1/18	Routine	2
Lot 20 DP750042	S/T	Pejar	Pejar	10/1/18	Notified	2
Lot 4 DP865815	S/T & ALG	Pejar	Goulburn	10/1/18	Notified	2 & 1
Lot 104 DP753010	S/T & B/B	Belmore	Diamond	11/1/18	Notified	2 & 2
Lot 2 DP1088470	B/B	Crookwell	Crookwell	11/1/18	Notified	1

Environment and Planning
MONTHLY WEEDS ACTIVITIES REPORT cont'd

Lot 1 DP626221	B/B & SJW	Pomeroy	Walkom	11/1/18	Notified	2 & 3
Lot 2 DP240548	B/B	Crookwell	Boobalaga	23/1/18	Notified	2
Lot 1 DP 626221	B/B & SJW	Pomeroy	Walkom	24/1/18	Notified	2 & 3
Lot 6 DP1119352	S/T	Upper Tarlo	Middle Arm	25/1/18	Notified	2
Lot 5 DP1121292	S/T	Upper Tarlo	Middle Arm	30/1/18	Notified	2
Lot 1 DP1121292	S/T	Upper Tarlo	Middle Arm	30/1/18	Routine	1
Lot 4 DP1121292	S/T	Upper Tarlo	Middle Arm	30/1/18	Notified	2
Lot 3 DP1121292	S/T	Upper Tarlo	Middle Arm	30/1/18	Routine	1
Lot 2 DP1121292	S/T	Upper Tarlo	Middle Arm	30/1/18	Routine	1
Lot 5 DP1052845	S/T & B/B	Gillindich	Tuena	31/1/18	Notified	2 & 2
Lot 56 DP753028	S/T	Gillindich	Tuena	31/1/18	Notified	2
Lot 31 DP753014	S/T	Blackman	Tuena	31/1/18	Routine	1
Lot 221 DP 830996	ST	Mundoonan	Rocklodge Rd	4/12/17	Routine	0
Lot 4 DP735249	ST	Cullarin	Puckett's Lane	15/12/17	Routine	2
Lot 154 DP 754127	ST	Lerida	Gundaroo Rd	19/12/17	Notified	1
Lot 210 DP 754122	SJW	Jerrawa	Jerrawa Rd	19/12/17	Routine	2
Lot 4 DP 1000295	SJW	Mundoonan	Elms Rd	19/12/17	Routine	1
Lot 1 DP 758493	SJW	Gunning	Yass St	19/12/17	Notified	1
Lot 20 DP 831092	ST	Manton	Hume Hwy	19/12/17	Routine	1
Lot 3 DP 835428	ST	Lerida	Collector Rd	12/1/18	Routine	1
Lot 31 DP 1139977	SJW	Mundoonan	Hume Hwy	15/1/18	Routine	1
Lot 100 DP 133763	ST/BB	Mundoonan	Hume Hwy	16/1/18	Routine	1
Lot 2 DP 1000295	ST	Mundoonan	Elm Rd	16/1/18	Routine	1
Lot 41 DP 1212213	ST	Jerrawa	Broadway Rd	17/1/18	Routine	2
Lot 167 DP 750008	SJW	Collector	Breadalbane Rd	17/1/18	Routine	1
Lot 1 DP 134100	BB	Gunning	Hume Hwy	22/1/18	Notified	3
Lot 73 DP 754101	ST	Biala	Bully's crossing Rd	29/1/18	Routine	1
Lot 336 DP 754106	ST	Bunton	Blakney Ck Rd	30/1/18	Routine	1
Lot 2 DP 1098215	St	Dalton	Hume Hwy	31/1/18	Routine	1
Lot 104 DP 753010	BB-S/W	Belmore	Diamond Road	11/1/18	Routine	2-2
Lot 4 DP 865815	S/W-CNG	Pejar	Goulburn Road	11/1/18	Routine	2-1
Lot 4 DP 848252	BB	Laggan	Peelwood Road	17/1/18	Notified	2

Note: The property description column has not been included in this report after considering section 387 of the Biosecurity Act 2015 (Collection, use and disclosure of information), further consideration will be given to the type of information provided in future reports.

Key for Weed Abbreviations

Weed ID Weed Identification

S/T Serrated Tussock

PC Paterson's Curse

EB English Broom

Go Gorse

BB Blackberry

Nth Nodding Thistle

FW Fireweed

CG Coolatai Grass

SJW St John's Wort

CNG Chilean Needle Grass

ALG African Lovegrass

Key for Degree of Infestations

1. Scattered Plants

2. Scattered Plants with Isolated Patches

3. Dense Infestations

Environment and Planning

MONTHLY WEEDS ACTIVITIES REPORT cont'd

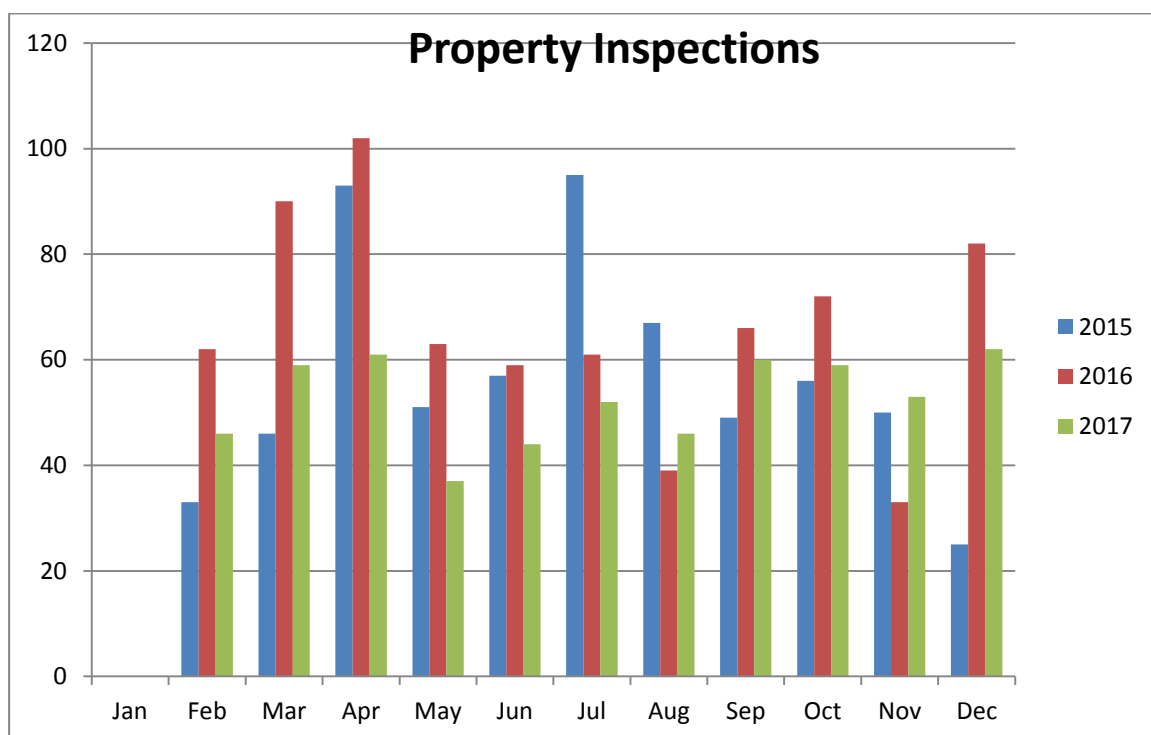
Key for Actions of Inspections

Routine – an inspection where the landowner has either provided adequate information or conducted adequate control work to fulfil their obligations to control weed infestations on their land.

Notified – an inspection where landowners are notified either verbally or by letter that control work is required on specific weed infestations. These inspections generally will require a reinspection.

Reinspection – an inspection that has been conducted to investigate whether adequate control work has been conducted after notification to control weed infestations.

Notice – an inspection where a Weed Control Notice under section 18 of the Act will be served.



Roadside Weed Control

St John's Wort control was carried out in the months of December 2017 and January 2018. Blackberry control has commenced and will continue through till April 2018.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receives and notes the report as information.

ATTACHMENTS

Nil

Environment and Planning - 15 February 2018

ITEM 9.2 **Development Statistics for the months of December 2017 and January 2018**

FILE REFERENCE I18/13

AUTHOR **Economic Development Officer**

ISSUE

Providing Council with a brief summary of the development control activities that have occurred in the month of December 2017 and January 2018.

RECOMMENDATION That -

1. Council receives and notes the report as information.

BACKGROUND

Standard monthly report providing Council with a summary of the development control activities that have occurred in the month of December 2017 and January 2018.

REPORT

Development Status Report

The following table outlines the type and value of new development.

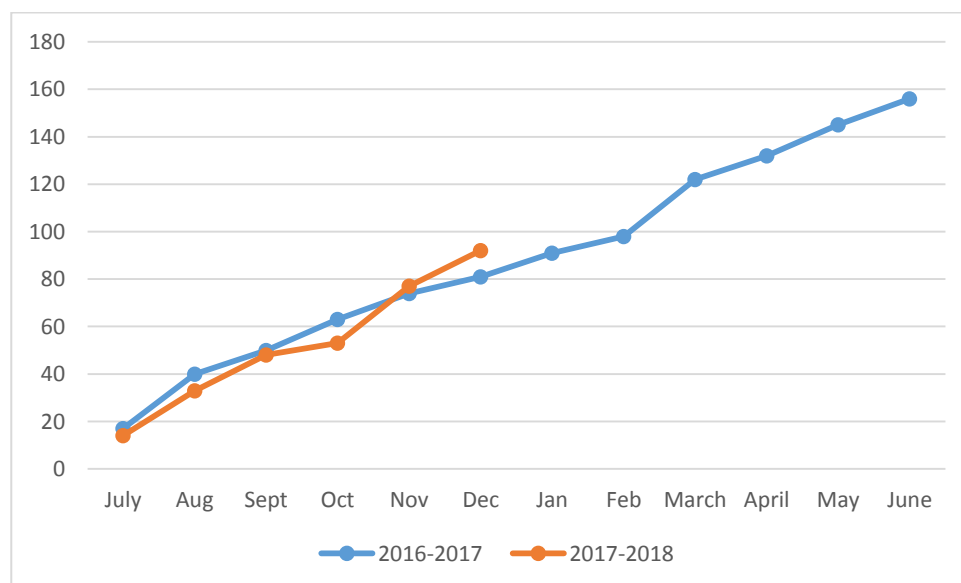
Statistics by Development Type								
Current Year					Last year			
DA Type	Dec 2017		Year to Date 1/7/2017 to 30/6/2018		Dec 2016		Year to date 1/7/2016 to 30/6/2017	
	Count	\$Value	Count	\$Value	Count	\$Value	Count	\$Value
Commercial	0	\$0	5	\$21,331,000	0	\$0	5	\$97,585
Residential	9	\$1,890,599	61	\$11,834,878	5	\$1,112,395	63	\$11,621,576
Industrial	0	\$0	0	\$0	0	\$0	0	\$0
Other	1	\$20,000	5	\$6,123,000	0	\$0	4	\$30,000
Total	10	\$1,910,599	71	\$39,288,878	5	\$1,112,395	72	\$11,749,161
Subdivision								
Type	Count	Lots	Count	Lots	Count	Lots	Count	Lots
Residential	0	0	1	3	1	2	4	78
Rural Residential	1	2	3	9	0	0	3	9

Environment and Planning**DEVELOPMENT STATISTICS FOR THE MONTHS OF DECEMBER 2017 AND JANUARY 2018 cont'd**

Commercial	0	0	1	0	0	0	0	0
Industrial	0	0	0	0	0	0	0	0
Boundary Adjustment	1	1	2	3	0	0	0	0
Strata	0	0	0	0	0	0	0	0
Agricultural	2	1	9	17	1	2	2	6
Modification/Other	1	48	2	48	0	0	1	6
Total	5	52	18	80	2	4	10	99

1. Development Applications

The level of development applications received is detailed in the following graph.



The current level of development activity being assessed is summarised below:

DAs under assessment	DA modifications under assessment	DAs received Dec 2017	DA modifications received Dec 2017	DAs determined December 2017	DA modifications determined Dec 2017
34	3	12	3	8	0

The average determination processing time is for the month of December was 32 days.

Determinations issued 1 December to 31 December 2017 are summarised in the following table:

Determinations Issued between 1 December 2017 to 31 December 2017		
DA No.	Proposal	Property
31/2017	Alterations & Additions	Lot 3 DP 917994 – Laggan Village

Determinations Issued between 1 December 2017 to 31 December 2017		
DA No.	Proposal	Property
58/2017	Subdivision	Lot 1 DP 797327 – 39 Yass St, Gunning
72/2017	Service Station/Convenience Store	Lot 361 DP 754108 – 204 Goulburn St, Crookwell
89/2017	Subdivision	Lot 1 DP 1162296 – 24 Reservoir Rd, Crookwell
111/2017	Transportable Dwelling	Lot 1 DP 1046667 – 5520 Taralga Rd, Curraweela
114/2017	Garage/Shed	Lot 13 Sec 17 DP 758493 – 37 Saxby St, Gunning
116/2017	Dwelling	Lot 4 DP 1071079 – 805 Bridge Creek Rd, Binda
121/2017	Carport/Awning	Lot 1 DP 1089082 – 36 Brooklands St, Crookwell

The Development Applications outstanding as of 31 December 2017 are summarised in the following table:

Outstanding Development Applications – 31 December 2017				
Application No	Date Received	Proposal	Property	Reason
33/2016	22/04/2016	Demolition & Fence/Wall	Church & Goulburn Street, Collector Lot 1 DP 256082 & Lots 2 & 3 DP 554640	Awaiting additional information
29/2017	30/3/2017	Dwelling	115 Cobodong Rd Curraweela Lot 3 DP 1083826	Under assessment
51/2017	5/6/2017	Subdivision	Junction Point Rd Binda Lot 9 DP 46360	Awaiting additional information
73/2017	10/8/2017	Dwelling	Bourke St Collector Lot 3 Sec 2 DP 758263	Awaiting additional information
77/2017	15/8/2017	Dwelling	Towrang Rd, Greenwich Park Lot 7 DP 1095649	Awaiting Water NSW
98/2017	21/09/2017	Subdivision	614 Woodhouselee Rd Woodhouselee Lot 1 DP 852156	Referred to Rail Authority
102/2017	16/10/2017	Transportable Dwelling	2281 Woodhouselee Rd Laggan Lot 1 DP 1169255	Awaiting additional information
103/2017	18/10/2017	Alteration/Additions	1 Brennan St Collector Lot 11 DP 1046757	Under assessment

Environment and Planning**DEVELOPMENT STATISTICS FOR THE MONTHS OF DECEMBER 2017 AND JANUARY 2018 cont'd**

108/2017	1/11/2017	Dwelling	614 Woodhouselee Rd Woodhouselee Lot 1 DP 852156	Awaiting additional information
109/2017	2/11/2017	Dwelling	2542 Middle Arm Rd Middle Arm Lot 5 DP 11211292	Referred to SCA
110/2017	7/11/2017	Subdivision	Jerrawa Rd, Narrawa Lot 1 DP 1143904	Awaiting additional information
113/2017	8/11/2017	Dwelling	Gurrundah Rd Parkesbourne Lot 2 DP 861753	Awaiting additional information
115/2017	9/11/2017	Change of Use	4 Chapel St Dalton Lot 21 DP 850913	Under assessment
117/2017	15/11/2017	Subdivision	Collector Rd Lerida Lot 112 DP 754127	Under assessment
118/2017	16/11/2017	Dwelling	23 Edward St Binda Lot 4 DP 1233262	Under assessment
119/2017	21/11/2017	Alteration/Additions	Goulburn Rd Crookwell Lot 4 DP 1077712	Under assessment
120/2017	22/11/2017	Subdivision	729 Julong Rd Binda Lot 23 DP 753038	Referred to RFS & Engineering
122/2017	24/11/2017	Gullen Range Substation & Underground Transmission Lines	Grabben Gullen Rd, Gurrundah Lot 224 DP 754126	Under assessment
123/2017	27/11/2017	Subdivision	Gurrundah Rd, Gurrundah Lot 197 & 213 DP 750019	Under assessment
124/2017	29/11/2017	Consolidation of Lots	Gurrundah Rd, Gurrundah Lot 220 & 221 DP 750019	Awaiting additional information
125/2017	29/11/2017	Dwelling	1376 Redground Rd, Crookwell Lot 48 DP 753010	Awaiting additional information
126/2017	29/11/2017	Change of Use – Shed to Dwelling	19 Roberts St, Crookwell Lot 1 DP 800629	Under Assessment
127/2017	1/12/2017	Dwelling	46 Wombat St, Gunning Lot 2 DP 1082201	Referred to Engineering
128/2017	4/12/2017	Detached Garden Room	Laggan Village, Laggan Lot 3 DP 917994	Under assessment
129/2017	5/12/2017	Dwelling & Garage	14 McIntosh Rd, Crookwell Lot 7 DP 1217974	Under assessment
130/2017	7/12/2017	Garage/Shed	20 Stephenson St Crookwell, Lot 31 DP 1066130	Referred to Engineering

Environment and Planning**DEVELOPMENT STATISTICS FOR THE MONTHS OF DECEMBER 2017 AND JANUARY 2018 cont'd**

71/2017 (Modification)	7/12/2017	Garage/Shed	1624 Breadalbane Rd Breadalbane, Lot 7 DP 1228006	Under assessment
131/2017	11/12/2017	Alteration/Additions	Fish River Rd, Narrawa Lot 8 DP 574665	Under assessment
172/2009 (Modification)	12/12/2017	Subdivision	Gundaroo Rd, Gunning Lot 19 DP 746075	Under assessment
133/2017	15/12/2017	Medical Centre	Goulburn St, Crookwell Lot 5 DP 662702	Under assessment
134/2017	14/12/2017	Subdivision	1593 Grabine St, Grabine Lot 20 DP 1207639, Lot 1 DP 111974, Lot 62 & 149 DP 753011	Awaiting additional information
135/2017	20/12/2017	Transportable Dwelling	Woodhouselee Rd, Roslyn, Lot 2, 3, 4 & 5 DP 1226221 Lot 11, 12, 14 & 23 DP 750052	Under assessment
137/2017	21/12/2017	Subdivision	130 Woodward Lane Crookwell, Lot 5 DP 1048691	Under assessment
8/2017 (Modification)	21/12/2017	Intensive Agriculture	Greenmantle Rd, Bigga Lot 4 & 5 DP 742425 Lot 3, 6, 20, 21, 67 & 68 DP 753031	Under assessment
136/2017	21/12/2017	Subdivision	Boongarra Rd, Laggan Lot 3 DP 1163350	Under assessment
138/2017	22/12/2017	Boundary Adjustment	76 Orchard St, Taralga Lot 1 DP 1188656 & Lot 11 DP 719685	Under assessment

2. Construction Certificates

Construction Certificates Issued between 1 Dec 2017 & 31 Dec 2017		
CC No.	Proposal	Property
89/2017	Dwelling	Lot 2 DP 1031393 – Holloways Rd, Tarlo
93/2017	Garage/Shed	Lot 13 Sec 17 DP 758493 – 37 Saxby St, Gunning

Approved by Council	
Dec 2017	Year to date
2	33

3. Occupation Certificates

Occupation Certificates Issued between 1 December 2017 and 31 December 2017		
OC No.	Proposal	Property
Nil		

Environment and Planning**DEVELOPMENT STATISTICS FOR THE MONTHS OF DECEMBER 2017 AND JANUARY 2018 cont'd**

Approved by Council	
Dec 2017	Year to date
0	14

4. Subdivision Certificates

Subdivision Certificates Issued between 1 Dec 2017 and 31 Dec 2017		
SC No.	Proposal	Property
18/2017	Boundary Adjustment	Lot 1 & 2 DP 1219526 – 34 Collector Rd, Gunning

Approved by Council	
Dec 2017	Year to date
1	34

5. Planning Certificates

The number of Planning Certificates issued this financial year is detailed below.

Year	Number of Certificates Issued
1 July 2008 to 30 June 2009	383
1 July 2009 to 30 June 2010	464
1 July 2010 to 31 June 2011	535
1 July 2011 to 30 June 2012	426
1 July 2012 to 30 June 2013	408
1 July 2013 to 30 June 2014	457
1 July 2014 to 30 June 2015	426
1 July 2015 to 30 June 2016	481
1 July 2016 to 30 June 2017	436
1 July 2017 to 30 June 2018	255

Development Status Report

The following table outlines the type and value of new development.

Statistics by Development Type								
Current Year					Last year			
DA Type	Jan 2018		Year to Date 1/7/2017 to 30/6/2018		Jan 2017		Year to date 1/7/2016 to 30/6/2017	
	Count	\$Value	Count	\$Value	Count	\$Value	Count	\$Value
Commercial	0	\$0	5	\$21,331,000	0	\$0	5	\$97,585
Residential	9	\$2,706,422	70	\$14,541,300	8	\$1,076,990	71	\$11,621,576

Environment and Planning

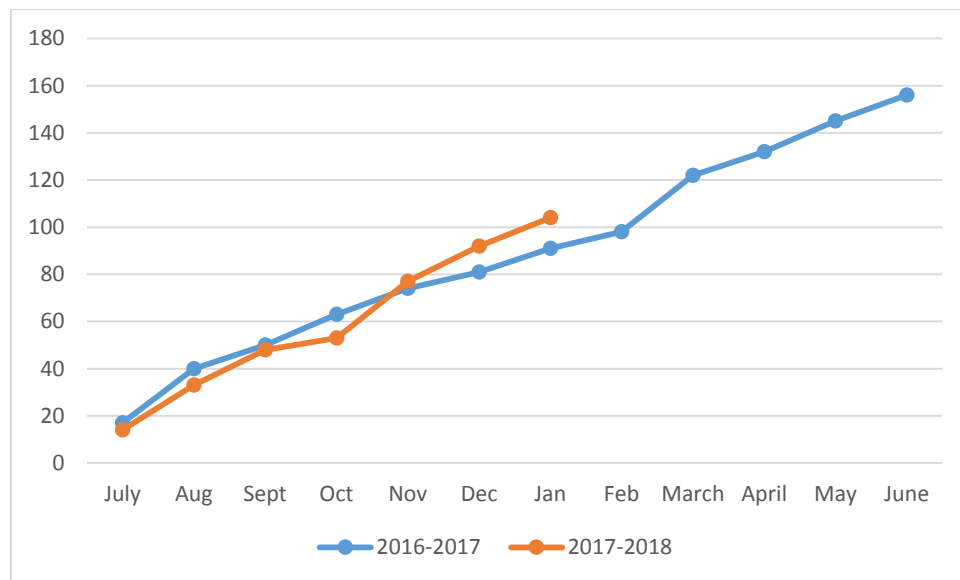
DEVELOPMENT STATISTICS FOR THE MONTHS OF DECEMBER 2017 AND JANUARY 2018 cont'd

Industrial	0	\$0	0	\$0	0	\$0	0	\$0
Other	1	\$0	6	\$6,123,000	2	\$20,000	6	\$30,000
Total	10	\$2,706,422	81	\$41,995,300	10	\$1,096,990	82	\$11,749,161

Subdivision								
Type	Count	Lots	Count	Lots	Count	Lots	Count	Lots
Residential	0	0	1	3	0	0	4	78
Rural Residential	1	3	4	12	0	0	3	9
Commercial	0	0	1	0	0	0	0	0
Industrial	0	0	0	0	0	0	0	0
Boundary Adjustment	1	0	3	3	0	0	0	0
Strata	0	0	0	0	0	0	0	0
Agricultural	0	0	9	17	0	0	2	6
Modification/Other	0	0	2	48	0	0	1	6
Total	2	3	20	83	0	0	10	99

1. Development Applications

The level of development applications received is detailed in the following graph.



