



# BUSINESS PAPER

## ORDINARY MEETING

Thursday 15 March 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 March 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 March 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.

<b>1</b>	<b>APOLOGIES AND LEAVE OF ABSENCE</b>	
<b>2</b>	<b>CITIZENSHIP CEREMONY</b>	
	Nil	
<b>3</b>	<b>DECLARATIONS OF INTEREST</b>	
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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**

- 1<sup>st</sup> Do I have private interest affected by a matter I am officially involved in?
- 2<sup>nd</sup> Is my official role one of influence or perceived influence over the matter?
- 3<sup>rd</sup> 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	<a href="mailto:council@upperlachlan.nsw.gov.au">council@upperlachlan.nsw.gov.au</a>	<a href="http://www.upperlachlan.nsw.gov.au">www.upperlachlan.nsw.gov.au</a>
ICAC	(02)8281 5999 Toll Free 1800463909	<a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a>	<a href="http://www.icac.nsw.gov.au">www.icac.nsw.gov.au</a>
Office of Local Government	(02) 4428 4100	<a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>	<a href="http://www.olg.nsw.gov.au">www.olg.nsw.gov.au</a>
NSW Ombudsman	(02) 9286 1000 Toll Free 1800451524	<a href="mailto:nswombo@ombo.nsw.gov.au">nswombo@ombo.nsw.gov.au</a>	<a href="http://www.ombo.nsw.gov.au">www.ombo.nsw.gov.au</a>

**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 15 February 2018..... 12

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 FEBRUARY 2018**

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**PRESENT:** Mayor B McCormack (Chairperson), Clr P Culhane, Clr R Cummins, Clr P Kensit, Clr D O'Brien, 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).

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**THE MAYOR DECLARED THE MEETING OPEN AT 6.00PM**

The Mayor called for a minutes silence to honour former Council Employee, Mr Bruce Hillier who sadly passed away as the result of an accident.

**SECTION 1: APOLOGIES & LEAVE OF ABSENCE**

An apology was received for the absence of Clr R Opie.

**01/18** **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 B McCormack declared a Significant Non-Pecuniary Interest in Item 10.16 – Heavy Vehicle Inspection Station as he is the owner of a transport company. He will make the declaration, leave the Chamber upon making the declaration, not participate in the debate and not return to the Chamber until the matter is resolved.



**UPPER LACHLAN SHIRE COUNCIL**  
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**SECTION 4: CONFIRMATION OF MINUTES**

**02/18**                    **RESOLVED** by Cllr Searl and Cllr Stafford

That the minutes of the Ordinary Council Meeting held on 21 December 2017 be adopted.

- CARRIED

Cllr Cummins requested his vote against the motion be recorded.

**SECTION 5: MAYORAL MINUTES**

**ITEM 5.1**                    **MAYORAL MINUTE - JANUARY - FEBRUARY 2018**

**03/18**                    **RESOLVED** by Mayor McCormack and Cllr Searl

That Council receive and note the activities attended by the Mayor for January/February 2018.

- CARRIED

**SECTION 6: PRESENTATIONS TO COUNCIL/PUBLIC**

Mr James McKay made a presentation on behalf of Collector Community Association.

**UPPER LACHLAN SHIRE COUNCIL**  
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**SECTION 7: CORRESPONDENCE**

**ITEM 7.1 CORRESPONDENCE FOR THE MONTH OF FEBRUARY 2018**

**04/18** **RESOLVED** by Cllr Searl and Cllr Stafford

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.

**05/