The current level of development activity being assessed is summarised below:

DAs under assessment	DA modifications under assessment	DAs received Jan 2018	DA modifications received Jan 2018	DAs determined January 2018	DA modifications determined Jan 2018
34	3	10	2	11	2

The average determination processing time is for the month of January was 36 days.

Environment and Planning**DEVELOPMENT STATISTICS FOR THE MONTHS OF DECEMBER 2017 AND JANUARY 2018** cont'd

Determinations issued 1 January to 31 January 2018 are summarised in the following table:

Determinations Issued between 1 January 2018 to 31 January 2018		
DA No.	Proposal	Property
8/2018 (Modification)	Intensive Agriculture	Lot 3 & 4 DP 742425 Lot 5, 6, 20, 21, 67 & 68 DP 753031 – Greenmantle Rd, Bigga
71/2017 (Modification)	Garage/Shed	Lot 7 DP 1228006 – 1624 Breadalbane Rd, Breadalbane
73/2017	Dwelling	Lot 3 Sec 2 DP 758263 – Bourke St, Collector
98/2017	Subdivision	Lot 1 DP 852156 – 614 Woodhouselee Rd, Woodhouselee
103/2017	Alterations/Additions	Lot 11 DP 1046757 – 1 Brennan St, Collector
118/2017	Dwelling	Lot 4 DP 1233262 – 23 Edward St, Binda
119/2017	Alterations/Additions	Lot 4 DP 1077712 – 3846 Goulburn Rd, Crookwell
125/2017	Dwelling	Lot 48 DP 753010 – 1376 Redground Rd, Crookwell
126/2017	Change of Use	Lot 1 DP 800629 – 19 Roberts St, Crookwell
127/2017	Dwelling	Lot 2 DP 1082201 – 46 Wombat St, Gunning
129/2017	Dwelling & Garage	Lot 7 DP 121974 – 14 McIntosh Rd, Crookwell
130/2017	Garage/Shed	Lot 31 DP 1066130 – 20 Stephenson St, Crookwell
132/2017	Garage/Shed	Lot 2 DP 1124766 – 24 Tulloh St, Crookwell

The Development Applications outstanding as of 31 January 2018 are summarised in the following table:

Outstanding Development Applications on 31 January 2018				
Application No	Date Received	Proposal	Property	Reason
33/2016	22/04/2016	Demolition & Fence/Wall	Church & Goulburn Street, Collector Lot 1 DP 256082 & Lots 2 & 3 DP 554640	Awaiting additional information
29/2017	30/3/2017	Dwelling	115 Cobodong Rd Curraweela - Lot 3 DP 1083826	Under assessment

Environment and Planning**DEVELOPMENT STATISTICS FOR THE MONTHS OF DECEMBER 2017 AND JANUARY 2018 cont'd**

51/2017	5/6/2017	Subdivision	Junction Point Rd Binda - Lot 9 DP 46360	Awaiting additional information
77/2017	15/8/2017	Dwelling	Towrang Rd, Greenwich Park Lot 7 DP 1095649	Awaiting Water NSW
102/2017	16/10/2017	Transportable Dwelling	2281 Woodhouselee Rd Laggan - Lot 1 DP 1169255	Awaiting additional information
108/2017	1/11/2017	Dwelling	614 Woodhouselee Rd Woodhouselee Lot 1 DP 852156	Under assessment
109/2017	2/11/2017	Dwelling	2542 Middle Arm Rd Middle Arm Lot 5 DP 11211292	Referred to SCA
110/2017	7/11/2017	Subdivision	Jerrawa Rd, Narrawa Lot 1 DP 1143904	Awaiting additional information
113/2017	8/11/2017	Dwelling	Gurrundah Rd Parkesbourne Lot 2 DP 861753	Awaiting additional information
115/2017	9/11/2017	Change of Use	4 Chapel St Dalton Lot 21 DP 850913	Referred to Engineering
117/2017	15/11/2017	Subdivision	Collector Rd Lerida Lot 112 DP 754127	Under assessment
120/2017	22/11/2017	Subdivision	729 Julong Rd Binda Lot 23 DP 753038	Referred to RFS & Engineering
122/2017	24/11/2017	Gullen Range Substation & Underground Transmission Lines	Grabben Gullen Rd, Gurrundah - Lot 224 DP 754126	Under assessment
123/2017	27/11/2017	Subdivision	Gurrundah Rd, Gurrundah - Lot 197 & 213 DP 750019	Under assessment
124/2017	29/11/2017	Consolidation of Lots	Gurrundah Rd Gurrundah - Lot 220 & 221 DP 750019	Awaiting additional information
128/2017	4/12/2017	Detached Garden Room	Laggan Village Laggan - Lot 3 DP 917994	Under assessment
131/2017	11/12/2017	Alterations/Additions	Fish River Rd Narrawa - Lot 8 DP 574665	Under assessment
172/2009 (Modification)	12/12/2017	Subdivision	Gundaroo Rd Gunning - Lot 19 DP 746075	Awaiting additional information
133/2017	15/12/2017	Medical Centre	Goulburn St, Crookwell, Lot 5 DP 662702	On exhibition
134/2017	14/12/2017	Subdivision	1593 Grabine St Grabine Lot 20 DP 1207639, Lot 1 DP 111974, Lot 62 & 149 DP 753011	Awaiting additional information

Environment and Planning**DEVELOPMENT STATISTICS FOR THE MONTHS OF DECEMBER 2017 AND JANUARY 2018 cont'd**

135/2017	20/12/2017	Transportable Dwelling	Woodhouselee Rd, Roslyn - Lot 2, 3, 4 & 5 DP 1226221 Lot 11, 12, 14 & 23 DP 750052	Under assessment
137/2017	21/12/2017	Subdivision	130 Woodward Lane Crookwell - Lot 5 DP 1048691	Under assessment
136/2017	21/12/2017	Subdivision	Boongarra Rd, Laggan Lot 3 DP 1163350	Under assessment
138/2017	22/12/2017	Boundary Adjustment	76 Orchard St, Taralga Lot 1 DP 1188656 & Lot 11 DP 719685	Under assessment
1/2018	4/1/2018	Dwelling	12 Gordon St Crookwell - Lot 13 Sec 4 DP 1809	Awaiting additional information
2/2018	4/1/2018	Subdivision	34 McGaw Rd Crookwell - Lot 8 DP 1213731	Under assessment
3/2018	8/1/2018	Transportable Dwelling	1644 Bevandale Rd, Bevandale - Lot 1 DP 1180068	Under assessment
4/2018	9/1/2018	Shed	1136 Veterans Rd Lade Vale - Lot 4 DP 1089023	Under assessment
5/2018	11/1/2018	Dwelling	15 Murray St Collector Lot 13 DP 1211033	Under assessment
7/2018	11/1/2018	Pumpkin Festival	3 Brennan St Collector Lot 10 DP 1046757	Awaiting additional information
6/2018	12/1/2018	Dwelling	11 Bunduluk Place Gunning - Lot 16 DP 1234849	Under assessment
8/2018	15/1/2018	Garage/Shed	Blakney Creek North Rd, Blakney Creek Lot 225 DP 754125	Under assessment
9/2018	29/1/2018	Boundary Adjustment	Orchard St, Taralga Lot 42 & 43 Sec 6 DP 976169	Under assessment
63/2016 (Modification)	30/1/2018	Dwelling	639 Grabben Gullen Rd, Grabben Gullen Lot 30 DP 864071	Under assessment
10/2018	30/1/2018	Dwelling	2203 Wombeyan Caves Rd, Wombeyan Caves Lot 11 DP 1069914	Under assessment

2. Construction Certificates

Construction Certificates Issued between 1 January 2018 & 31 January 2018		
CC No.	Proposal	Property
95/2017	Dwelling & Garage	Lot 7 DP 1217974 – 14 McIntosh Rd, Crookwell
1/2018	Garage/Shed	Lot 2 DP 1124766 – 24 Tulloh St, Crookwell
2/2018	Dwelling	Lot 3 DP 1085894 – 431 Iron Mine Rd, Crookwell
5/2018	Carport/Awning	Lot 1 DP 1089082 – 36 Brooklands St, Crookwell
6/2018	Garage/Shed	Lot 31 DP 1066130 – 20 Stephenson St, Crookwell
7/2018	Garage/Shed	Lot 7 DP 1228006 – 1624 Breadalbane Rd, Breadalbane
9/2018	Dwelling	Lot 2 DP 1082201 – 46 Wombat St, Gunning

Approved by Council	
Jan 2018	Year to date
7	40

3. Occupation Certificates

Occupation Certificates Issued between 1 January 2018 and 31 January 2018		
OC No.	Proposal	Property
1/2018	Dwelling	Lot 2 DP 1201138 – 123 Collector Rd, Gunning
2/2018	Dwelling	Lot 6 DP 1217974 – 16 McIntosh Rd, Crookwell
3/2018	Alterations/Additions	Lot 2 DP 816409 – 8 Walsh St, Taralga

Approved by Council	
Jan 2018	Year to date
3	17

4. Subdivision Certificates

Subdivision Certificates Issued between 1 January 2018 and 31 January 2018		
SC No.	Proposal	Property
0		

Approved by Council	
Jan 2018	Year to date
0	34

5. Planning Certificates

The number of Planning Certificates issued this financial year is detailed below.

Year	Number of Certificates Issued
1 July 2008 to 30 June 2009	383
1 July 2009 to 30 June 2010	464
1 July 2010 to 31 June 2011	535
1 July 2011 to 30 June 2012	426
1 July 2012 to 30 June 2013	408
1 July 2013 to 30 June 2014	457
1 July 2014 to 30 June 2015	426
1 July 2015 to 30 June 2016	481
1 July 2016 to 30 June 2017	461
1 July 2017 to 30 June 2018	282

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receives and notes the report as information.

ATTACHMENTS

Nil

Environment and Planning - 15 February 2018

ITEM 9.3 **Outdoor Dining Policy Review**

FILE REFERENCE I18/15

AUTHOR **Director of Environment and Planning**

ISSUE

Review of the Outdoor Dining Policy (formally Footpath Usage Policy).

RECOMMENDATION That -

1. Council adopts the reviewed Outdoor Dining Policy.

BACKGROUND

The former Footpath Usage Policy was last reviewed on the 21 June 2012.

REPORT

The reviewed policy was placed before the Access Committee in June and September 2017.

In accordance with Resolution 335/17 of 19 October 2017 the reviewed policy was placed on public exhibition for a minimum period of 28 days.

At the 16 November 2017 Council Meeting, Council requested that the exhibition period be extended and that a copy of the reviewed policy be provided to all registered food premises in the Shire.

All registered food premises were written to on 21 November 2017 and provided with a copy of the reviewed policy and notified of the extended exhibition period to the 14 December 2017.

No submissions were received regarding the reviewed policy.

POLICY IMPACT

Nil

OPTIONS

Nil


FINANCIAL IMPACT OF RECOMMENDATIONS

The reviewed policy has provisions for the submission of an Outdoor Dining Application form and fee. The fee(s) are outlined in Council's adopted Operational Plan.

RECOMMENDATION That -

1. Council adopts the reviewed Outdoor Dining Policy.

ATTACHMENTS

1. 	Outdoor Dining Policy	Attachment
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POLICY:-	
Policy Title:	Outdoor Dining Policy
File reference:	F10/618
Date Policy was adopted by Council initially:	26 July 2007
Resolution Number:	206/07
Other Review Dates:	21 June 2012
Resolution Number:	173/12
Current Policy adopted by Council:	XX/XX/2018
Resolution Number:	XX/18
Next Policy Review Date:	2021

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed;	N/A
Procedure/guideline reference number:	N/A

RESPONSIBILITY:-	
Draft Policy Developed by:	Director Environment and Planning
Committee/s (if any) consulted in the development of this policy::	Access Committee
Responsibility for implementation:	Director Environment and Planning
Responsibility for review of Policy:	Director Environment and Planning

1. Title

1.1 Outdoor Dining Policy

2. Definition

- 2.1. For the purposes of this policy, an **Outdoor Dining Area** is an outdoor place on Council controlled footpaths, the principal purpose of which is to provide food or beverage for public consumption in association with an adjacent approved food business.

3. Objectives of Policy

- 3.1. The objectives of the policy are:
- 3.1.1. To facilitate outdoor dining on Council controlled footpaths and foster improvement in the street vitality, amenity and economic viability of Upper Lachlan's business zones.
 - 3.1.2. To permit use of public space for private gain where the use is shown to be in the public interest.
 - 3.1.3. To provide clear guidelines for applicants, staff, Council and the community with respect to Council's expectations in relation to outdoor dining.
 - 3.1.4. To set a high standard for accessibility and public safety for all including people with disabilities within and around outdoor dining activities.
 - 3.1.5. To ensure that adequate, sheltered and safe space is maintained for pedestrian access and circulation.
 - 3.1.6. To ensure that outdoor dining areas are maintained in a clean, healthy and tidy manner and remain attractive elements of the civic space.

4. Approval Requirements

- 4.1. Council approval must be obtained for an outdoor dining area.
- 4.2. This policy applies to all outdoor dining applications on land which is controlled by Council under the *Roads Act 1993* (roads and footpaths) within the Upper Lachlan Shire Council Local Government Area.
- 4.3. The *Food Act 2003* also applies in relation to the operation of outdoor dining areas as food premises. The *Liquor Act 2007* applies if there is a proposal for the service of alcohol. Provision of other legislation, including the *Local Government Act 1993*, *Companion Animals Act 1998*, *Smoke Free Environment Act 2000*, *Work Health and Safety Act 2011*, *Impounding Act 1993* and National Construction Code Series (Building Code of Australia) are also relevant.
- 4.4. Outdoor dining areas should comply with the guidelines contained in this Policy. Council, however, will assess applications for

alternative arrangements where the applicant can demonstrate that, on the merits of the individual case, the alternative arrangement will better achieve the objectives of this Policy.

4.5. In assessing these applications, Council will take into account:

- 4.5.1. Pedestrian circulation, continuous accessible path of travel (including for people with a mobility or visual impairment) and vehicular circulation;
- 4.5.2. The existing civic character, heritage, street qualities and function;
- 4.5.3. Available area for outdoor dining, including width of footpath and public spaces;
- 4.5.4. Proximity to associated approved food business and access points to nearby businesses;
- 4.5.5. Siting and design of any existing outdoor dining in the locality;
- 4.5.6. The interests and concerns of groups already using the street; and
- 4.5.7. Proximity to residential areas.

4.6 Making an Application

- 4.6.1 Applicants for an outdoor dining area must submit an Outdoor Dining Application Form, which is available from Council's Customer Service Centre and Council's website www.upperlachlan.nsw.gov.au.
- 4.6.2 Prior to lodging an application, applicants are advised to contact Council to ensure that necessary plans, details, fees and insurance certificates are satisfactory for submission to Council.

4.7 Permanent Structures

- 4.7.1 The erection of permanent structures and awnings in outdoor dining areas will not be approved unless in the context of an integrated streetscape design prepared by Council.

4.8 Roads and Maritime Services (RMS) Requirements

- 4.8.1 Applications for an outdoor dining area on a classified road or adjacent to traffic control signals will require concurrence/approval from the RMS.

4.9 Liquor Licence

- 4.9.1 A Liquor Licence needs to be obtained prior to the consumption of alcohol within an outdoor dining area from the Office of Liquor, Gaming and Racing. Any application for a Liquor Licence is also subject to any applicable Alcohol Free Zones within the Upper Lachlan Shire Council Local Government Area.

5. Location and Site Guidelines

5.1 Associated Premises

5.1.1 An outdoor dining area application will only be considered where:

- a) It is associated with an adjacent approved food business; and
- b) The applicant is the owner or proprietor of that food business.

5.1.2 Hours of operation for the outdoor dining area shall be in accordance with the hours of operation for the adjacent associated food premises.

5.2 Site Requirements

5.2.1 An outdoor dining area is only appropriate where:

- a) The public space is wide enough to accommodate the outdoor dining area while still maintaining a clear pathway for all pedestrians including those using mobility aids;
- b) The ground surface of the outdoor dining area is suitably constructed, sealed and sufficiently level to accommodate the outdoor dining furniture; and
- c) The area may be used safely by and without inconvenience to pedestrians, diners or vehicular traffic.

5.3 Neighbourhood Amenity

5.3.1 The location and operation of outdoor dining areas must take into consideration the amenity of neighbours and other users of the public space.

5.3.2 The use of the area shall not give rise to any nuisance to adjoining properties or offensive noise as defined in the *Protection of the Environment Operations Act 1997*. Amplified music is not allowed to be played within the outdoor dining area.

5.3.3 No entertainment shall be permitted within the outdoor dining area without the consent of Upper Lachlan Shire Council.

6. Placement Guidelines

6.1 Delineation of Outdoor Dining Areas

6.1.1 An outdoor dining area is to be clearly marked and operated within the approved area (as determined by Council).

6.1.2 The boundary markers of the outdoor dining area shall be installed and maintained by Council after approval is granted.

- 6.1.3 The markers that identify the boundary of the outdoor dining area must not be removed or their position altered without Council's prior written approval.
- 6.1.4 An outdoor dining area may be permitted to extend outside adjoining premises provided the written consent of the owner and tenant/proprietor is obtained and approval is gained from Council.
- 6.1.5 The person who has been granted approval must discontinue using the extension of an outdoor dining area (at their own cost) and remove all furniture and other improvements if the owner or the tenant/proprietor of the adjoining premises withdraws consent to the extension for any reason.
- 6.1.6 Outdoor dining areas must be visible from the adjacent approved food business.

6.2 Access and Enclosure Requirements

6.2.1 An outdoor dining area should:

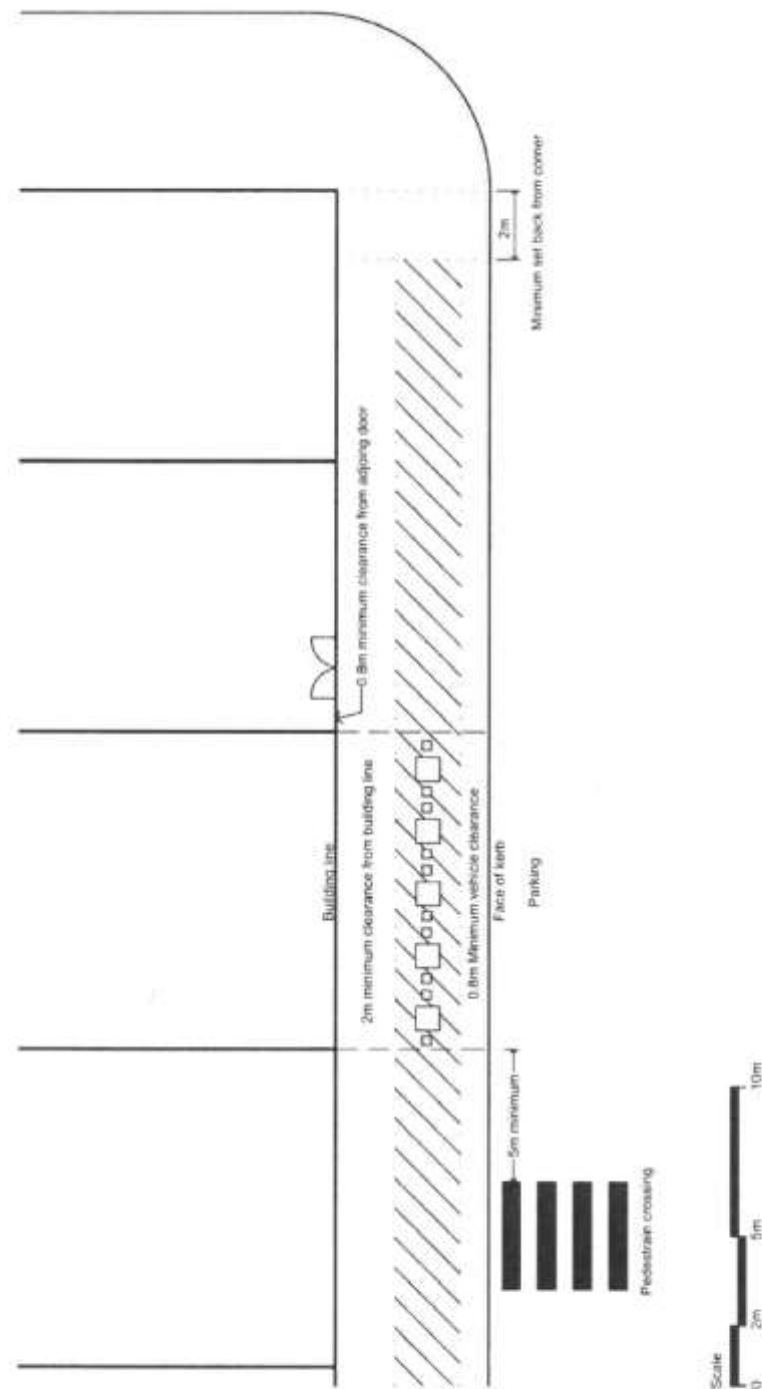
- a) provide an unobstructed pedestrian path of travel of at least 2 metres wide, generally adjacent to the building alignment, along the footway to ensure a continuous path of travel for those using the footpath;
- b) generally be located adjacent to the road kerb, to allow for continuous easy movement of pedestrians along the footpath, browsing in shop windows, entry into shops and ease of movement for people with vision impairment or other disabilities;
- c) in general, maintain a minimum clear width of one (1) metre, exclusive of any obstruction or street fixtures (e.g. bench, bollard, barrier, tree, rubbish bin, pole, etc.) to provide access for pedestrians and persons using a mobility aid. In special circumstances (e.g. high volume pedestrian or traffic areas, such as near busy intersections) greater widths may be required;
- d) at street intersections provide a setback of at least two (2) metres from the building corner, exclusive of any obstruction or street fixture (e.g. bench, tree, rubbish bin, pole etc.).
- e) where vehicles are permitted to park against the kerb, be at least 0.8 metres from the kerb edge for safety considerations and to enable passengers to alight from and access parked vehicles;
- f) there must be a minimum 0.8 setback from any adjoining premises door opening;
- g) no furniture, at any time may be placed outside the outdoor dining area (including while seats are being used);
- h) the layout and space of tables and chairs must provide access and comply with safety standards at all times;
- i) provide a lightweight barrier (temporary, metal framed fabric style or comparable) suitably enclosing the approved

outdoor dining area. Such barrier shall be a minimum of 0.6 metres and a maximum of 1.2 metres high and complementary in colour to the outdoor furniture and the surrounding area. The boundary furniture should have no sharp edges and any protruding feet must be contained wholly within the marked outdoor dining area. Safety rails and bollards etc. will be permitted where required for safety reasons.

- j) not impede access to public utilities such as fire hydrants, access holes, inspection chambers, telephone and electricity underground cables, water service pipes and the like;
- k) conform to the RMS's requirements where relevant;
- l) not be located adjacent to bus stops, taxi zones, designated disabled parking spaces, construction zones and the like;
- m) not be located within five (5) metres of any pedestrian crossing access point;
- n) not be located on both sides of the pedestrian access path unless the location has been purpose built to accommodate placement of furniture or there is sufficient footpath width; and
- o) all items must be kept clear of all required fire exits of the premises or of adjoining premises.

6.2.2 Outdoor dining areas may be approved against the shop front where due to pedestrian crossings/site problems they cannot be against the kerb and in otherwise favourable locations minor modifications of the nominated clearances may be appropriate subject to Council's approval.

Plan of Preferred Site Layout



6.2.3 Planter boxes may not be included in an outdoor dining area without Council's prior written consent. The location of any planter boxes must be shown on all plans submitted to Council. Planter boxes may only be placed on the kerb side of the dining area and not between adjoining dining areas or between dining areas and pedestrian areas. In addition planter boxes must:

- a) not exceed 1.2 metres in length, 0.6 metres in width and 1.2 metres in height, including the plants;
- b) be located within the approved area at all times;
- c) not display any advertising;
- d) be planted and maintained to the satisfaction of council; and
- e) be removed from the outdoor dining area and stored outside trading hours

6.2.4 Where applicants propose the use of a form of enclosure for outdoor dining areas, such as roll-up blinds and the like, the enclosures are:

- a) to be removed from the outdoor dining area and stored outside trading hours;
- b) not to be permanently rolled down (in the case of blinds), i.e. can be rolled up and down for use only in inclement conditions;
- c) to be used around no more than two (2) sides of the outdoor dining area. In the case of a row of outdoor dining areas, should only be used on the perimeter of the entire row of outdoor dining areas so as not to work against the amenity of outdoor dining;
- d) not cause any obstruction to the minimum path clearance required for public access (including access for the disabled);
- e) not to encroach on the roadway or be able to be blown onto the kerb edge/roadway area or pedestrian area;
- f) not to be located near any heating devices so as to cause a potential fire hazard;
- g) to be securely fitted and installed to ensure that they withstand the effects of wind and further they be removed or closed in extremely windy conditions and must be removed when the outdoor seating is not in use;
- h) fixtures that penetrate or damage the pavement on Council's footpaths will not be permitted;
- i) not undermine the strength of the structure on which they are to be fitted; and
- j) not to be used for the display of advertising.

a6.3 Consumption of Alcohol

- 6.3.1. The use of an outdoor dining area for the consumption of alcohol will be assessed on a case by case basis. The applicant will need to apply for the relevant liquor licence from the Office of Liquor, Gaming and Racing.
- 6.3.2 The consumption of alcohol will not be permitted within an area identified as an alcohol free zone under the provisions of the *Local Government Act 1993*.
- 6.3.3 If approved, alcohol shall not be served without a meal service.

6.4 Smoking

- 6.4.1 The *Smoke Free Environment Act 2000* bans smoking in commercial outdoor dining areas from 6 July 2015 being

- a) a seated dining area; or
- b) within 4 metres of a seated dining area on premises that are licensed premises under the *Liquor Act 2007* or the premises of a restaurant as defined in that Act.

- 6.4.2 A “seated dining area” is:

- an area which seating is provided and in which food that has been purchased and served on plates or packaged for immediate consumption is consumed. The seating must have been provided by the occupier of the premises where the food is purchased or by the operator of the business from which the food is purchased;
- an area is only a seated dining area when food is being consumed there or is available to be purchased and consumed there;
- an area is not a seated dining area if the area is designated as not being for the consumption of food by the display within the area of signs complying with the Regulations;
- the occupier of an area designated as not being for the consumption of food must take reasonable steps to ensure that the consumption of food does not occur in the area.

7. Furniture Guidelines

7.1 Outdoor Furniture

- 7.1.1 Outdoor furniture must be safe, comfortable, of sturdy construction, hygienic and designed for outdoor use. Surface tops should be non-reflective and be of a design which inhibits the collection of food particles.
- 7.1.2 The design and colour should make a positive contribution to the street environment and complement the surrounding streetscape.
- 7.1.3 A single style and colour scheme must be selected for tables, chairs, umbrellas and edge furniture to provide consistency and identity.

- 7.1.4 Outdoor furniture, including but not limited to tables, chairs, planter boxes and barriers must, at all times, be properly placed and confined within the outdoor dining area and shall not impact upon the safety of other users.
- 7.1.5 Items placed in the outdoor dining area must not cause damage to the existing footway or other public infrastructure. The outdoor dining operator is responsible for any damage caused to third parties.
- 7.1.6 It is the responsibility of the food business operator and employees to ensure that patrons do not move furniture from within the boundaries of the outdoor dining area.
- 7.1.7 No outdoor furniture is to be permanently fastened to the footway.
- 7.1.8 All items must be removed from the outdoor dining area upon completion of trading each day and stored within the adjacent approved food business.
- 7.1.9 Outdoor dining areas on footways and public spaces to which vehicular traffic has access must be protected by approved barriers.
- 7.1.10 No outdoor furniture or other items, other than that approved by Council, is permitted within the outdoor dining area.

7.2 Umbrellas and Shade Structures

- 7.2.1 Umbrellas and shade structures must be anchored to ensure that they are secured to withstand the effects of wind. Fixtures that penetrate or damage Council's pavement will not be permitted.
- 7.2.2 The device used to anchor the umbrella must not present a trip hazard.
- 7.2.3 Umbrellas must not encroach on, or interfere with pedestrian or vehicular movement.
- 7.2.4 Umbrellas and shade structures must be at least 2.2 metres above the ground level at the lowest point and be contained wholly within the outdoor dining area.
- 7.2.5 Umbrellas and shade structures must be manufactured from fire retardant material if adjacent to a heating device.
- 7.2.6 Umbrellas must be removed or closed in extremely windy conditions and must be removed when the outdoor seating area is not in use.
- 7.2.7 Umbrellas must be maintained in sound and aesthetically acceptable condition to the Council's satisfaction.
- 7.2.8 Umbrellas and shade structures must not contain general advertising but may include business premises identification and advertising associated with the adjacent approved food premises (e.g. coffee brand).

7.3 Heating Devices

- 7.3.1 Free standing heaters located within outdoor dining areas must comply with Australian Standard AS 1596 (Storage and Handling) and must be certified by the Australian Gas Association.

- 7.3.2 Heating devices must be contained wholly within the outdoor dining area.
- 7.3.3 Heating devices must be positioned and secured to ensure that they will not cause any injury. Outdoor dining operators are responsible for any damage caused.
- 7.3.4 Access to the gas mains and use of electrical extension cords are not permitted.

7.4 Advertising and Signage

- 7.4.1 The name of the associated food business or logo may be placed on outdoor umbrellas only and no other items of furniture (unless the written consent of Council has been obtained) and only if it:
 - a) Identifies the café or advertises products which are a core part of the food business and are supplied by the business to the public;
 - b) Involves only one product or business name being advertised;
 - c) Is in the nature of a corporate logo or identification; and
 - d) Is of a minor and integral element of the furniture design and does not have an excessive impact on the outdoor dining area or the streetscape.

7.5 Animals

- 7.5.1 Animals are permitted within the outdoor dining area under the *Companion Animals Act 1998*. All requirements of the *Companion Animals Act 1998* must be met including:
 - a) The dog must be under effective control by way of chain, cord or leash;
 - b) The person does not feed the dog or permit the dog to be fed; and
 - c) The dog is kept on the ground.
- 7.5.2 The operator of the premises reserves the right to refuse animals within the approved area, except for Guide Dog's and Assistance Dog's.

8. Management issues

8.1 Approval Conditions

- 8.1.1 Council will charge a fee for the use of the footpath as an outdoor dining area. Application fees and annual rental fees are as set out in Council's Operational Plan.
- 8.1.2 It is the responsibility of the outdoor dining operator to meet all the conditions of approval.
- 8.1.3 All requirements of the food safety standards adopted under NSW legislation are to be fully met.

- 8.1.4 The outdoor dining operator shall take all reasonable precautions to ensure the good conduct of employees and patrons of the outdoor dining area.
- 8.1.5 An approval may be granted for a period up to 5 years and shall conclude at the end of the approval period.
- 8.1.6 Expiration of the approval will require lodgement of a new application.
- 8.1.7 Council will not be responsible for any costs, expenses or losses if public infrastructure needs to be accessed.
- 8.1.8 Council may revoke an approval or amend the approved area due to footway layout being altered (e.g. road works or streetscaping works).
- 8.1.9 An approval lapses if the adjacent approved food business ceases to trade.
- 8.1.10 Approvals are transferable, provided Council is notified and proof of an acceptable current Public Liability Risk Insurance Certificate for the new proprietor is submitted to Council.
- 8.1.11 Despite any provisions of this Policy, Council may amend any approval to meet legislative requirements or altered circumstances at specific sites at any time.

8.2 Insurance Requirements

- 8.2.1 The applicant/operator for an outdoor dining approval is to indemnify Council against any action taken against it by persons suffering any loss or injury as a result of the existence or operation of the outdoor dining area.
- 8.2.2 Public risk insurance must be taken out and maintained by the approval holder of the food business to the minimum value of \$20 million or any other amount as Council may stipulate from time to time (for each accident or event) with Council noted on such policy as an interested party.
- 8.2.3 The approval holder is required to lodge a copy of the policy with Council prior to the placement of furniture within the approved outdoor dining area.
- 8.2.4 A Certificate of Currency is required to be furnished annually or on renewal of the insurance and with each outdoor dining renewal application.

8.3 Cleanliness and Maintenance

- 8.3.1 The outdoor dining area, furniture, facilities and the pavement must be maintained in a clean and tidy condition at all times, free from food scraps, refuse and disfigurement etc.
- 8.3.2 Food must not be cooked or prepared in the outdoor dining area.
- 8.3.3 No equipment ancillary to food service eg cutlery, condiments etc are to be stored within the outdoor dining area.
- 8.3.4 The approval holder must also maintain the adjacent areas and keep them free of any waste generated by the activity within the approved area.

- 8.3.5 The approval holder must have suitable arrangements for a commercial waste collection service for waste to be disposed of (not to street bins).
- 8.3.6 The approval holder is to bear the cost of all pavement repairs which have been caused by the outdoor dining activities. Such damage will be repaired by Council at the approval holder's cost.

8.4 Toilet Facilities

- 8.4.1 Inclusion of outdoor seating increases the number of seats to a cafe or restaurant and as such may require an increase in the provision of toilet facilities. Approval holders must ensure that toilet facilities are made available to patrons (inside and outside) in accordance with the requirements of the National Construction Code Series (Building Code of Australia).

8.5 Non-compliance

- 8.5.1 The use of an outdoor dining area will be reviewed if the use is not in accordance with the approval conditions.
- 8.5.2 The use of an outdoor dining area without approval or not in accordance with an approval is an offence and may result in the issue of a warning notice or other enforcement action.
- 8.5.3 Authorised officers may provide a direction/order either verbally or in writing. Where possible, verbal notices will be followed up by a written notice.
- 8.5.4 The business owner, operator and persons employed by the business owner or operator must comply with any direction/order given by a Council authorised officer with respect to the outdoor dining area.
- 8.5.5 Authorised Officers of Council are empowered to issue a direction/order (verbally or in writing), revoke an approval, and remove furniture from an outdoor dining area in the case of a threat to health and safety or where the approval holder does not cease to use the site or does not remove the furniture and restore the site when requested (at the approval holder's expense).
- 8.5.6 An approval may be revoked by Council at any time for failure to comply with a direction/order given by an authorised officer of Council or for a failure to comply with any condition of approval or Policy.
- 8.5.7 Pedestrian movement patterns will be continuously monitored and may lead to a variation or revocation of an approval at any time should authorised officers consider it to be in the public interest to do so. In these circumstances, reasonable notice should be given to the approval holder and a reasonable period of time will be provided before the notice becomes effective. Generally, a reasonable period of notice will be 5 working days. This period of notice may however be shortened if the particular circumstances warrant the urgency. The provision of notice will

not apply where in the opinion of the authorised officer; there is an imminent threat to the health and safety of the community.

8.5.8 If in the opinion of an authorised officer, there is an imminent threat to the health and safety of the community (eg. pedestrian and vehicular traffic hazards, windblown items etc), the business owner, operator or employee must take immediate action to any direction/order issued by an authorised officer of Council. Should the business owner, operator or employee fail to take immediate action, an authorised officer may remove all furniture and take all necessary action required to eliminate the health and safety threat in respect of the outdoor dining area at the approval holder's expense.

8.5.9 Any approval issued under this Policy is subject to any relevant legislative requirements including but not limited to the *Food Act 2003*, *Liquor Act 2007*, *Local Government Act 1993*, *Companion Animals Act 1998*, *Smoke Free Environment Act 2000*, *Work Health and Safety Act 2011*, *Impounding Act 1993* and National Construction Code Series (Building Code of Australia).

RELEVANT LEGISLATION AND COUNCIL POLICIES:

Roads Act 1993

Environmental Planning and Assessment Act 1979

Local Government Act 1993

Food Act 2003

Liquor Act 2007

Companion Animals Act 1998

Work Health and Safety Act 2011

Smoke Free Environment Act 2000

Impounding Act 1993

National Construction Code Series (Building Code of Australia)

Upper Lachlan Local Environmental Plan 2010 (as amended)

Upper Lachlan Development Control Plan 2010 (as amended)

VARIATION

Council reserves the right to vary or revoke this policy.

10 WORKS AND OPERATIONS

The following items are submitted for consideration -

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Works and Operations - 15 February 2018

ITEM 10.1 **Works In Progress - Construction & Maintenance**

FILE REFERENCE **I18/27**

AUTHOR **Manager of Works**

ISSUE

This Works and Operations Department report provides Council with details regarding the construction and maintenance work in progress.

RECOMMENDATION That -

1. Council receive the report and note the information.

BACKGROUND

It is a routine report on the progress of ongoing capital and maintenance works in accordance with Council resolutions and community expectations.

REPORT

Council is recording customer requests including routine requests from Councillors into the Customer Request Management (CRM) system to ensure appropriate and timely allocation of resources. As a result of this process, there is a substantial decrease in the number and nature of Customer Requests. Council's Works area run a fortnightly report in order to monitor and track progress and response times. The majority of the requests are being completed or customers are notified within 15 days or earlier.

Councillors may wish to encourage the use of the CRM system within the community and help Council earn community's trust. Councillors and the community may wish to provide advice to the staff on further improvement of the CRM system as a part of the CRM system development currently underway.

In addition to maintenance requests Council is undertaking various capital works projects detailed below:

Details of the major current projects are set out below:-

1. MR54 Segment 600, Junction Point Road reconstruction and initial sealing, segment length 5.3km

With the imminent completion of the project in early 2018, Council staff and the community of Upper Lachlan Shire can look back on this project and feel proud of completing a major project delivering on the State Government agenda with local resources.

Works and Operations

WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE cont'd

Sealing of the final section (section 5) of Segment 600 was completed on 23 January 2018. Crash Barrier installations and line marking are scheduled for February 2018.

It is estimated that works will be completed by March 2018.

Completion of the 10.5km of initial seal is a proud and significant achievement for Council by constructively working with Roads and Maritime Service (RMS). Council and RMS effectively started preconstruction tasks on the 19 December 2013 and works on site commenced in October 2014.

2. MR256 Abercrombie Bridge Replacement Project

Progress with this project has not been significant due to delays in finalising the revocation of the National Parks land located within the Oberon Shire Council. While awaiting this revocation, Council is in the process of negotiating an interim arrangements with National Parks and Oberon Council to allow access into the National Park to facilitate.

As a background, this timber bridge replacement project is co-funded by Infrastructure NSW Restart NSW programme and the Department of Infrastructure and Regional Development Bridges Renewal program.

As reported previously the Review of Environmental Factors (REF) is complete and the Aboriginal Heritage Impact Permit (AHIP) was received by Council prior to Christmas from the Office of Environment and Heritage.

Council staff are proceeding with seeking quotations to complete the bridge replacement.

Due to ongoing delays with finalising the revocation of part of the Abercrombie River National park it is proposed to request another extension of time from both Infrastructure NSW Restart NSW programme and the Department of Infrastructure and Regional Development Bridges Renewal program to enable enough time to complete the project.

3. MR52 "Devil's Elbow" Realignment

Major rock cutting is progressing satisfactorily and once the rock excavation and general earthworks is completed Council will then continue with gravel placement.

The proposed new alignment is designed for a recommended 60 kilometre per hour speed limit, however providing significant improvement to safety and the ability to open up B Double and heavy vehicle access through this vital link between Crookwell and Gunning and further onto Yass Regional Livestock markets.

Works are scheduled to finish by April 2018.

The Devil's Elbow realignment project is co-funded by the Australian Government Black Spot Program, NSW Government Fixing Country Roads

Works and Operations

WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE cont'd

program, Australian Government Heavy Vehicle Safety and Productivity Program and Council.

4. MR52 Gundaroo Road Rehabilitation

Council has completed the necessary pipe culvert drainage extensions and has commenced selected vegetation clearing and trimming.

Formation widening (earthworks) has also commenced and following earthworks pavement re-construction will commence. Bitumen sealing and improved delineation including line marking and signage are expected to be completed by April 2018.

The Gundaroo Road rehabilitation is co-funded by the Regional Road Repair Program and the Upper Lachlan Shire Council.

This 1.6km section of road proposed to be upgraded, is located at 7.3km to 8.9km south of Gunning and connects to a section of road previously upgraded in 2016/2017.

5. Local Road Rehabilitations

Council has engaged the services of a subcontractor to undertake pavement rehabilitations on Breadalbane Road (1.58km) and Redground Road (1.69km).

These works are expected to commence in February and be completed by May 2018, weather permitting.

6. Local Road Reconstruction and Initial seals

Council has engaged the services of a subcontractor to undertake Local Road and urban street reconstruction and Initial seals on Cullavin Street, Gunning (0.11km), McIntosh Road, Crookwell (0.47km) and Towrang Road (1.08km).

These works will coincide with the abovementioned rehabilitation projects and are expected to commence in February and be completed by May 2018, weather permitting.

Routine Grading Maintenance

Council is receiving regular service requests for maintenance grading. Council's staff are reviewing the conditions of the unsealed road network as these conditions can change unexpectedly without much warning. As such this program is subject to change depending on road conditions and weather at a point in time in order to keep the road network safer based on the available conditions, in accordance with accepted practice in Upper Lachlan Shire Council.

Works and Operations

WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE cont'd

Council's proposed draft maintenance grading program for the upcoming month is as follows:-

Works in Progress

1. Grabine Road;
2. Side Roads off MR256 between Goulburn and Taralga;
3. Peelwood Road;
4. MR241 Rye Park (between Hilltops boundary and Cooks Hill Road);
5. Cooks Hill Road.

Scheduled Works

1. Foggs Crossing, Greenmantle Roads;
2. Rhyanna and Middle Arm Area;
3. Sapphire Road (between Wheeo Road and Grabben Gullen Creek;
4. Kangaloolah, Cuddyong, Fullerton Area;
5. Cummins, Willcox and Woodhouselee Roads.

Other Construction and Maintenance Works

Other Works in Progress / scheduled

1. Gravel Re-sheeting on Towrang, Brayton, Rhyanna, Woodhouselee Roads;
2. Continuation of the Colyer Street kerb and gutter repairs;
3. Construction of a 72 internment Columbarium at the Gunning Cemetery;
4. Construction of road barrier in Prell Street to block the street to through traffic. This project was recommended by the Local Traffic Committee on 27/3/17 and approved by Council on 20/4/17;
5. Heavy patch repairs on Woodhouselee Road, between MR54 and the Crookwell Developments access to the Windfarm. Works undertaken by BMD on behalf of Crookwell Developments;
6. Storm restoration repairs on Decca Road, Bigga;
7. Council will be undertaking heavy patch repairs on MR54 between Pejar and Abercrombie River and MR248 West and Wheeo Road;
8. Kiamma Creek Timber walkway repairs within Pat Cullen Reserve;
9. Roadside growth control by chemical or slashing on selected local roads. These works are undertaken to restrict vegetation growth on rural roadsides and intersections.
10. Vegetation trimming on MR248 East between Crookwell and Laggan.

Works Completed

In addition to the major projects underway as detailed above, Council has also completed:-

1. Gravel re-sheeting on Old South Road and Leary's Lane;

Works and Operations

WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE cont'd

2. Reseals on Soudan Street, Wolseley Road, Richardson Street, "Parson Store Lane" in Tuena and Middle Arm Road;
3. Laggan Road to Oram Street drainage improvements including kerb and gutter;
4. Heavy patch repairs on Woodhouselee, Jerrawa, Rugby, Sapphire, MR52 Nth Grabben Gullen, MR52 Sth Gundaroo and Bigga Roads;
5. Storm damage repairs on Salisbury, Mulgowrie, Sunny Side, Grabine, Foggs Crossing, Bevendale, Rugby and Jerrara Roads;
6. Pipe Culvert maintenance on Grabine Road near "Hammonds" and Bigga Village;
7. Vegetation trimming on Woodhouselee Road between Laggan and "Hearnes";
8. Repairs on tree root damaged kerb and gutter in Spring Street near the Senior Citizens building;
9. Crash Barrier installations on MR248 West between MR54 and Hawthorne tree Road;
10. Assist with traffic management in Taralga Village associated with bush fire response by RFS;
11. Grass slashing in Binda, Grabben Gullen, Dalton, Gunning, Collector and Breadalbane;
12. Linemarking on Gundaroo Road, Peelwood Road and selected streets in Gunning and Crookwell.

POLICY IMPACT

Council developed a strategy to deal with drainage issues arising in unsealed roads and it is being implemented gradually to the workforce as they are inducted.

Additionally, all works requests are now being channelled through the CRM for timely finalisation and record keeping. Both of the initiative appears to have been received positively by the community based on the recent feedback from the community and reduced number of complaints.

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Capital and Maintenance works are funded through the annual Operational Plan (Budget). Changes to the funds are reported to the Council through separate reports.

RECOMMENDATION That -

1. Council receive the report and note the information.

ATTACHMENTS

Nil

Works and Operations - 15 February 2018

ITEM 10.2 **Road Maintenance Council Contract**

FILE REFERENCE **I18/26**

AUTHOR **Manager of Works**

ISSUE

Contractor Performance Report December 2017.

RECOMMENDATION That -

1. Council receives the report and notes the information.

BACKGROUND

Upper Lachlan Shire Council (ULSC) has been engaged through the single invitation contract provisions (RMCC) of the NSW Government's Roads and Maritime Services Authority (RMS) since 2008 to maintain Main Road 54 (MR54) from Goulburn (Auburn Street) through to the Abercrombie River (Shire boundary).

Council's routine activities under the RMCC include general surveillance, litter and debris collection, emergency and incident response, regular grading, sign and guidepost repair, vegetation management, and drainage maintenance.

The RMCC Contract value for the 2017-2018 Financial Year is currently \$449,580 per annum which directly offsets Council's costs for both on ground works and administration.

It is Council's performance under the RMCC which provides the basis for prequalification in major road rehabilitation and refurbishment works along MR54 to include Bitumen Re-Sealing; Drainage/Culvert Re-Construction; Heavy Patching; Vegetation Management and Road Re-Construction.

On the basis of ULSC's performance and following on from the announcement by the former NSW Minister for Roads Mr Duncan Gay, construction is almost finalised on Segment 600 between Tuena and the Abercrombie River.

REPORT

Under the RMCC, ULSC must meet a range of quality, safety, environmental, and value targets which is reported by the RMS on a quarterly basis. ULSC has recently received its quarterly (December 2017) Contractor Performance Report which builds upon the significant work previously undertaken by ULSC in improving both the quality of service offered and the relationship with the RMS.

Works and Operations

ROAD MAINTENANCE COUNCIL CONTRACT cont'd

In reviewing the results of the Contractor Performance Report, it is noted there has been sustained improvement across a range of performance indices, and ULSC has been able to continue its overall performance as 'Good' being recommended as being suitable for further work under the RMCC.

The Works Section is continuing to implement a range of initiatives and strategies to sustain and potentially improve ULSC's performance in this regard.

POLICY IMPACT

Nil

OPTIONS

Nil


FINANCIAL IMPACT OF RECOMMENDATIONS

In accordance with budget

RECOMMENDATION That -

1. Council receives the report and notes the information.

ATTACHMENTS

1. 	Roads & Traffic Authority - RMCC - Contractor Performance Report Dec 2017	Attachment
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Contractor Performance Report



Transport
Roads & Traffic
Authority

General information

Contractor's name Upper Lachlan Shire Council

Trading as As above

ABN No. 81 011 241 552

Contract No. 08.2574.2120

Contract Description

Road Maintenance Council Contracts

At Acceptance of Tender

Contract Period (weeks) 52

Original Due Date for
Practical Completion 30/06/2018

Date of Acceptance of Tender 30/10/2008

Original Contract Sum \$ 329,000

Reason for report

Progress

1 April

☐

1 August

☐

1 December

☒

Final

☐

Key Milestones

Practical
Completion

☐

Finalisation

☐

Continuing Unsatisfactory
Performance

☐

Termination of Contract

☐

Total Extensions of
Time Approved (days) N/A

Extended Date for
Practical Completion N/A

% Work Completed at N/A

Actual Date of
Practical Completion N/A

Contract Sum
as Varied at Report \$ N/A

Contractor's performance (Rate with appropriate number 0 - 10)

	Unsatisfactory (0 - 4)	Acceptable (5 - 7)	Good (8 - 9)	Superior (10)	Rating value zero to ten
Co-operative relationship	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>9</u>
Contract administration	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>9</u>
Environmental Management	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>8</u>
Management and suitability of site personnel	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>9</u>
Management of Industrial Relations	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>8</u>
Management of sub-contractors, consultants and other suppliers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>8</u>
OHS&R Management	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>8</u>
Quality system	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>8</u>
Standard of work -					
Drainage	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>8</u>
Pavement	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>8</u>
Bridge sub-structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>N/A</u>
Bridge superstructure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>N/A</u>
Maintenance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>8</u>
Minor works & Service	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>8</u>
Professional Service	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>8</u>
Earthworks	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>8</u>
Time Management	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>8</u>
Traffic Management	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>8</u>
Workforce or skills development	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>8</u>
Overall Performance	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>9</u>
Suitability for further work*	<input type="checkbox"/> Not suitable**	<input checked="" type="checkbox"/> Suitable			

* Optional to select during course of engagement. Must select as appropriate on all other reports

** If "Not Suitable" is selected, detailed reasons **must** be given.

Overall comments *(Use separate report if necessary)***Reporting Officer***In my opinion:*

Upper Lachlan Council continue perform at a high level enabling them to fulfill their obligations and responsibilities under the RMCC in maintaining MR54. The current major construction works of sealing the last section of the 10km of gravel road is being managed extremely well by the Councils engineering staff and will be completed in February 2018. Councils day labour crews are working very well out at the site and should be commended for their tireless effort. Council are about to embark on a large heavy patching program as well as a number of other minor projects.

Name: Stephen EdwardsReport Date: 23/01/2018Signature: Phone: 4221 2426**Reviewing Officer:**I concur ☒ / do not ☐ concur with the Reporting Officer's assessment detailed in the report. *In my opinion:*

Agree with above

The report has been forwarded to the Contractor

Yes ☒ / No ☐ (All reports to be forwarded)

Recommended for further work

Yes ☒ / No ☐ (Practical Completion and Finalisation)

If the recommendation is NO: The unsatisfactory performance aspects have been discussed with

Name: Richard HeffernanReview Date: 23/01/2018Phone: 0411 026 982

Response from Contractor Received and report finalised

Yes ☐ / No ☐Name: M. ShahReview Date: 23/1/18Signature: Phone: 4830 1000**Attachments:****Distribution**

1. Contractor's Representative
2. RTA's Representative
3. Manager, Contracts Strategy, Infrastructure Contracts Branch
(Only if the overall performance is unsatisfactory or Contractor not recommended for further work)

Works and Operations - 15 February 2018

ITEM 10.3 **Replacement Of Council Emulsion sprayer**

FILE REFERENCE **I18/51**

AUTHOR **Manager of Works**

ISSUE

Council's Emulsion Sprayer (Plant No 24) is in need of replacement.

RECOMMENDATION That -

1. That Council replaces the Emulsion Sprayer (Plant no 24) at a cost of \$20,700+GST and this replacement be funded from the Plant Replacement Reserve.

BACKGROUND

Council's existing emulsion sprayer recently undertook a pressure test and the result of the test is that the sprayer has been found to be unsatisfactory and replacement is recommended.

The age of this vessel is in excess of 40 years and is not fit for purpose.

Funds for the replacement of the emulsion sprayer have not been included in the Operational Plan 2017/18 as it was not identified as being problematic at the time of preparing the plan.

The sprayer is an important machine used regularly and urgently needed for the day to day operation of the works area and recommended for urgent purchase.

REPORT

Council's emulsion sprayer is used regularly on essential sealed road maintenance to repair potholes and cracking in the sealed surface.

It is a simple pressure vessel device that runs on compressed air to discharge the emulsion in a safe and tidy manner.

As mentioned above the current pressure vessel was subject to a pressure test that failed and has been deemed to be not fit for purpose.

Council has obtained a quotation to replace the emulsion sprayer with a new sprayer for \$20,700+GST.

Works and Operations

REPLACEMENT OF COUNCIL EMULSION SPRAYER cont'd

POLICY IMPACT

Council include these replacements of plant and equipment as a part of the fleet replacement program.

OPTIONS

Do Nothing – This option will not address the current need to hire an emulsion sprayer to undertake essential sealed road maintenance;

Hire a purpose built Emulsion Patching Truck – The cost of hiring a purpose built emulsion truck is in the order of \$5,500 per week.

Purchase a replacement Emulsion Sprayer in the 17/18 year – This option will enable essential maintenance to continue using the emulsion. This is the preferred option.

FINANCIAL IMPACT OF RECOMMENDATIONS

At the end of the 2016/2017 financial year the balance in the Plant Replacement Reserve was in the order of \$1.1 million.

The replacement cost for the emulsion sprayer is \$20,700+GST and there are adequate funds in the Plant Replacement Reserve.

RECOMMENDATION That -

1. That Council replaces the Emulsion Sprayer (Plant no 24) at a cost of \$20,700+GST and this replacement be funded from the Plant Replacement Reserve.

ATTACHMENTS

Nil

Works and Operations - 15 February 2018

ITEM 10.4 **Legislative Changes**

FILE REFERENCE **I18/32**

AUTHOR **Design Engineer**

ISSUE

Changes to the Crown Lands Act and Native Title

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

The NSW government has introduced a Crown Land Management Act 2016 that will come into effect in the first quarter of 2018 and allows Council's to manage Crown land under the provisions of the Local Government Act 1993 for Public Land. It is anticipated this will reduce duplication and drain on resources experienced by Councils.

As part of this streamlined process, Councils will be required to have plans of management for most Crown reserves that they manage.

Further information and guidance on the requirements for plans of management, including available funding will be provided to Councils in the coming months.

Native title refers to the rights and interests in relation to land and waters held continuously by Aboriginal people under their traditional laws and customs, recognised by Australian law.

All Crown land managers are responsible for complying with the native title legislation in their management of Crown land and must ensure their dealings comply with the requirements of the Commonwealth Native Title Act 1993.

REPORT

In response to calls from Councils for more autonomy and a streamlined approach to Council Crown land management, the Crown Land Management Act allows Councils to deal with Crown land without the oversight of the Minister for Lands and Forestry or the Department of Industry – Crown Land and Water. This makes it essential that Councils clearly understand and comply with their native title obligations.

The Department of Industry – Crown Land and Water will continue to provide updates on key features of the Act through newsletters, LGNSW updates and direct correspondence. The Department is planning scheduled program of briefings for Councils and will present at various Council sector conferences.

Works and Operations

LEGISLATIVE CHANGES cont'd

A summary of the new legislation and Council obligations is covered in the attachments.

POLICY IMPACT

The NSW Government will provide some resources to Councils.

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Council will be faced with increased costs through legal advice, staff time and increased liability if any actions are made which affect Native Title.

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

1. ↓	Managing Crown Lands - an update for Local Councils	Attachment
2. ↓	Council obligations under the Crown Land Management Act 2016 regarding Native Title	Attachment
3. ↓	Briefing to ELT	Attachment



MANAGING CROWN LANDS

An update for local councils

SEPTEMBER 2017

With new *Crown Land Management Act 2016* coming into effect early next year, this update provides information on how we will work with you to deliver improved management of the state's vast area of Crown land.

Managing Crown reserves

Plans of management

The *Crown Land Management Act 2016* (CLM Act) allows councils to manage Crown land under the provisions of the *Local Government Act 1993* for public land. It is anticipated this will reduce the duplication and drain on resources experienced by councils resulting from the current dual legislative frameworks.

Councils will generally no longer have to seek consent for dealings on Crown land and will also benefit from the removal of reporting requirements. Instead, they will be able to manage Crown reserves in the same way that council-owned land is managed.

As part of this streamlined process councils will be required to have plans of management for most Crown reserves that they manage. Some exceptions will apply for truly operational Crown land, such as waste depots.

In order to make the implementation of the plan of management requirement as straightforward as possible, the following will apply:

- the requirement to have plans of management will be phased in over three years from the time the new legislation commences
- councils can amend existing plans of management so that they apply to Crown reserves, where this is appropriate given the use of the Crown reserve
- where new plans are required, councils will be able to follow a simplified process (for example, councils will not be required to hold public hearings)
- some financial assistance will be available to help with the costs of preparing plans of management.

More information and guidance on the requirements for plans of management, including the available funding, will be provided to councils in the coming months.

Native title obligations

Native title refers to the rights and interests in relation to land and waters held continuously by Aboriginal people under their traditional laws and customs, recognised by Australian law.

As the Reserve Trust Handbook makes clear, all Crown land managers are currently responsible for complying with native title legislation in their management of Crown land and must ensure that their dealings are valid and comply with all procedural requirements of the Commonwealth *Native Title Act 1993* (NT Act).

In response to calls from councils for more autonomy and a streamlined approach to council Crown land management, the CLM Act allows councils to deal with Crown land without the oversight of the Minister for Lands and Forestry or the Department of Industry—Crown Land and Water. This makes it essential that councils clearly understand and comply with their native title obligations.



The CLM Act contains provisions to facilitate compliance by councils with the NT Act, including requiring councils to employ or engage trained native title managers who will be responsible for providing advice on certain dealings for land that may be affected by native title. It also clarifies responsibilities where native title has not been extinguished or determined.

The NSW Government will provide training for nominees from each local council to become accredited as Native Title Managers.

More information will be provided to councils in the coming months and councils will be invited to nominate representatives to participate in the training. Training is planned to occur in November this year.

Regulations

As the next step towards commencement of the new legislation in early 2018, the Government has released the draft Crown Land Management Regulation 2017 for public comment.

The Regulation provides clarity and certainty for Crown land managers, tenure holders, and users of Crown land. It provides information about how certain parts of the CLM Act are to be implemented and protects the Crown land estate for future generations. The Regulation consolidates various existing regulations and introduces some new regulatory provisions appropriate to support new concepts in the new legislation.

A regulatory impact statement (RIS) for the draft regulation has been prepared by the Centre for International Economics, an independent specialist. The RIS identifies and assesses the direct and indirect costs and benefits of each regulation to ensure they are necessary, appropriate and proportionate to risk.

The draft Regulation and the RIS, together with supporting documentation such as Frequently Asked Questions and factsheets are available on the Crown Land and Water website and the NSW Government 'Have Your Say' website.

The public exhibition period commenced on 4 September 2017 and closes on 1 October 2017.

Submissions can be made:

Online: By using the online submission form

Email: legislation@crowland.nsw.gov.au

Post: Draft Crown Land Management Regulation comments
Department of Industry—Crown Land and Water
PO Box 2185
Dangar NSW 2309

All submissions and comments will be treated as public and may be published unless the author indicates that it is to be treated as confidential.

Engaging with the community on key issues

The CLM Act commits to community engagement and involvement in Crown land decisions by requiring the preparation of a Community Engagement Strategy for proposals that could affect public use of Crown land. Examples of proposals that would trigger the need for community engagement include sales, leases, and licences if they would affect public use, or changes to the reserve purpose that would affect public use.

Both the NSW Government and non-council Crown land managers who manage reserves will be required to comply with the Community Engagement Strategy.

The strategy will not apply to councils acting as Crown land managers—instead, councils must comply with community engagement obligations under the *Local Government Act 1993*.



The Community Engagement Strategy will provide the framework for community engagement to be tailored to specific situations to ensure proposals that most affect the community are subject to genuine engagement. For example, where a change in purpose is proposed for a reserve that is highly used by the community, engagement would be required so that the public could contribute to informing the decision making process. The type of engagement could include focus groups, surveys or workshops.

This new process will deliver transparent decision making and more effective community engagement than the current system of placing advertisements in local papers and notices in the Government Gazette.

The draft Community Engagement Strategy will be released in coming months for public consideration and feedback.

The Community Engagement Strategy is supported by guidance and resource material.

If you would like to be kept informed on developments about the Strategy, register your interest by sending an email to: community.engagement@crowland.nsw.gov.au

Amendments to the *Roads Act 1993*

As part of addressing the recommendations of the comprehensive review of Crown land, amendments to the *Roads Act 1993* were passed by Parliament and are due to commence in early 2018.

Council roads

For the first time, local councils have been given the power to close council roads. The Minister for Lands and Forestry will no longer be required to close council public Roads on council's behalf

This will allow councils to make strategic decisions about their roads and also help to reduce red tape and double handling. In acknowledging councils' responsibility for maintaining and operating these roads it is appropriate that councils decide when they should be closed. This change is a direct response to councils' submissions to the Crown Lands Management Review white paper.

The new powers are supported by stringent safeguards to ensure a closure of a council road is appropriate and does not deny access to a property.

One such safeguard is the requirement for consultation - councils must advertise proposed closures before closing a road and must notify landowners whose properties adjoin the road. Relevant public authorities must also be notified. This includes transport authorities such as Roads and Maritime Services, fire services and the Department of Planning and Environment.

The reforms also include important appeal rights that can be exercised in appropriate circumstances—they are available to owners of land whose access is materially affected and certain public authorities. These parties will have the right to appeal to the Land and Environment Court against a council road closure decision.

Crown roads

Crown roads continue to be regulated under the *Roads Act 1993* (Roads Act) and will remain the responsibility of the Minister for Lands and Forestry.

The legislative framework governing the maintenance, closure, transfer and sale of Crown roads has been updated to streamline administrative processes and address duplication and time delays. Under the Roads Act, Crown roads will not be required to be converted into Crown land before being sold.

The safeguards in the Roads Act around community consultation and notification have been strengthened. Current consultation and notification rights and periods have been retained, including advertisement of any proposed road closure. In addition, notification of adjoining landholders is specifically required in the Roads Act.



The current process of closing and selling Crown roads is lengthy and time consuming resulting in delays associated with road closure applications.

More information

We understand that you have questions about the management of Crown land and changes under the CLM Act. We will continue to provide updates on key features of the Act through these newsletters, LGNSW updates and direct correspondence. We are also planning a scheduled program of briefings for councils, and will present at various council sector conferences over the coming months.

For more information contact the Department of Industry—Crown Land and Water on 1300 886 235 or email legislation@crowmland.nsw.gov.au. The Crown Land website www.crowmland.nsw.gov.au also has updated information on the legislation.

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Council's Obligations under the Crown Land Management Act 2016 regarding Native Title

What is Native Title?

Native Title is a bundle of rights that claimants (Aboriginal groups) have over Crown Land and can include the right to fish, hunt, perform ceremonies, access land or water. This list is not exhaustive. The Native Title claimant must be able to trace their history of the activity back to 1788. Section 223 of the Native Title Act defines Native Title rights, see page 10 of the Native Title Manager Workbook.

Crown Land Management Act 2016 and Native Title Manager

The Crown Land Management Act 2016 due to come into operation in the first quarter of 2018 introduces changes to Native Title requirements for Councils. Councils must ensure that all activities on Crown Land for which Council is the Trust Manager comply with Native Title Legislation.

All Councils are required to have a Native Title Manager. A member of staff can only become a Native Title Manager once they have attended the one day training course offered by the Crown Solicitors Office. The Native Title Manager is required to inform the Minister after the 30th of June of every year of the name and contact details of the Native Title Manager for the Council.

The Native Title Manager must ensure compliance with Native Title Legislation in every activity on Crown Land for which Council is the trust manager whether appointed or devolved.

The Native Title Manager must provide a written report to Council if any of the following activities occur on Crown Land, Leases, Licences, Easements, Covenants, Restrictive Covenants, change to or creation of Plan of Management and compulsory acquisition. The report should include a description of the land i.e Lot and D.P., map of the land, title search, a detailed description of the proposed activity and which subdivision of the Native Title Act the activity falls under. There are 9 subdivisions, G,H,I, JA,J,K,L,M,N.

Excluded Land

If the land is excluded land, the Native Title Manager does not have to prepare a report of Council or advise the Native Title Representative of the proposed activity.

Excluded land is the following;

- Land that has been the subject of an approved determination by the Federal Court that Native Title does not exist, this can take up to 8 years.
- Land that is the subject of an Indigenous Land Use Agreement (ILUA) where Native Title has been surrendered.
- Land that is the subject of a 24FA protection where an application is lodged in the federal court with the requirement that there be no relevant Native Title claims over the whole or part of the area.
- Land that has been compulsorily acquired in the past, this extinguishes all interests.
- Land that is subject to a Native Title Certificate. This is issued by the Minister and is his opinion of the land. These are not issued very often.

The Future Acts Regime

This is the process that must be undertaken by the Native Title Manager when dealing with a proposed activity on Crown Land.

1. Is the proposed activity (or future act) a lease, licence, easement, covenant, restrictive covenant, change to or creation of plan of management, compulsory acquisition?
2. Is the activity one of the above, if yes is the land excluded land? If it is then the Native Title Manager does not need to prepare a report to Council or advise the Native Title Representative.
3. If the land is not excluded land then go to the Native Title Manager Workbook, page 57 to 93 and work your way through the subdivisions starting at subdivision G, 24BG. All the requirements in the checklist for this subdivision must be met otherwise you will need to move on to the next subdivision. Subdivisions are in ascending order G, H, I, JA, J, K, L, M, N and when you determine a subdivision you must use that subdivision and not pick and choose one that would suit you better for e.g L which requires no compensation payable or consultation with the Native Title Body. For Council's subdivisions I, J, K, L will be commonly used
4. When you have determined a subdivision i.e all the requirements in the check list have been met, refer to the consequences of it which are located just after the checklist. The consequences will advise with regard to compensation and the opportunity to comment by the Native Title Body.
5. If the consequence of the chosen subdivision is that compensation is payable and consultation with the Native Title Body is required then you must notify the National

Native Title Tribunal (NNTT). They can be emailed at inquiries@nntt.com.au, you will need to provide a Lot and DP. The NNTT will advise you if there is a Native Title Claim on the land and provide you with contact details for the representative body. If there is no registered claim on the land or it cannot be determined whether there is a registered claim then you must contact NTS Corp and advise them of the Lot and DP and proposed activity. Then wait for a response.

6. The Crown Land Management Act 2016 does not specify how much time the Native Title Representative should be allowed to provide a response to Council, however the Crown Solicitors Office suggested that 60 days would be a reasonable period.
7. If compensation is payable under the Future Acts Regime the Council is responsible for its payment. Applications for compensation are made by the Native Title Holder to the Federal Court.
8. Sometimes none of the subdivisions in the Future Acts Regime will apply. In that case an ILUA or S.24FA protection will need to be applied for, see page 50 to 53 of the Native Title Manager Workbook. These are covered under subdivisions B-E and F. Legal advice should be sought in this instance. Council also has the option of compulsorily acquiring the land which extinguishes all interests.
9. It is important that the Future Acts Regime is followed by the Native Title Manager as otherwise Council can be sued by the Native Title Holder.

The table underneath is a brief overview of the subdivisions under the Native Title Act only. The Native Title Manager Workbook page 57 to 93 must be consulted when deciding upon a subdivision for the proposed activity.

SUBDIVISIONS	COMPENSATION PAYABLE	NOTIFICATION & OPPORTUNITY TO COMMENT
G-Primary Production	yes	yes
H- Water, Living Aquatic Resources & Airspace	yes	yes
I-Pre-existing Acts or Renewals	yes	yes

SUBDIVISIONS	COMPENSATION PAYABLE	NOTIFICATION & OPPORTUNITY TO COMMENT
JA- Public Housing	yes	yes
J- Reservations	yes	yes
K-Facilities for services to the public	yes	yes
L- Low Impact Activities	no	no
M-Acts that pass the Freehold Test	yes	yes
N-Acts affecting offshore places	yes	yes

BRIEFING TO ELT
17 JANUARY 2018

Page 1

New Crown Lands legislation – Native Title

SYNOPSIS

The purpose of this briefing is to discuss new arrangements for managing Native Title legislation following amendments to the Crown Lands legislation.

The amendments raise areas of significant concern for local government which is shared by a large number of property managers around NSW.

BACKGROUND

Throughout November 2017, councils across the State were trained in dealing with Native Title matters that are a result of the Crown Land reforms. Jo Marbrow and Andrew Greenway attended the day of training conducted by the Crown Solicitors Office in Queanbeyan.

This training saw attendees qualify as a Native Title Manager, for the purposes of the *Crown Land Management Act 2016* (CLM Act) which is anticipated to commence in early 2018. Under the CLM Act, councils must engage a suitably qualified Native Title Manager.

Native Title Managers will be responsible for providing written advice on all dealings by Council on Crown Land that may affect Native Title and to ensure those dealings can be validated under Native Title Legislation.

Examples are leasing and licensing, permits, construction of public utilities, new or amended Plans of Management (POMs), easements, covenants etc, or anything that may affect a potential Native Title holder's ability to undertake activities on the land.

The investigations to provide this advice can be complex, incur costs and the timescale to undertake them will need to be factored into project planning.

It is important to note that these responsibilities are entirely separate from existing Aboriginal Land Rights legislation or Aboriginal heritage considerations. A summary of the differences between Native Title and Aboriginal Land Rights legislation is attached.

The training day covered areas of:

- Roles and Responsibilities as a Native Title Manager
- Compliance with Native Title Legislation.

There are significant concerns, shared by colleagues from other councils (who are also briefing their executive teams), that there are increased costs, time and responsibilities for councils.

CONSIDERATIONS

The concerns regarding this role and process include but are not limited to the following:

- Transfer for compensation of Native Title Liability to Council. Under Native Title legislation the state is liable to pay compensation for certain acts that affect native

BRIEFING TO ELT
17 JANUARY 2018

Page 2

New Crown Lands legislation – Native Title

title rights and interests. Attendees were informed at the training that councils are now liable for this compensation, including claims dating back to 1996.

- Council's resources for the role of Native Title Manager and the additional work involved
- Financial cost to Council including ongoing legal advice and legal liability costs
- Adequacy of current and future training
 - not all sections of the CLM Act were covered in full
 - there was no qualification or Certificate of recognition issued
 - should one staff member leave, there would be no one to replace them even though the requirement to have a Native Title Manager is a requirement of the CLM Act
 - Eurobodalla Shire Council staff who attended the training are not confident they have been adequately trained to discharge their responsibilities under the Acts.
- There is no dedicated support person within Crown Lands for Native Title enquiries
- As previously advised, Council will need to provide POMs for all Crown Reserves and Native Title will need to be considered for all new POMs
- Eurobodalla Shire Council has over 600 parcels of Crown Land with only three parcels considered 'excluded land' which are not subject to this process.
- For each matter, it has been advised that an approximate three month timeframe will be required for due diligence process to assess Native Title.

Attached is a copy of Council's Obligations regarding Native Title which has been supplied by a delegate representing Wollongong City Council who also attended the training.

Examples of where Native Title advice would need to be sought are:

- Council wishes to issue a lease or licence for a Men's Shed to build a shed on Crown Land that is inconsistent with the reserve purpose
- Council wishes to build or expand a toilet block or playground on Crown Land.

Any action (i.e. construction or issuing of licence, etc) should be in accordance with the reserve's purpose and/or its Plan of Management.

Many of the proposed actions (known as 'acts' under this legislation) will be required to be notified to a representative body, registered native title body corporate and registered native title claimant providing them with an opportunity to comment, prior to commencement of any works or issue of leases/licences.

If no conclusive evidence that native title has been extinguished exists, then it must be presumed that a Native Title claim is over the subject land and assessment of the act is to take place accordingly.

BRIEFING TO ELT
17 JANUARY 2018

Page 3

New Crown Lands legislation – Native Title

Legal

The *Crown Land Management Act 2016* will come into force in early 2018. It confers onto councils additional responsibilities to consider the commonwealth *Native Title Act 1993*.

Financial

Council will be faced with increased costs through legal advice, staff time and increased liability if any actions are made which affect Native Title.

CONCLUSION

Council should raise its concerns via the appropriate channels and seek assistance with the concerns identified above.

Property staff will continue to prepare for the introduction of the legislation.

Works and Operations - 15 February 2018

ITEM 10.5 **Request for Dust Seal Anderson Road**

FILE REFERENCE **I18/46**

AUTHOR **Assets & Risk Coordinator**

ISSUE

Council has received a request to provide a “dust seal” adjacent to No 6 Anderson Road Crookwell.

RECOMMENDATION That -

1. Council concurs with the request to provide a “dust seal” adjacent to No 6 Anderson Road;
2. Council enters into a cost sharing arrangement whereby Council contributes \$8918.13 (54%) of the costs whilst the landowner will contribute \$7,596.92 (46%).

BACKGROUND

Council receives requests to provide “dust seals” from time to time. In the past, the landowner has made a contribution to the cost of the works. The most recent work was carried out on Rye Park Road where, the land owner shared a percentage of the cost with Council.

REPORT

The request has been made by the land owner (Mr Simon Bill) who has requested the private works at 6 Anderson Road to bitumen seal approximately 100m strip of the road area.

An estimate has been provided by the Works Department to bitumen seal a section 50m long and 4m wide seal.

In the past, Council contributed 54 percent of the costs, whilst the other party contributed the remaining 46 percent. The proposed apportionment of the costs on this occasion has been calculated on the same basis.

POLICY IMPACT

Nil

OPTIONS

Nil

Works and Operations

REQUEST FOR DUST SEAL ANDERSON ROAD cont'd

FINANCIAL IMPACT OF RECOMMENDATIONS

Council share of the cost (\$8,918.13) available from Section 94 Contributions.

RECOMMENDATION That -

1. Council concurs with the request to provide a “dust seal” adjacent to No 6 Anderson Road;
2. Council enters into a cost sharing arrangement whereby Council contributes \$8918.13 (54%) of the costs whilst the landowner will contribute \$7,596.92 (46%).

ATTACHMENTS

Nil

Works and Operations - 15 February 2018

ITEM 10.6 **Water Supply and Sewerage Services Update**

FILE REFERENCE I18/28

AUTHOR **Manager of Operations**

ISSUE

Provide Council with an update on water supply and sewerage services.

RECOMMENDATION That -

1. Council receive the report and note the information.

BACKGROUND

Water supply and sewerage services update.

REPORT

Water Treatment and Consumption

Water supply usage data for Council's four serviced towns is presented in the following table.

Table 1 Water Usage

January 2018

Town	Total Usage (ML)	Average Daily Usage (kL/day)	Trend (kL/day)	Storage Capacity %
Crookwell	34.6	1116	+191	90
Gunning	14.9	482	+42	100
Dalton	2.8	90	+15	100
Taralga	7.5	242	+62	85

Water consumption has increased with ongoing hot and dry seasonal conditions. Stream flows have declined and water storage is declining.

Routine bacteriological and chemical water tests undertaken at Crookwell, Gunning, Taralga and Dalton town water supplies are continuously meeting the requirements of the Australian Drinking Water Guidelines.

Water systems in the respective towns are operating well.

Works and Operations

WATER SUPPLY AND SEWERAGE SERVICES UPDATE cont'd

Wastewater Treatment and Production

Wastewater production data for Council's three serviced towns is presented in the following table.

Table 2 Wastewater Production

January 2018

Towns	Total Flow (ML)	Average Daily Production kL/day	Trend kL/day
Crookwell	20.8	671	-192
Gunning	3.4	110	-11
Taralga	3.1	100	-10

Flows have declined in response to dry conditions

The Crookwell, Gunning and Taralga Sewerage Treatment Plants are operating effectively with effluent quality produced at the respective plants complying with EPA requirements.

Maintenance Activities

Maintenance tasks undertaken include mains flushing, the repair of leaking water services and maintaining and servicing treatment and pumping equipment.

Capital Projects

Crookwell Water Supply Upgrade

The new Crookwell Water Treatment Plant is operating well, with management of minor defects being managed in accordance with the construction contract.

Mains replacements in Crookwell are continuing.

Staff have commenced the Taralga water treatment plant improvements project.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

In accordance with 2017/18 Operational Plan.

Works and Operations

WATER SUPPLY AND SEWERAGE SERVICES UPDATE cont'd

RECOMMENDATION That -

1. Council receive the report and note the information.

ATTACHMENTS

Nil

Works and Operations - 15 February 2018

ITEM 10.7 **Waste Management Facility Strategy for Upper Lachlan Shire Council**

FILE REFERENCE I17/710

AUTHOR **Manager of Operations**

ISSUE

Recommending a Strategy to Council for its Waste Management Facilities.

RECOMMENDATION That -

1. Council adopt the Waste Management Facility Strategy provided in this report and authorise staff to take necessary actions to implement it.

BACKGROUND

“There is a nationwide trend in solid waste disposal towards the construction of large regional landfills rather than maintaining small, rural and often unsupervised landfill sites. The move towards having fewer but larger engineered landfills with increased environmental controls and opportunities for improved resource recovery is aligned with current waste management and environmental legislation in NSW.

There are increasing regulatory and social pressures on local councils to meet more stringent environmental and social criteria. However, it is often not economically viable for rural Councils to upgrade existing landfills to meet these requirements. When Councils are faced with this situation a number of scenarios are common. These are outlined below:

- Council closes smaller landfill sites but upgrades one landfill (normally the largest in the local area) to meet environmental requirements.
- Council may then also decide to build a transfer station at the remaining landfill with the intention to keep small vehicles away from the active tipping area and to implement increased resource recovery activities.
- In the instance where there is insufficient land available at the landfill site, Council may opt to build a new transfer station on new land (a greenfield site) that may already be owned by Council or that may be acquired by Council for this purpose. In this situation small vehicles may not be permitted entrance to the landfill site at all.
- Council closes all landfills and constructs a new transfer station on either an old landfill site or at a green field site in order to transport waste to a larger regional landfill.

Works and Operations

WASTE MANAGEMENT FACILITY STRATEGY FOR UPPER LACHLAN SHIRE COUNCIL cont'd

- Council closes all existing landfills and constructs a new fully engineered landfill with required environmental controls.

The cost of building a new landfill may be significantly more than the cost of upgrading an existing landfill or electing to close all sites and construct one or more transfer stations. This is because construction of a new landfill to meet the design, operating and monitoring requirements, significantly adds to construction, operating, closure and post closure monitoring costs.

In addition to the regulatory requirements, public opposition can make siting a new landfill near population centres difficult. Communities may also be unsupportive of meeting the costs associated with upgrading an existing landfill or construction of a new landfill, and therefore can place additional pressure on Councils to close existing facilities and look for alternatives”.

Source: *The NSW EPA Handbook for the Design and Operation of Rural and Regional Transfer Stations, 2006.*

This reference provides a familiar backdrop to the Upper Lachlan Shire Council waste facility experience.

This report recommends 5 Strategies to assist Council in the planning for its waste disposal needs in the immediate term and well into the future.

REPORT

Council has ceased waste disposal landfilling activities at a number of small landfill sites including Collector, Gunning, Bigga and Tuena as well as Taralga. All sites have been converted to waste transfer stations.

Strategy 1: Council maintain waste transfer stations at Taralga, Gunning, Collector, Bigga and Tuena.

Council is currently undertaking the Crookwell Landfill Upgrade, the upgraded facility will provide Council with a compliant facility capable of meeting Councils waste landfilling needs for at least the next 20 years. The facility receiving waste from Councils network of transfer stations, waste from Councils domestic waste collection service as well as local rural waste and fee paying direct access customers.

Strategy 2: Council upgrade the Crookwell Landfill to meet environmental requirements and provide one central facility for the Shires Landfill needs.

Alternative access arrangements will be necessary during the construction phase of the Crookwell Landfill upgrade. Public access is likely to be best managed through the use of a Transfer Station on the part of the site not under construction. This arrangement could be made permanent, reducing Councils operational risks of the public accessing the tipping area and assisting in increased resource recovery opportunities. Resource recovery can divert waste from landfill, extending the life of the site.

Works and Operations

WASTE MANAGEMENT FACILITY STRATEGY FOR UPPER LACHLAN SHIRE COUNCIL cont'd

Strategy 3: Council undertake investigations for the development of a Waste Transfer and Resource Recovery Facility at the Crookwell Landfill site on areas not currently or proposed for further waste landfilling.

A considerable lead time is associated with the development of Landfills and or alternative options for waste disposal. Council requires the development of option(s) for landfilling needs beyond the life of the Crookwell Landfill. Council previously undertook a feasibility study of the Gunning Landfill, this site also having space and potential for upgrade.

Strategy 4: Council undertake further investigations regarding the possible future use of the Gunning Waste Transfer Site as Councils Landfill Facility.

Landfilling space is becoming increasingly finite throughout the State. It is prudent for Council to continue to monitor opportunities for future sites within the Shire, as well as possible sites outside of the Shire through regional collaborations. Resource recovery plays a significant role in diverting waste from landfill, extending the useful life of available facilities.

Strategy 5: Council monitor potential future landfill sites within the Shire, seek out regional opportunities for future alternative landfill sites as well as resource recovery facilities.

In summary, when Council runs out of room in Crookwell, Council will consider developing Gunning landfill facility to provide for Council's disposal needs.

POLICY IMPACT

Nil

OPTIONS

Any combination of Strategies 1 - 5.

FINANCIAL IMPACT OF RECOMMENDATIONS

A Strategy to meet the long term waste facility needs of the Shire. Significant costs inherit, specifically considered by Council as the respective strategies proceed.

RECOMMENDATION That -

1. Council adopt the Waste Management Facility Strategy provided in this report and authorise staff to take necessary actions to implement it.

ATTACHMENTS

Nil

Works and Operations - 15 February 2018

ITEM 10.8 **Adoption of preferred option - Crookwell Landfill Upgrade Project**

FILE REFERENCE I17/733

AUTHOR **Manager of Operations**

ISSUE

An update on the progress of the Crookwell Landfill Upgrade Project

RECOMMENDATION That -

1. Council adopt design Option B, to exclude the Crown Land.

BACKGROUND

The NSW EPA requires Council to upgrade the Crookwell Landfill to comply with its *Environmental Guidelines, Solid Waste Landfills 2nd Edition 2016*.

Council's consultant GHD has completed two design options for Council. Option a) includes Crown land. Option b) excludes Crown land.

Council's available option depends on NSW Department of Lands position as to availability of the Crown land.

Council requires NSW EPA endorsement of the design. Council has submitted both options to NSW EPA. Receipt of NSW EPA comments and conditions will allow the progress and hopefully finalisation of the design. The NSW EPA has indicated its review is expected to be completed by the end of February 2018.

REPORT

The NSW Department of Lands has not advised any progression on the Crown land assessment. This matter is not expected to progress in the foreseeable future. Delaying the project is unacceptable to NSW EPA given there are uncertainties around the road closure and it is appropriate to make a decision based on the information Council in order to progress this project in a timely manner. It is therefore recommended that Council proceed on the basis of Option B.

While EPA comments are required to finalise the design, preliminary quantity survey, risk investigation and detailed cost estimates have commenced. Significant construction risks include variable site conditions, groundwater, asbestos/hazardous waste management and soil suitability for capping activities. This preliminary work indicates that Councils current allocated budget of \$3M is likely to be insufficient, with a budget of around \$4M likely to be required. Council staff are utilising services from GHD and NSW Public Works to assist in further investigations with a view of managing

Works and Operations

ADOPTION OF PREFERRED OPTION - CROOKWELL LANDFILL UPGRADE PROJECT cont'd

construction costs, associated risks and project budget contingencies required. The project budget can be completed following receipt of EPA comments and finalisation of the design. The final pre tender estimate for the project will be presented to Council prior to advertising tender and will contain more detailed estimates of costs.

The current expected program includes;

- 1) Design finalisation – EPA review comments due 28 February 2018.
- 2) Design finalisation- 31 March 2018 (subject to complexity of EPA comments)
- 3) Tender Phase- Advertise Tenders April 2018. Tender period of 6 weeks (tenders close mid May 2018). Tender review 6 weeks- Award Contract 30th June 2018.
- 4) Construction Phase 9 months –target completion March 2019.
- 5) Allowing up to 30% prolongation (weather, scope changes, unexpected site conditions) completion date of June 2019.

Council will advertise in the local media once more detailed schedule is known from the contractor.

POLICY IMPACT

Nil

OPTIONS

Council maintain preferred option a) and further pursue the crown land matter.

FINANCIAL IMPACT OF RECOMMENDATIONS

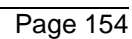
Additional Capital funding allocations are likely required.

RECOMMENDATION That -

1. Council adopt design Option B, to exclude the Crown Land.

ATTACHMENTS

1. ↓	Crookwell Landfill - Preliminary Alternate Arrangement Scenario 1 Concept - September 2017 - Plan A Concept	Attachment
2. ↓	Crookwell Landfill - Preliminary Alternate Arrangement Scenario 1 Concept - September 2017 - Plan B Concept	Attachment





Works and Operations - 15 February 2018

ITEM 10.9 **NSW EPA Organic Collection Grants**

FILE REFERENCE **I18/41**

AUTHOR **Manager of Operations**

ISSUE

Advising Council on the details of NSW EPA grant funds available for the provision of organic waste collection services, and its potential application to Council's proposed green waste service.

RECOMMENDATION That -

1. Council consider the options to make applications for grant funding to support the extension of services including the Organics Collection Grant and/or the Food Waste Service.

BACKGROUND

The NSW Government has announced the extension of the Waste Less, Recycle More initiative with a further \$337 million over 4 years from 2017-21. This extension guarantees funding from 1 July 2017 until 2021 to continue the work already underway to modernise the waste sector in NSW, delivering waste and recycling services to the community and ensuring a clean environment. Further details of the program are available at;

<http://www.epa.nsw.gov.au/your-environment/recycling-and-reuse/waste-less-recycle-more>

The extended program has a number of funding opportunities for Council, among them is the Organics Collection Program (\$10million). This program provides capital grants to support the provision of a green waste collection service.

This report details the Organics Collection Program opportunities for Council.

REPORT

The NSW EPA advises;

- The next round of the Organics collection grants is expected to open in April or May 2018 with successful applicants announced in December 2018 and January 2019.
- Funding is available to support the provision of collection services for garden waste only, food waste only or any combination of the two.
- Council would be eligible for \$40 per bin (2080 services x 40 = \$83,200), up to \$20,000 for bin audits and up to \$100,000 for an education campaign. The

Works and Operations

NSW EPA ORGANIC COLLECTION GRANTS cont'd

garden waste collection service would therefore be eligible for funding up to \$200,000.

- If food waste was to be added Council would be eligible for a further \$10 per kitchen caddy (\$20,800), \$5,000 for signage as well as the education campaign and other works deemed necessary to provide the service.
- The NSW EPA supports the implementation of services following the Food and Organics Best Practice Collection Manual. The manual provides a realistic and effective delivery program for the services(s).
- Applications made to date have had a 98% success rate.
- Applications for funding will not be accepted outside of the funding round dates.
- Funds will not be provided retrospectively. Goods and services ordered prior to the funding announcements will not be funded.

The inclusion of food waste in the service provides benefits in diverting significant quantities of waste from landfill as well as providing additional space for residents in their red bin. This option does however add complexities in processing and associated costs. NSW EPA further advises that the inclusion of food waste is frequently most successful as an addition to an existing garden waste service, providing greater opportunity for resident education programs and adjustment. Bin audit data is important in establishing the benefits of this service. On this basis, it is recommended that Council consider Food Waste as a possible future option at this time and proceed with the implementation of the service as a garden waste collection service initially (at least).

POLICY IMPACT

Nil

OPTIONS

The timing on the commencement of the garden waste service is potentially impacted by Council's position regarding grant application(s). Noting a 12 week lead time is required for bin procurement and distribution, Councils options are;

1. Proceed with order for new bins by 31 May 2018 (at the latest) to enable the commencement of the collection service by **September 2018**. This option forgoes up to \$200,000 grant funding for the garden waste component of the service. An application for the optional \$30,000 food waste component could still be made. In this option Council will need to revote \$115,000 to its 2017/18 capital budget for bin purchase and distribution, basic education has been assumed in this budget.
2. Council make application for grant funding for the bin audits, education campaign and bin purchase (with or without the food option). This will require deferring any bin purchases until after funding is announced. Based on the EPA advised timeframe of December 2018/January 2019 announcements, and a 3 month lead time for bin procurement and distribution, the service could then be commenced as early as **April 2019**. This commencement date is consistent with the timing on the extension of the Goulburn green waste service, providing opportunities for resource sharing, particularly in education campaigns. In this option the majority of the service capital cost will be met by the grant, a Council allocation of \$32,000

Works and Operations

NSW EPA ORGANIC COLLECTION GRANTS cont'd

will be necessary in the 2018/19 budget to meet the unfunded and ineligible bin freight and distribution costs. This option provides a comprehensive education campaign following the best practice manual.

In summary, as Council has already advised the community that the service will be introduced starting July 2018, it is a reputational risk to change that scenario and must consider this risk when making a decision.

1. Council make application for grant funding to support the provision of a garden waste service, including bin audits, education campaign and bins.
2. Council **not** make application for grant funding to support the provision of a garden waste service, including bin audits, education campaign and bins.
3. Council make application for grant funding to support the option of extending the service to include food waste as a future option.
4. Council **not** make application for grant funding to support the option of extending the service to include food waste as a future option.
5. Council implement the new service(s) following the NSW EPA endorsed Food and Organics Best Practice Collection Manual.
6. Council **not** implement the new service(s) following the NSW EPA endorsed Food and Organics Best Practice Collection Manual.

FINANCIAL IMPACT OF RECOMMENDATIONS

Councils 2018/19 Capital budget include \$262,000 allocation, \$230,000 grant funded, \$32,000 Councils Domestic Waste fund.

RECOMMENDATION That -

1. Council consider the options to make applications for grant funding to support the extension of services including the Organics Collection Grant and/or the Food Waste Service.

ATTACHMENTS

Nil

Works and Operations - 15 February 2018

ITEM 10.10 **Waste Less , Recycle More Grants**

FILE REFERENCE **I18/58**

AUTHOR **Manager of Operations**

ISSUE

Advising Council on the NSW EPA's Grants Program Waste Less, Recycle More.

RECOMMENDATION That -

1. Council staff further investigate grant opportunities and advise Council on proposed applications.

BACKGROUND

The NSW Government has announced the extension of the Waste Less, Recycle More initiative with a further \$337 million over 4 years from 2017-21.

The **Waste Less, Recycle More grant program snapshot for 2017-21 (PDF 198KB)** contains a breakdown of funding allocations.

Waste Less, Recycle More provides funding for business recycling, organics collections, market development, managing problem wastes, new waste infrastructure, local councils and programs to tackle illegal dumping and litter.

Local councils have exclusive access to \$85.1 million worth of Waste Less, Recycle More contestable grants for **community recycling centres, organics collection systems**, and tackling **illegal dumping and litter**.

These programs have staggered opening and closing periods.

REPORT

The Waste Less, Recycle More Program is a significant funding opportunity for Council. The program includes 9 funding streams with 28 categories for specific projects. Some of these categories are only available to the levy paying area (which excludes Council). The specific categories most relevant to Council include;

- a. **Landfill consolidation and environmental improvements**-supports the building and upgrading of transfer stations and environmental improvements to small landfills. (Council previously successful in obtaining the maximum \$200k grant).
- b. **Local Government Organics Collection Grants**- green waste bins, kitchen caddies, bin audits and education.
- c. **Education Campaign and support**- bin audits, training and capacity building for Councils

Works and Operations

WASTE LESS , RECYCLE MORE GRANTS cont'd

- d. Community recycling centre infrastructure grants-** supporting infrastructure to provide drop of locations for household problem waste
- e. Household chemical collection events-** supports the funding of annual problem household waste cleanout events (Council previously securing assistance in conjunction with Regional waste group).
- f. Local Government Litter programs-** education, enforcement, better infrastructure and evaluation tools.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council staff further investigate grant opportunities and advise Council on proposed applications.

ATTACHMENTS

Nil

Works and Operations - 15 February 2018

ITEM 10.11 **Emergency Generator Gunning Water and Sewer**

FILE REFERENCE **I18/62**

AUTHOR **Manager of Operations**

ISSUE

Seeking a Council revote to fund an emergency generator for Gunning Water and Sewer in 2017/18.

RECOMMENDATION That -

1. Council revote \$100,000 from its Gunning Sewerage Fund for the purchase an emergency generator for Gunning Water and Sewer.

BACKGROUND

Council has established first class water and sewerage facilities servicing Gunning and Dalton (water only). These facilities rely upon continuity of electricity supply to operate and service these communities. The Boureong fire demonstrated the risk of electricity supply interruption, such occurrences can frequently happen at the time of most need.

REPORT

A permanent generator has been installed at the new Crookwell Water Treatment Plant, this system supports continuity of water supply to Crookwell. It is proposed to provide a similar system for Gunning.

In the Gunning case, the generator can be trailer mounted making it portable and available to support a range of water and sewer services including the Gunning Water Treatment Plant, the Lachlan River raw water pumping station, the Dalton Water Supply pumping station, the Gunning Sewerage Treatment Plant and the two Gunning sewerage pumping stations.

The trailer mounted generator provides Council with a valuable asset in maintaining services to the community. It is recommended that Council revote \$100,000 from its Sewerage Fund Reserve in order to purchase the trailer mounted generator. The benefits will be realised at the next supply interruption occurrence. Proceeding with the installation now also has economies of scope benefits, utilising specialist electrician services being used at Crookwell Water Treatment Plant.

POLICY IMPACT

Nil

Works and Operations

EMERGENCY GENERATOR GUNNING WATER AND SEWER cont'd

OPTIONS

1. Council proceed with the purchase of the generator in 2017/18;
2. Council proceed with the purchase of the generator in 2018/19;
3. Council note proceed with the generator purchase.

FINANCIAL IMPACT OF RECOMMENDATIONS

\$100,000 revote to Councils 2017/18 Capital budget, funded by Councils sewerage fund reserve.

RECOMMENDATION That -

1. Council revote \$100,000 from its Gunning Sewerage Fund for the purchase an emergency generator for Gunning Water and Sewer.

ATTACHMENTS

Nil

Works and Operations - 15 February 2018

ITEM 10.12 **Memorial Bench Request**

FILE REFERENCE **I17/774**

AUTHOR **Director of Works & Operations**

ISSUE

Council has received representation regarding the installation of new benches within public spaces at Crookwell, one in a public park and another in the main street.

RECOMMENDATION That -

1. Council approves the proposed installation of benches at no cost to the Council;

BACKGROUND

Council has two letters requesting the approval of two benches one each from Mrs Wendy Gray and Margaret Whittaker. The proposal may have bearing on the streetscape and other projects and Council may need to make a decision considering the two together.

REPORT

The proposed benches are expected to have similar impact on the surroundings as indicated in the benches already installed at the same location. The proposed benches are expected to be installed within the Council managed land and will go on Council's liability of assets. Therefore it is wise that Council specify the size, shape and location of the same.

In summary, the impact on the surroundings is acceptable given there are other benches which were previously constructed at the same location. It is wise to approve the request and authorise Director of Works to write back to the proponents to construct the same in accordance with industry practice.

POLICY IMPACT

Council has previously approved similar requests and it is reasonable to approve additional requests.

OPTIONS

Council can approve or refuse the application.

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil.



Works and Operations

MEMORIAL BENCH REQUEST cont'd

RECOMMENDATION That -

1. Council approves the proposed installation of benches at no cost to the Council;

ATTACHMENTS

1. 	Wendy Gray - Memorial Seat request - William and Bessie Rabone - second letter response requested	Attachment
2. 	Request to install memorial bench - Breast cancer support - contact Margaret Whittaker	Attachment

Tel 02 6254 3129
Mobile 0400866979
E-mail wendygray@inet.net.au

WENDY GRAY
12 McKeahnie Street
Weetangera ACT 2614

The Manager
Upper Lachlan Shire Council
44 Spring Street
CROOKWELL NSW 2583

UPPER LACHLAN SHIRE COUNCIL	30 October 2017
CROOKWELL OFFICE	
1 NOV 2017	
File No:	

Dear Sir

Memorial Seat for William Rabone and Bessie Rabone (nee Cady)

I would be grateful if you can confirm that you have received this letter from me. The family would very much appreciate being able to install this seat as soon as possible.

Yours sincerely



for Wendy Gray

Tel 02 6254 3129
Mobile 0400866979
E-mail wendyrgray@inet.net.au

WENDY GRAY
12 McKeahnie Street
Weetangera ACT 2614

14 August 2017

The Manager
Upper Lachlan Shire Council
44 Spring Street
CROOKWELL NSW 2583

Dear Sir Memorial Seat for William Rabone and Bessie Rabone (nee Cady)

I am seeking Council's approval in writing to erect a memorial seat in Crookwell to honour my parents.

My mother, Bessie Hilmer Rabone was born in Crookwell in 1915, a member of the Cady family whose members have lived in the Crookwell/Goulburn District for more than 150 years. My father, William Thomas Rabone came to Crookwell as an accountant in 1937 and married my mother in 1938. He was in the AIF during WW2 for three years, enlisting in the 2/1 Field Regiment and served in Papua New Guinea. He was wounded in action and following the end of the war returned to Crookwell. Later he moved to Tunut as an accountant. Both William and Bessie remained in Tunut until 1973 where they gave commendable service to the community for nearly 40 years.

With Council's permission I would like to provide an appropriate memorial seat in a public park at my expense. Because of my father's war service, it would be appropriate for the seat to be located near the War Memorial.

Family friend Mike Mayoh (sadly now deceased) said the Crookwell Men's Shed would make the seat. We look forward to Council's favourable consideration of my request and your guidelines for the kind of seat and understand that Council would organise the permanent placing of the seat.

Yours sincerely

Wendy Gray

Enquiry from Margaret Whittaker from the Breast Cancer Support Group

They have received funds to install some sort of memorial for Maureen Lynam who passed away recently and previously had a restaurant where the Arcadia now is.

Would like to install a memorial bench outside of the Arcadia.

Margaret Whittaker 48321327.

I have told Margaret that this may be part of the streetscape brief.

She has made enquiries with Mens Shed and elsewhere initially concerning a wooden bench and later had a supplier email the attached this to me

Susan Dicksbury

From: Brian Blowes <brian@bab.com.au>
Sent: Monday, 15 May 2017 2:09 PM
To: Susan Dicksbury
Subject: FW: memorial seat
Attachments: BAB Seat S9201.jpg; BAB Seat S9206.jpg; BAB Seat S9211.jpg; seats - tech data and drawings.pdf; 20 year Warrantee.jpg; BAB Seating and Tables Structural Certificate Cyclonic.pdf

Sample pictures of proposed seat and Tech data attached

Regards

Brian Blowes

BAB Aluminium Pty Ltd
Settings, Seats and Stands
Ph 02 9755 1580
www.babaluminium.com.au



This email has been scanned by the Symantec Email Security.cloud service.



17th August 2012

Job No: 12017

Mr Brian Blowes
BAB Aluminium Pty Ltd
Unit 10
20-22 Barry Road
CHIPPING NORTON NSW 2170

brian@bab.com.au

Dear Sir

RE: DESIGN REVIEW AND CERTIFICATION OF ALUMINIUM SEATING SYSTEM AND ALUMINIUM TABLES (CYCLONIC WIND REGIONS)

We certify that:

- ▶ We are practising structural engineers and are corporate members of the Institution of Engineers Australia with NPER registration.
- ▶ We have carried out a structural design review of the seating system and aluminium table frames for the T1000, T2000, T2000L, T3000, T4000 table arrangements. A description of the seating system and aluminium table frames and the results of the design review are detailed in our report number 12017 dated 14th August 2012.
- ▶ The seating system and aluminium table frames, when built in a workmanlike manner and regularly maintained, and incorporating the cyclonic wind loading upgrading details in our report number 12017 dated 14th August 2012 will be structurally adequate to support the design superimposed loads as specified in the Loading Codes AS 1170.1 – 2002 and AS 1170.2 – 2011 for Cyclonic Wind Regions C and D.

Yours faithfully
DINCEL & ASSOCIATES

Alan Hamilton
BE(Hons) MIEAust CPEng NPER

Page 1 of 1

Directors: Burak Dincel BE MEngSc MIEAust CPEng RPEd NPER Alan Hamilton BE(Hons) MIEAust CPEng NPER

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NPER



BAB ALUMINIUM PTY LTD **ALUMINIUM SEATING SYSTEM**

Description

A complete proprietary system including heavy-duty aluminium seat supports and anodised aluminium seat plank with cast aluminium end caps.

Aluminium Seat Section

Extruded aluminium alloy (6060-T5) seat plank 250mm wide with two longitudinal flanged ribs as part of the extrusion. The longitudinal ribs run continuously for the length of the seat and provide secure fastening for the seat supports.

- Standard lengths – 1.5m, 2.0m, 3.0m, 4.0m & 6.0m
- Nominal wall thickness: 2.5mm
- Finish: Clear anodised 15 microns

Seat Support

Fabricated from 32 x 3mm & 50 x 3mm aluminium alloy tube (6060-T5) with 80 x 10mm & 100 x 10mm aluminium alloy flat bar (6060-T5). Tube and flat bar are fully welded according to (AS-1554).

- Standard Finish: As extruded

Seat End Caps

Manufactured from cast aluminium to fit seat extrusion

- Standard Finish: As cast
- Manufactures name embossed in end cap

Assembly

Fit end caps using two (2) x 4.8mm aluminium pop rivets through the underside longitudinal flanges.

Seat supports fitted using two (2) x non-corrosive mechanical fasteners through the underside longitudinal flanges. Fasten with minimum 25 x 6mm zinc-plated bolts with nylon insert nuts.

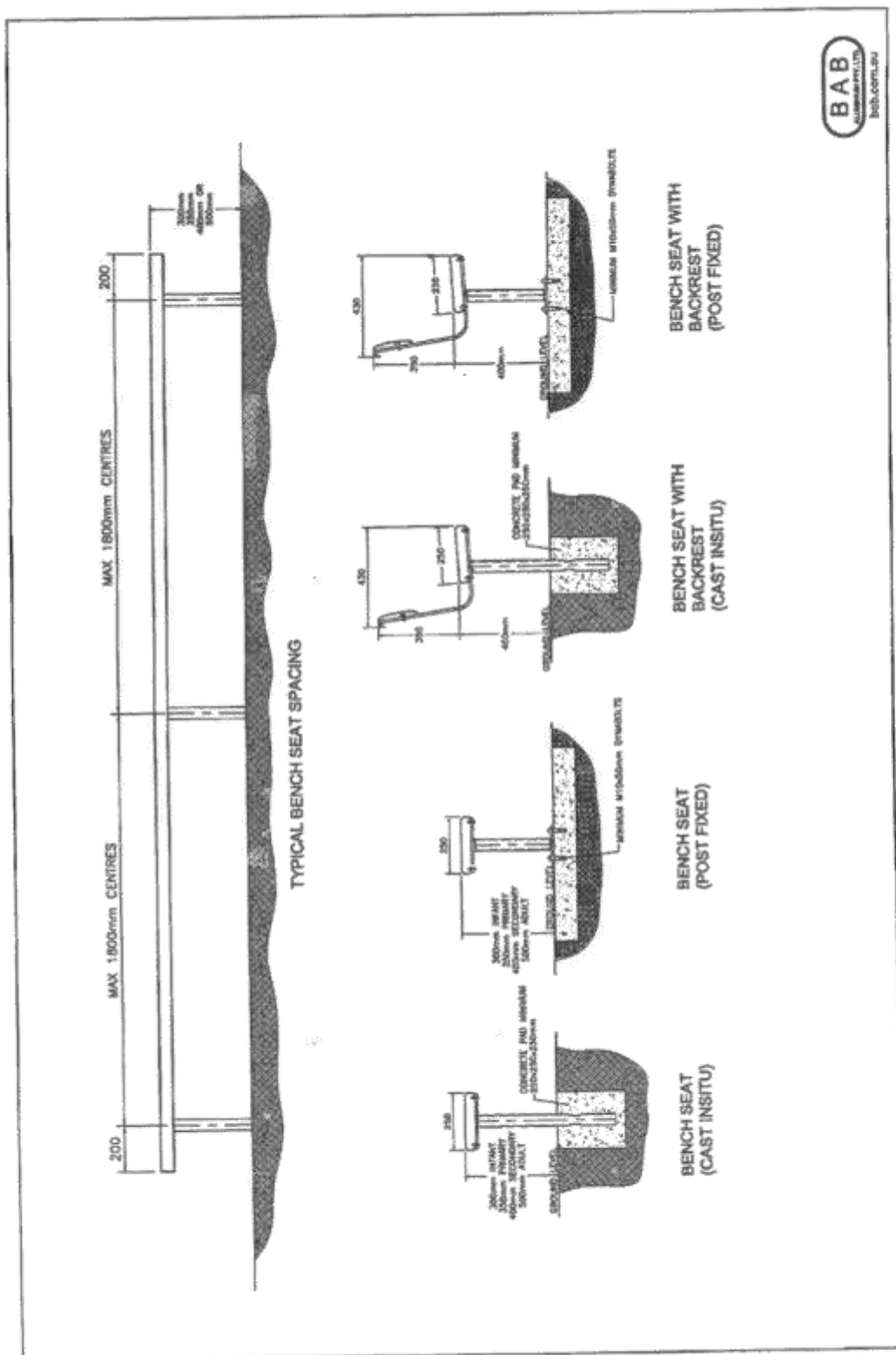
IMPORTANT – Seat supports to have a spacing of not more than 1.8m

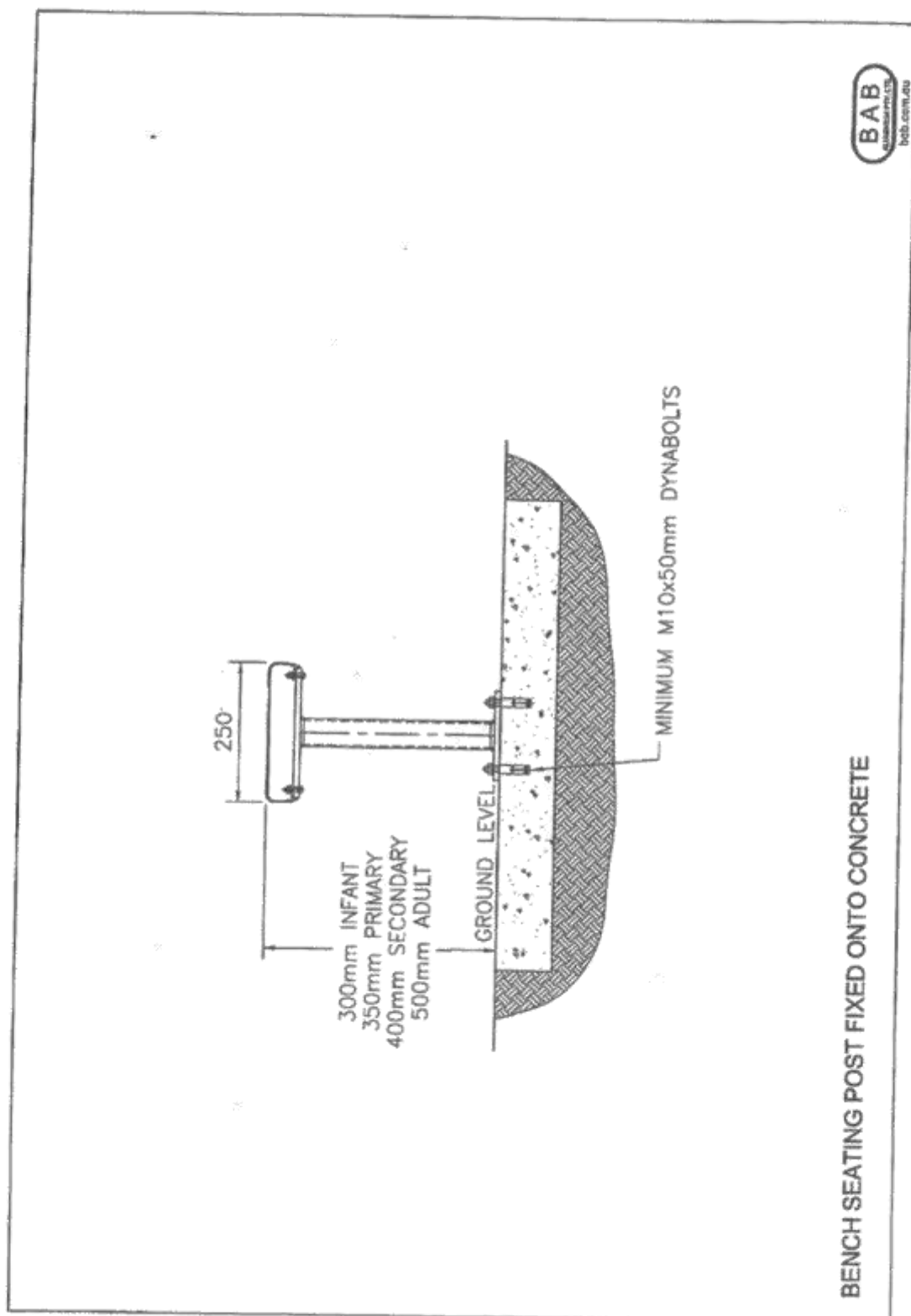
NB: - all seat supports are manufactured with four (4) holes in the top fixing plate. All four holes are used when joining two seat lengths together. In standard installations use any two diagonal holes to assemble.

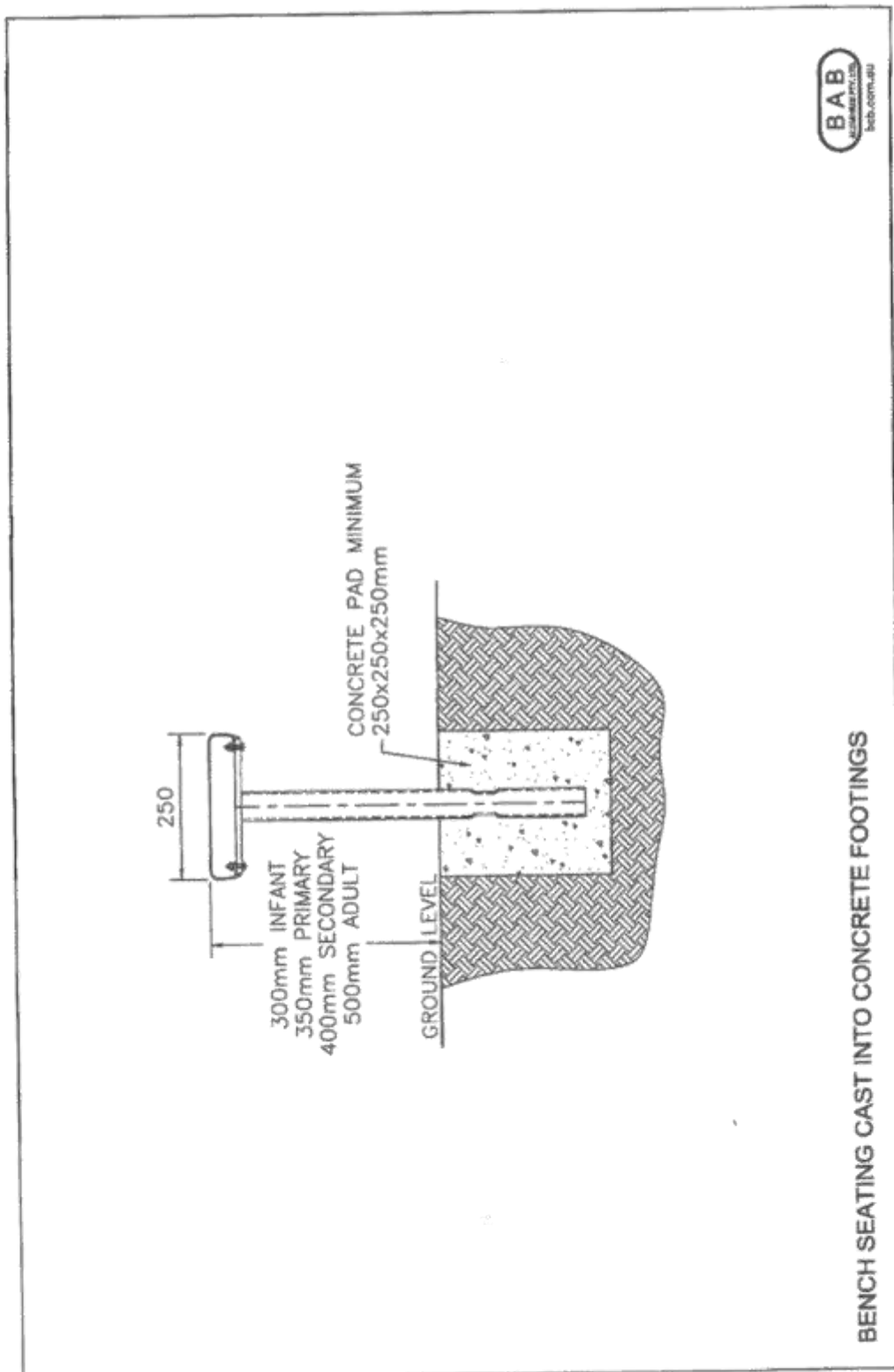
Installation

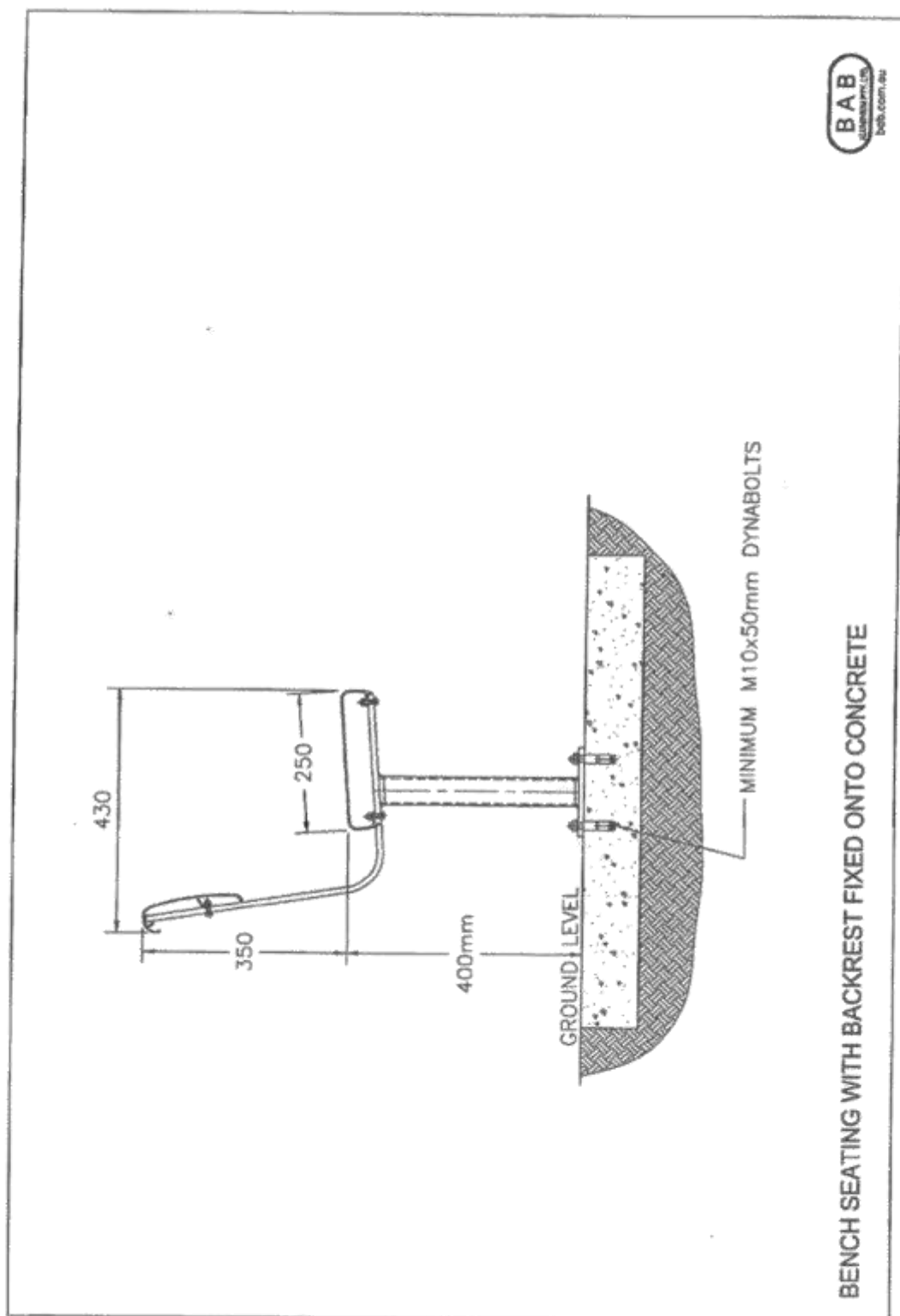
In ground - Set in-ground seat supports in concrete footings minimum 200 x 200 x 250mm deep. Increase footing size as required for variations in site conditions.

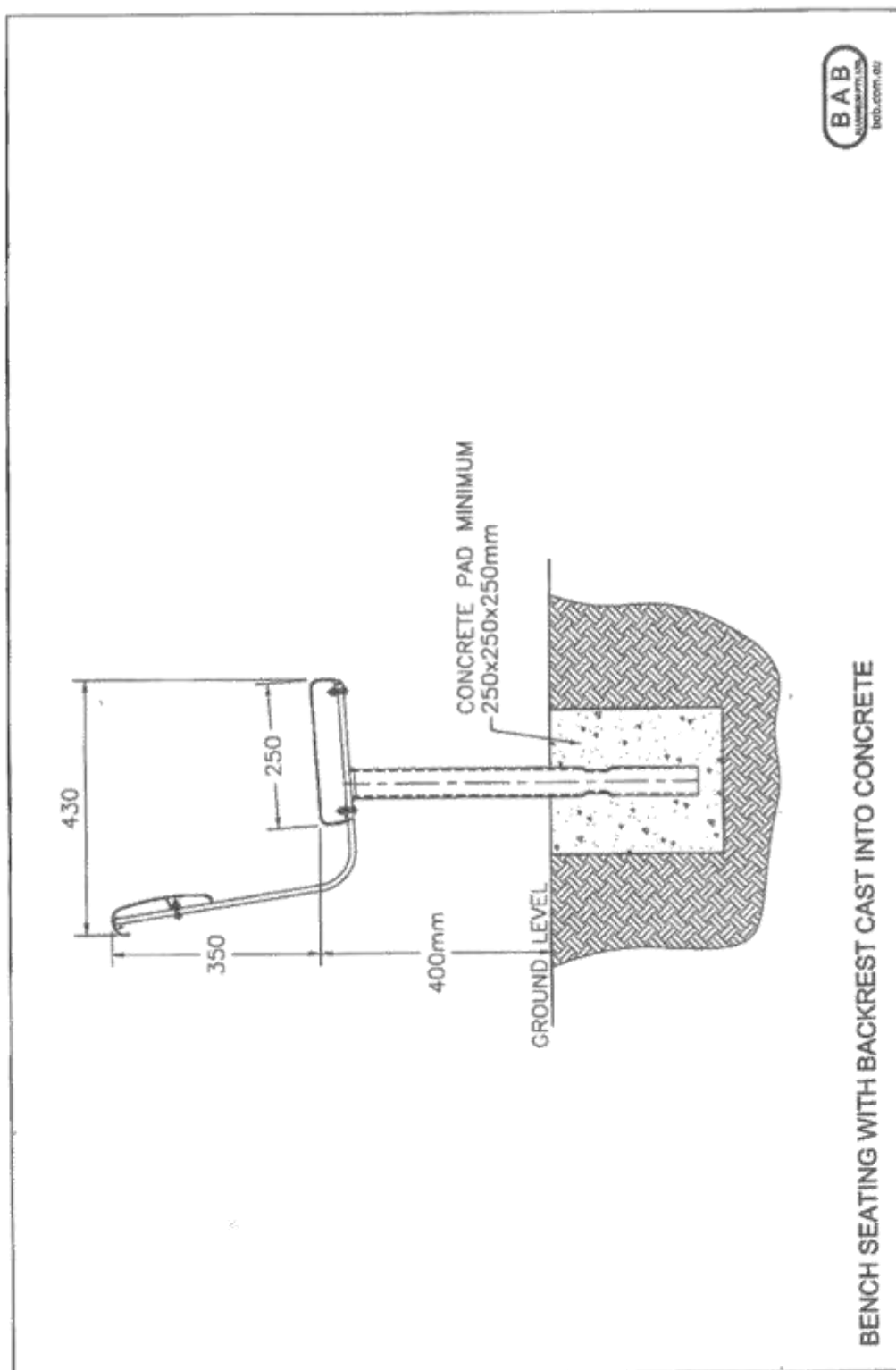
On ground - Secure bottom plate to concrete with minimum 10 x 50mm zinc-plates masonry anchors (tack welding or burring of anchor threads with hammer is recommended to prevent unwarranted removal of support).













Factory:
Unit 10, 20 Barry Road
Chipping Norton 2170

A.B.N. 24 003 658 259
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www.bab.com.au
E-mail mail@bab.com.au

Guarantee of Quality

What is covered?

BAB Aluminium Pty Ltd (BAB) will cover any defects in material or workmanship

For how long?

- Materials & workmanship are covered for 20 years from date of purchase
- Powdercoat finishes are covered for 5 years from date of purchase
- All other finishes are covered for 10 years from data of purchase

What is not covered?

This Warrantee does not cover against – normal wear and tear, vandalism, intentional damage, alterations, abuse, misuse, fire, flood or other acts of God or products not properly maintained (refer to our Care & Maintenance Advise) This Warrantee applies to the original purchaser and is not transferable.

What will BAB do?

BAB will supply a replacement component or components that are defective. If necessary BAB will replace the entire product.

What may BAB ask for?

- Proof of purchase
- Details of defect
- Digital photos

For any Warrantee Claims please contact us

Phone 1300 823 125

Fax 1300 824 125

Email mail@bab.com.au

How State Law Applies

This Warrantee gives you specific legal rights as provided by the laws of New South Wales Australia

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CUSTOM ALUMINIUM FABRICATIONS

Works and Operations - 15 February 2018

ITEM 10.13 **Traffic & Parking**

FILE REFERENCE **I18/10**

AUTHOR **Director of Works & Operations**

ISSUE

Councillors requested a report on the Traffic and Parking within the townships of Upper Lachlan Shire Council and this report is intended to make a recommendation to the Council

RECOMMENDATION That -

1. Council consider allocating \$60,000 as part of the 2018/19 draft Operational Plan in order to fund traffic and parking study and investigations within the township of Gunning, Crookwell and Taralga.

BACKGROUND

Upper Lachlan Shire has a streetscape project, however, as the scope needs to be appropriately deliberated, Council must consider traffic and parking within the township/villages to improve amenity, access and parking for the residents and travelling.

The proposed scope of works are intended to strategically consider traffic and parking issues within the township/villages of Taralga, Crookwell and Gunning in order to support current development and improve access and parking.

REPORT

It is envisaged that Council will engage the services of a consultant to undertake Traffic and Parking study intended to make recommendation regarding:

1. Access for pedestrians and vehicle;
2. Parking for heavy vehicles and light vehicles;
3. Traffic to cater for through and local use.

It is proposed that the study will undertake consultation with community and representative groups intended to:

1. Identify issues with respect to access, parking and traffic;
2. Report and workshop recommendations with the Council;
3. Provide feedback to the stakeholders and report the final findings in a report.

POLICY IMPACT

Traffic, parking and access are key consideration for local government and it is worth making investment into the future planning. The findings can be used for consideration when making decisions about land use planning.

OPTIONS

Council can either chose to allocate or not allocate any funds for the proposed Traffic and Parking study and investigations.

FINANCIAL IMPACT OF RECOMMENDATIONS

The estimated cost is \$60,000. Actual costs will be known after the quotes are received.

RECOMMENDATION That -

1. Council consider allocating \$60,000 as part of the 2018/19 draft Operational Plan in order to fund traffic and parking study and investigations within the township of Gunning, Crookwell and Taralga.

ATTACHMENTS

Nil

Works and Operations - 15 February 2018

ITEM 10.14 **Report on gas supply to the township of Crookwell and Gunning**

FILE REFERENCE I18/11

AUTHOR **Director of Works & Operations**

ISSUE

The report is intended to consider funding to further progress the consideration of supply of natural gas to the township of Gunning and Crookwell.

RECOMMENDATION That -

1. Council consider allocating \$100,000 to undertake social, economic and environmental impact study of gas supply to the villages of Gunning and Crookwell as a part of the 2018/19 Operational Plan.

BACKGROUND

During the December 2017 meeting Council resolved that staff prepare “a submission so that Council are ‘shovel ready’ to submit an application to any future Growing Local Economies Fund or similar grant for the construction of a natural gas main and pipeline infrastructure to service the future economic development of the Shire”.

In order to be shovel ready, the starting point is to undertake a social, economic and environmental study feasibility and help prepare a project brief for the consideration by the NSW State and Commonwealth Governments.

REPORT

So far it is understood that there is a “need” to invigorate local economy in Gunning and Crookwell and a “requirement” is to meet this need through the supply of natural gas that will kick start the growth of local businesses and attract additional population to the two townships.

The feasibility study is intended to investigate the supply of this natural gas supply to the township of Crookwell and Gunning to be provided to household and businesses in support of growth and promotion of local economy.

The estimated cost of a social, economic and environmental impact assessment at desktop level is \$50,000 and identification of possible routes. It is further estimated that an additional \$50,000 is required to prepare a project brief, based on the refinement of the route lengths, business case, and strategy that could be used to chase funds with the higher tiers of governments.

Works and Operations

REPORT ON GAS SUPPLY TO THE TOWNSHIP OF CROOKWELL AND GUNNING

cont'd

The project brief can be used to develop a concept, and detailed designs. These design can be used to gauge environmental impact and any regulatory approvals required to execute the project.

POLICY IMPACT

Economic development is well within the domain of public sector and Council may drive a social agenda to justify investment. In this case, it appears on face value there is no business case without a detailed analysis. However, Council may wish to make an investment to drive a social agenda instead of a commercial case to justify such investment.

It is worth noting, that Upper Lachlan Shire Council is a small rural community and with small rural rating base that may find it hard to justify such a proportionally large investment without a clear return on its investment.

OPTIONS

1. Council may choose to commission and fund a business case study;
2. Council may continue to facilitate and attract large commercial users and create a demand and write to the State and Commonwealth Governments to fund natural gas supply line;
3. No action.

FINANCIAL IMPACT OF RECOMMENDATIONS

Funding a business case study is expected to cost Council. It is estimated to cost Council \$100,000 to fund a desktop exercise, identifying preferred route out of the route options available. Additional detailed estimate may cost more if consultation with commercial suppliers is added to the list.

RECOMMENDATION That -

1. Council consider allocating \$100,000 to undertake social, economic and environmental impact study of gas supply to the villages of Gunning and Crookwell as a part of the 2018/19 Operational Plan.

ATTACHMENTS

1.	Gas supply to Gunning and Crookwell, Upper Lachlan Shire - Estimated cost of service	Confidential Appendix
----	--	-----------------------

Works and Operations - 15 February 2018

ITEM 10.15 **Report on review of charges of Kerb and Gutter - Infill development**

FILE REFERENCE **I18/12**

AUTHOR **Director of Works & Operations**

ISSUE

The purpose of this report is to advertise draft Kerb and Gutter Construction – Contribution by Property Owners Policy for public consideration.

RECOMMENDATION That -

1. Council put on public display the Kerb and Gutter Construction – Contribution by Property Owners Policy for 28 days;
2. Council adopts the policy document as is in the absence of further community submission after the community consultation period ends.

BACKGROUND

Council's current requirement is for residents to be charged up to 50% of the construction cost for the provision of in-fill kerb and gutter across the frontage of their property.

This charge has recently been reported as a source of concern and the attached draft policy is developed in response to this concern.

REPORT

Kerb and guttering upgrade works normally include upgrades to underground stormwater drainage accounting for a major portion of the costs. Council currently charges only for the kerb and guttering and does not charge for the stormwater pipes.

This practice of charging 50% of the cost of kerb and guttering is consistent with other regional and rural councils in NSW.

POLICY IMPACT

Section 217 of the Roads Act 1993 provides for charging of costs associated with kerb and guttering. Most Councils charge this contribution at 50% of the cost for kerb and guttering.

OPTIONS

Council may or may not choose to have a policy.

Works and Operations

REPORT ON REVIEW OF CHARGES OF KERB AND GUTTER - INFILL DEVELOPMENT cont'd

FINANCIAL IMPACT OF RECOMMENDATIONS

There is no change of process or policy proposed as a result of adopting the attached draft policy.

RECOMMENDATION That -

1. Council put on public display the Kerb and Gutter Construction – Contribution by Property Owners Policy for 28 days;
2. Council adopts the policy document as is in the absence of further community submission after the community consultation period ends.

ATTACHMENTS

1. ↓	DRAFT Kerb & Guttering - Contribution by Property Owners Policy	Attachment
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POLICY:-

Policy Title:	Kerb & Gutter Construction – Contribution by Property Owners
File Reference:	F13/77-09
Date Policy was adopted by Council initially:	XX/XX/XXXX
Resolution Number:	
Other Review Dates:	XX/XX/XXXX
Resolution Number:	
Current Policy adopted by Council:	XX/XX/XXXX
Resolution Number:	
Next Policy Review Date:	2 years

PROCEDURES/GUIDELINES:-

Date Procedure / guideline was developed:	N/A
Procedure/guideline reference number:	N/A

RESPONSIBILITY:-

Draft Policy Developed by:	Assets & Risk Coordinator
Committee/s (if any) consulted in the development of this Policy:	N/A
Responsibility for Implementation:	Manager of Works
Responsibility for review of Policy:	Assets & Risk Coordinator

OBJECTIVE

The primary objective of the Kerb & Gutter Construction – Contribution by Owners Policy (“Policy”) is to establish Council’s position in regard to seeking contributions from property owners toward the construction of kerb and gutter along their property frontage. These contributions fund a proportion of the total cost of the works, with the remainder being funded through rates and other sources.

INTRODUCTION

Council undertakes a program of capital upgrade works each year to reconstruct urban streets on a priority basis. This is a key element of Council’s long-term asset management strategy for infrastructure. These works improve the quality of life and safety for residents and the community, as well as improving aesthetics and property values.

Section 217 of the Roads Act 1993 provides that Council, as the roads authority, may require the owner of land adjoining a public road to contribute and Upper Lachlan Shire Council requires up to half of the cost of providing kerb and guttering along the frontage of their property.

For new subdivisions and developments, the developer is required to provide and/or upgrade infrastructure (including kerb and gutter) to current standards at no up-front costs to the Council. This ensures appropriate infrastructure is provided for the development and these costs are not passed to the ratepayer.

POLICY OBJECTIVES

The objectives of this policy are to:

- Promote an integrated framework for dealing with the recovery of part costs from property owners towards the construction of kerb and gutter along their property frontage;
- Ensure consistency and fairness in the manner in which Council deals with property owners;
- Ensure compliance with legislative requirements under the Roads Act 1993;
- Promote awareness of the requirements of the Act with respect to contributions for construction of kerb and guttering from landowners;
- Take such steps as are appropriate to ensure community consultation is carried out in a fair and equitable manner; and
- Make Council's policies and requirements for Kerb and Gutter - Construction Contributions by Property Owners readily accessible and understandable to the public.

POLICY DETAILS

Application

1. This policy applies to infill urban subdivisions and/or developments. Council requires the developer to provide for fully constructed roads including the provision of kerb and guttering and appropriate drainage, as part of the development at their full cost.
2. Many older areas of Council do not have kerb and guttering within their street. This is a result of the standard of infrastructure required at the time of subdivision, typically during the 1960s, 70s and 80s.
3. To address the deficiency in the urban road network, Council has a program of reconstructing urban roads, including the provision of kerb and guttering in existing residential areas, on a priority basis.
4. Section 217 of the Roads Act 1993 provides that Council, as the roads authority, may require the owner of land adjoining a public road to contribute half of the cost of providing kerb and guttering along the frontage of their property (based on a surveyors plan).

Legislation

Upper Lachlan Shire Council will comply with the [Roads Act 1993](#)

KEY RESPONSIBILITIES AND ACCOUNTABILITIES

Requirements		Responsibility
1	Landowner contribution Council is entitled to seek a contribution from the landowners of up to half the cost of the work associated with the provision of the kerb and gutter adjacent to their property. For a property with a single frontage, the landowner will be billed for half the costs as per the Roads Act 1933 (based on a surveyors plan)	Manager of Finance and Administration
2	Corner properties For corner properties, if the landowners were charged half the cost for both the front and side boundaries, this can result in a significant financial burden. Council will therefore only seek a contribution equivalent to half the cost for the front (or short) boundary and one quarter the cost for the side (or long) boundary.	Council officers
3	Existing kerb and gutter Council is not entitled to charge a contribution against the adjoining landowner for the replacement of existing kerb and gutter.	Council officers

4	Deferred payments for contributions The General Manager shall have delegated authority to approve an extension of time for the payment of a contribution for the provision of kerb and guttering where genuine hardship exists, subject to receipt of an application in writing from the affected parties.	General Manager
5	Contribution Calculation The applicable length of frontage will be calculated based on surveyors plans with the cost payable per metre in accordance with Council's Current Schedule of Fees and Charges.	Council officers
6	Staff Under supervision, and once appropriate training has been received, relevant Council staff will be responsible for ensuring that this Policy is implemented within their work area.	Council officers
7	Concerns Public concerns communicated to Council in relation to this Policy will be recorded in Council's records system and handled in accordance with Council's Service Delivery or Complaints Policy and Procedure. These records will be used to determine any follow-up actions and analyse the history of reported public concerns.	Council officers Public officer
8	Consultation Any consultation deemed necessary will occur as required with key stakeholders, which may include (but not be limited to) the community, other agencies, statutory and industry bodies. Public submissions regarding this Policy are invited for consideration during the exhibition period.	As applicable

REVIEW

Council reserves the right to review, vary or revoke this Policy. A review of Council's Kerb and Gutter Construction – Contribution by Property Owners Policy will be undertaken every two years.

RELEVANT LEGISLATION

Reference should be made to the following legislation, guidelines and policy documents when reading this policy:-

- Local Government Act 1993 (as amended);
- Local Government (General) Regulation 2005;
- Roads Act 1993
- Council's schedule of Fees and Charges
- Office of Local Government Rating and Revenue Raising Manual;

- Council's Integrated Plans; including Community Strategic Plan, Resourcing Strategy, Delivery Program and Operational Plan;
- Council's Rates and Charges Hardship Assistance Policy;
- Council's Pensioner Concession Policy;
- Council's Fraud and Corruption Prevention Policy;
- Council's Complaints Management Policy;
- Council's Risk Management Policy

Works and Operations - 15 February 2018

ITEM 10.16 **Heavy Vehicle Inspection Station**

FILE REFERENCE **I18/63**

AUTHOR **Director of Works & Operations**

ISSUE

Roads and Maritime Services has indicated that they are looking for Heavy Vehicle Inspection Station within the Crookwell Local Government Area. Council may wish to consider whether to construct such a facility at cost to the rate payers.

RECOMMENDATION That -

1. Council encourage commercial suppliers and continue to lobby NSW State Government to provide Heavy Vehicle Inspection services within Upper Lachlan Shire local government area at no cost to the Council.

BACKGROUND

Council received notification that the NSW State Government is looking to lease out an existing facility in order to provide Heavy Vehicle Inspection services within the Upper Lachlan Shire local government area.

Council does not have any existing building to comply with the requirements specified in the brief. Should Council wish to provide such services, there is risk of Council paying for the facility using funds from rates.

It is noted there is a community expectation to provide such services and therefore Council needs to form a view and make a decision in the best interests of the community, taking into account the two competing ideas.

REPORT

Council staff is advised that most facilities within the region are privately owned and the author of the report is unaware of any Council owned facility within the region. Based on the advice received from Yass Valley Council, the facility could cost a substantial amount of money as one of their former staff now runs a privately owned facility in Yass.

Social assessment of the proposal suggests, Council must be seen as supporting the provision of heavy vehicle inspection station services within the shire. There are clearly additional environmental benefits such as savings on drive times and reduced fuel consumption.

Works and Operations

HEAVY VEHICLE INSPECTION STATION cont'd

However, based on economic consideration the project is not supported as the return on investment is unlikely to be there. Building a purpose built facility for use for 24 days a year is unlikely to be justified.

POLICY IMPACT

Council can lobby on behalf of the rate payers for the provision of services in areas where Council cannot justify investments.

OPTIONS

Council can purpose to build the facility and potentially use part of it as a workshop. Such a facility is estimated to cost \$1.5m.

Alternatively Council can choose to continue to lobby NSW State Government to provide such services, however, at no cost to Council.

FINANCIAL IMPACT OF RECOMMENDATIONS

Should Council wish to build such a purpose built facility it is estimated to cost \$1.5m. The costs of lobbying are negligible.

RECOMMENDATION That -

1. Council encourage commercial suppliers and continue to lobby NSW State Government to provide Heavy Vehicle Inspection services within Upper Lachlan Shire local government area at no cost to the Council.

ATTACHMENTS

1. ↓	Heavy Vehicle Inspection Station EOI - Crookwell- as Advertised	Attachment
2. ↓	Email re Expression of Interest - Heavy Vehicle Checking Station Crookwell- Current Tender Detail View - TfNSW 2018_003	Attachment



Request for Expression of Interest For the provision of a Leased heavy vehicle inspection Facility in the Crookwell Area

Publish Date:	17/01/2018
RFEOI Reference Number	TfNSW 2018/003
Closing Date and Time:	19/02/2018 @ 3pm
Lodgement Method:	NSW e-Tendering website
Expression of Interest Validity Period:	180 Days from submission of tender
RFEOI Manager	Jeremy Lonergan

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Part A: Terms of Participation

1 Definitions

In this RFEI, terms defined in this section have the meaning given except where the context otherwise requires:

Agency or Agencies mean the operating agencies of Transport for NSW including Sydney Trains, NSW Trains, Roads & Maritime Services and State Transit Authority as the context requires.

Best and Final Offer or BAFO means a best and final offer submitted by short-listed Proponents invited to participate in a future procurement process.

Closing Date and Time means the closing date and time set out in Details section.

Conflict of Interest means any activity or interest which is in conflict with the Respondent providing Services to TfNSW fairly and independently, including because of the business interests of the Respondent or its consortium members, or their advisors, or any of their personnel or personal associations any of them have with any TfNSW personnel who are or are reasonably likely to be involved in this RFEI or the Services.

Contractor means a Respondent that is selected by TfNSW to perform some or all of the Services as a consequence of the future procurement processes.

Critical Milestones have the meaning given in the Statement of Requirements.

Deliverable has the meaning given in the Statement of Requirements.

Details means the information on the first page of this RFEI.

Evaluation Criteria has the meaning given in section 8.2 of Part A.

Information Documents has the meaning given in section 9.3.

Probity Adviser means the person identified as such in the Details.

Proponent means a Respondent that is short-listed by TfNSW as a consequence of the RFEI process and invited to submit a response to an RFP.

Proposal means a response submitted by a Proponent to an RFP.

Related Bodies Corporate has the meaning given to that term in the Corporations Act 2001 (Cth).

Request for Expressions of Interest or RFEI means this request for expressions of interest.

Request for Proposal or RFP means a request for Proposal for some or all of the Services.

Respondent means a supplier that submits a Response and includes potential Respondents.

Respondent Sensitive Information means:

- (i) financial information of the Respondent or its subcontractors provided in a Returnable Schedule;
- (ii) personal information of key personnel provided in a Returnable Schedule; and
- (iii) details of disagreements or disputes provided in a Returnable Schedule.

or any part thereof, provided by the Respondent in a Response, to the extent that they are not publicly available or already known to TfNSW (other than through a breach of an obligation of confidentiality to the Respondent).

Response means a response to the RFEI submitted by a Respondent, including any additional information provided by the Respondent to TfNSW as part of this RFEI process, whether at the request of TfNSW or not, and whether in writing or not.

Returnable Schedule means the returnable schedules set out in Part C of the RFEI that must be returned by Respondents with their Responses.

RFEI Inquiry Cut-off means the date and time identified as such in section 4.

RFEI Manager means the contact identified as such in the Details.

Services means the goods and/or services that TfNSW requires the Contractor to perform to satisfy the Statement of Requirements.

SME means small and medium enterprises from Australia and New Zealand as defined in the NSW Government Small and Medium Enterprise Procurement Policy Framework at the following link <http://www.procurepoint.nsw.gov.au/procurement-reform/about-nsw-procurement-reform/small-and-medium-enterprises-policy-framework>

SMEPP means an SME Participation Plan.

Solution means the solution provided to TfNSW by the Respondent that satisfies the Statement of Requirements.

Statement of Business Ethics is the document that may be found at <http://www.transport.nsw.gov.au/code-of-conduct>.

<http://www.transport.nsw.gov.au/sites/default/files/b2b/aboutus/statement-business-ethics.pdf>

Statement of Requirements means the scope of Services set out in Part B of the RFEI which includes the Deliverables and additional information. The Statement of Requirements is not intended to represent an exhaustive list of TfNSW requirements for the Services and is provided to enable Respondents to formulate a Response.

Terms of Participation means the terms and conditions set out in Part A of this RFEI.

TfNSW or **Transport** means Transport for NSW ABN 18 804 239 602, a statutory body corporate constituted under section 3C of the *Transport Administration Act 1988* of Level 1, 18 Lee Street, Chippendale NSW 2008.

Transport Cluster means TfNSW and operations of Sydney Trains, NSW Trains, State Transit Authority (STA) and Roads and Maritime Services (RMS).

2 Introduction

Transport for NSW seeks Expressions of Interest for the For the provision of a Leased heavy vehicle inspection Facility in the Lightning Ridge Area.

Further details are set out in Part B – Statement of Requirements.

For background information on TfNSW, see Attachment 1.

3 RFEOI structure

This RFEOI comprises three parts:

Part A: Terms of Participation	Part A contains the terms of participating in this RFEOI.
Part B: Statement of Requirements	Part B sets out the Statement of Requirements.
Part C: Returnable Schedules	Part C contains the Returnable Schedules that must be completed by Respondents and returned in their Expression of Interest.

4 RFEOI timetable

Except for the Closing Date and Time, the following timetable below is provided as a guide only. TfNSW reserves the right to vary the timetable and the nature and number of activities in its sole discretion without notice to Respondents.

Activity	Date
RFEOI issued	17/01/2018
RFEOI Enquiry Cut-off	12/02/2018
Closing Date and Time	19/02/2018, 3:00pm
Respondents notified of outcome of procurement process	26/02/2018

5 Communications during the RFEOI process

5.1 Respondent contact person

The Respondent must nominate a contact person who will be the only person authorised to contact (and be contacted by) the RFEOI Manager. The Respondent must not otherwise initiate contact with TfNSW or any of its staff or advisers in relation to the Response.

5.2 RFEOI Manager

All communications relating to this RFEOI must be in writing and submitted by email to the RFEOI Manager.

5.3 Requests for clarification or further information

Any questions or requests for further information or clarification of this RFEOI should be made prior to the RFEOI Enquiry Cut-off. TfNSW reserves the right to not respond to any questions or such requests received after the RFEOI Enquiry Cut-off.

If a Respondent finds any discrepancy, error or omission in this RFEOI or other information issued by TfNSW in respect of the RFEOI, the Respondent should notify the RFEOI Manager immediately.

TfNSW is not bound to answer any enquiry. Any answers in response to enquiries will be provided to all Respondents. The identity of the Respondent that initiated the enquiry will not be revealed by TfNSW in any such communications.

6 RFEOI

6.1 No legal relationship

This RFEOI does not create any legal relationship and is not a recommendation, offer or invitation to enter into a legal relationship, contract, agreement or other arrangement in respect of the Services.

Nothing in this RFEOI or in the consideration of a Response obliges TfNSW to enter into any agreement with anyone, creates a "process contract" or other implied contract, obliges TfNSW to consider or accept any Response, or stops TfNSW from considering a non-conforming Response.

6.2 Costs of participation

Participation in any stage of this RFEOI process, or in relation to any matter concerning a Response, will be at the Respondent's sole risk. All costs, losses and expenses incurred by Respondents (or their employees, agents, contractors or advisors) in any way associated with this RFEOI will be borne entirely by Respondents and TfNSW will not under any circumstances compensate Respondents for them.

6.3 Changes to the RFEOI process

The processes and procedures set out in this RFEOI represent the manner in which TfNSW currently intends to conduct this RFEOI. However, TfNSW will not be under any legal obligation to conduct this RFEOI in that manner and TfNSW may change the procedures set out in this RFEOI from time to time in its sole discretion. TfNSW will generally try to notify Respondents of any material changes that may affect Respondents but will not necessarily provide reasons.

Without limiting the previous paragraph, TfNSW reserves the right, and absolute discretion, to do all or any of the following at any stage of the RFEOI:

- a) change the content, structure or timing of the RFEOI process;
- b) change the scope or requirements of the Services;
- c) vary, amend, suspend or terminate the RFEOI or Respondent participation in it;
- d) evaluate any alternative or non-conforming or partially conforming Response;
- e) readvertise a new RFEOI;
- f) waive any irregularities in the RFEOI process or in any Response;
- g) request information from any Respondent;
- h) accept a substitution of, withdrawal of, or addition to any of the parties comprising a Respondent;
- i) invite or allow, or not invite or allow, any person to participate in any future RFEOI process, regardless of whether the person participated in the RFEOI process or the outcome of that person's participation in the RFEOI process; or
- j) enter into a contract with any person for some or all of the Services, or services similar to the Services.

6.4 Addenda

TfNSW reserves the right to vary this RFEOI (including the variation of any dates or timeframes referred to in this RFEOI) by issuing an addendum to Respondents. Each addendum will form part of this RFEOI, and all addenda must be addressed and incorporated into each Response. It is the responsibility of Respondents to verify if any addendum has been issued. Where an addendum has been issued after the Respondent has lodged its Response, the Respondent should update its Response and resubmit the updated Response in accordance with TfNSW's instructions.

7 Responses

7.1 Response content

Respondents must ensure that:

- (a) their Response is presented in the required format as set out in Part C – Respondent's Response; and
- (b) all the information fields in Part C - Respondent's Response are completed and contain the information requested.

Responses must be in English, be clear, concise and relevant, and be free of irrelevant marketing material or any other superfluous or irrelevant material.

All times must be in Australian Eastern Standard Time (AEST). Pricing must be in Australian dollars (AUD) excluding GST and pricing terms must comply with Delivered Duty Paid (DDP) (Incoterms 2010), unless otherwise set out in this RFEOI.

In completing the Response, Respondents must not change any pre-existing text in the Returnable Schedules other than to insert the required information.

Respondents should fully inform themselves in relation to all matters arising from this RFEOI, and must clearly identify and detail all assumptions, qualifications and dependencies upon which their Response is based in the relevant section of the Returnable Schedules or where no such section exists, in Returnable Schedule 1. Respondents must also inform TfNSW how such assumptions, qualifications and dependencies are proposed to be eliminated. If no assumptions, qualifications and dependencies are identified, the Response will be deemed to have none.

7.2 Lodgement

Responses must be submitted no later than the Closing Date and Time.

Responses must be submitted electronically at [NSW e-Tendering website](#).

Such Responses will be treated in accordance with the *Electronic Transactions Act 2000* (NSW), and given no lesser level of confidentiality, probity and attention than Responses lodged by other means.

Electronically submitted Responses may be made corrupt or incomplete, for example by computer viruses. TfNSW may decline to consider for acceptance a Response that cannot be effectively evaluated because it is incomplete or corrupt. Respondents must note that:

- (a) to reduce the likelihood of viruses, Respondents must not include any macros, applets, or executable code or files in a Response.
- (b) Respondents should ensure that electronically submitted files are free from viruses by checking the files with an up to date virus-checking program before submission.
- (c) TfNSW will not be responsible in any way for any loss, damage or corruption of electronically submitted Responses.

7.3 Labelling

Respondents must ensure file names of their Response includes the RFEOI Reference Number and Respondent's name.

7.4 Late Responses

Respondents are solely responsible for ensuring that their Response is submitted in accordance with this RFEI prior to the Closing Date and Time. Responses received after the Closing Date and Time may be considered to be late Responses.

In accordance with the Procurement Policy Framework, late Responses will not be accepted, except where TfNSW determines (but without any obligation to do so), in its absolute discretion, that the late Response was beyond the reasonable control of the Respondent or due to any acts or omissions of TfNSW and where the integrity and competitiveness of the RFEI process will not be compromised by accepting a late Response.

7.5 Extensions

TfNSW may extend the Closing Date and Time in its sole discretion. Respondents may request an extension in writing to the RFEI Manager but TfNSW is under no obligation to grant such extension.

7.6 Response Validity

The Response will be deemed to remain valid for a period of no less than the validity period set out in the Details.

7.7 Errors by Respondent

If TfNSW considers that there are unintentional errors of form in a Response, TfNSW may, but is not required to, request the Respondent to correct or clarify the error but TfNSW will decline to consider any material alteration or addition to the Response that would improve it. Otherwise, Respondents are responsible for carefully checking the correctness of their Response before lodging it and TfNSW may accept your Response as lodged.

8 Evaluation of Responses

8.1 Evaluation process

Following the Closing Date and Time, TfNSW intends to evaluate the Responses received. TfNSW may decide, in its absolute discretion, to consider or refuse to consider, any non-conforming Response. A non-conforming Response includes Responses that:

- (a) do not comply with the requirements of this RFEI;
- (b) are incomplete, ambiguous or illegible, or
- (c) contains insufficient information to enable proper evaluation.

8.2 Evaluation criteria

Responses will be evaluated by determining the best value for money having regard to the price and non-price criteria summarised below. The criteria are not listed in any particular order of importance and are not necessarily of equal weight:

Item	Evaluation Criterion	Overview	Returnable Schedule
1.	Location	Proximity of site	1&2
2.	Functionality	Meeting the Site Requirements	1&2
3.	Availability	As per described in Scope	2
4.	Cost	Price/Fees	2

If applicable (see clause 9.2), the Respondent's SME Participation Plan will be an evaluation criterion.

The Returnable Schedules provide more detail of the evaluation criteria and information required by TfNSW to evaluate Responses.

8.3 Clarifications, presentations and interviews

In evaluating Responses TfNSW may, in its sole discretion, take into account information that it obtains in addition to any information contained in a Response in relation to a Respondent.

TfNSW may ask Respondents to submit additional information or clarify Responses during the RFEOI process and seek clarifications from Respondents at any time after the Closing Date.

TfNSW also reserves the right to interview selected human resources nominated by Respondents and/or seek briefings or presentations from Respondents as part of the Response evaluation process. Respondents will be notified in writing in the event TfNSW seeks to exercise this right.

8.4 Successful Responses

Selection of a successful Respondent does not give rise to a contract (express or implied) between the successful Respondent and TfNSW for the supply of Services. No legal relationship will exist between TfNSW and a successful Respondent for the supply of Services until such time as a binding contract is executed by them.

The Successful Respondent(s) will be shortlisted to participate in a future RFEOI process for the services.

8.5 Advice to Respondents and Debriefing

TfNSW does not intend commenting on or disclosing the progress of the evaluation of Responses prior to giving formal final notice of the outcome of the RFEOI.

Respondents may within 30 days of the notification of the outcome of the RFEOI, by email to the RFEOI Manager, request a debriefing. A debriefing interview will be held with the relevant Respondent providing information on why its Response was not successful.

TfNSW will not provide any information comparing a Response against another Response nor will TfNSW release the names or scores of other Respondents or any other information about other Responses other than the name(s) of the successful Respondent(s).

9 General

9.1 Compliance with policy

Respondents must comply with:

- (a) all supplier obligations in the Procurement Policy Framework that is current at the date that is two weeks prior to the close of this RFEOI. A copy of the Procurement Policy Framework is available at <https://www.procurepoint.nsw.gov.au/policy-and-reform/nsw-procurement-board/nsw-government-procurement-policy-framework>; and
- (b) TfNSW Statement of Business Ethics, a copy of which is available at <http://www.transport.nsw.gov.au/about-us>

Compliance with the Procurement Policy Framework and TfNSW Statement of Business Ethics are essential requirements of this RFEOI.

A Respondent's failure to comply with this clause 9.1 during the RFEOI process will be taken into account by TfNSW during the Response evaluation process and TfNSW may pass over the Respondent's Response without prejudice to any other rights of action or remedies available to TfNSW.

9.2 SMEPF

The Small and Medium Enterprises Policy Framework is a key NSW Government procurement reform. This policy improves access by small to medium enterprises (SMEs) to government goods and services procurement by opening up opportunities. It supports competition and reduces the administrative burden on SMEs. Information in relation to this policy is detailed on the NSW Procurement website

<https://www.procurepoint.nsw.gov.au/policy-and-reform/goods-and-services/small-and-medium-enterprises-policy-framework>. If applicable, the Respondent must complete an SME Participation Plan and include it in the Response.

9.3 Intellectual Property Rights in this RFEOI

All Intellectual Property Rights in this RFEOI and any documents provided to Respondents as part of the RFEOI process (**Information Documents**) are owned by and will remain the property of TfNSW and its licensors. TfNSW gives Respondents no rights in this RFEOI or the Information Documents. Respondents must not copy, use or otherwise deal with this RFEOI or the Information Documents, except as reasonably necessary for Respondent to respond to this RFEOI, unless TfNSW gives prior written consent.

9.4 Intellectual property rights in Response document and licence to use

Upon submission in accordance with the requirements of this RFEOI, all Responses (whether in paper or electronic form) will become TfNSW property.

Respondents (or their licensors) will retain all Intellectual Property Rights contained in the Responses. Each Respondent grants to TfNSW a royalty-free, perpetual and irrevocable licence to use, copy, reproduce, adapt and modify their Response for any purpose related to the RFEOI, including for the purpose of evaluating Responses and the preparation of associated agreements.

TfNSW will retain copies of Responses, evaluation information and other materials as required by TfNSW or NSW Government policies and processes.

9.5 TfNSW Confidential Information

TfNSW confidential information includes all information contained in this RFEOI or subsequently provided by TfNSW other than information which is or becomes public knowledge (unless through a breach of confidentiality by the Respondent).

Respondents may disclose TfNSW confidential information to their employees, agents, contractors and advisors strictly on a need to know basis and solely for the purposes of evaluating the contents of this RFEOI, preparing a Response and negotiating any resulting contract. Respondents must, in respect of TfNSW confidential information, obtain from the recipients, and provide to TfNSW, an executed confidentiality undertaking in favour of TfNSW in the form set out in **Error! Reference source not found.**

Respondents are also permitted to disclose TfNSW confidential information to the extent required by law. However, prior to any such disclosure the Respondent must notify TfNSW in writing and allow, to the extent legally possible, a reasonable period for TfNSW to consider whether they wish to require the Respondent to challenge the grounds for the disclosure or seek conditions to be placed on the disclosure.

Respondents must not otherwise use or disclose TfNSW confidential information.

Respondents may not make any announcement or release any information regarding this RFEOI (including that it has been sent to Respondents) without TfNSW's prior written consent.

TfNSW may require Respondents to return or destroy all copies of this RFEOI and any other confidential information TfNSW has provided to Respondents. Respondents must promptly comply with this request and provide a written certification of destruction (if so directed in writing).

9.6 Respondent Confidential Information

Respondents should clearly identify any confidential information they have provided as part of their Response, including information about the Respondent and its products, services and customers. Such information will not be confidential if TfNSW already knows the information, it is public knowledge or TfNSW has already obtained the information on a non-confidential basis.

Respondents must not mark the whole or substantially the whole of their Response as confidential. Respondents must not claim confidentiality for any part of Response which is not genuinely confidential.

TfNSW shall in good faith appropriately secure and safeguard all Respondent's provided documentation and shall keep all declared confidential information confidential. Respondents agree that TfNSW may disclose any information in their Responses (including Respondent confidential information) to TfNSW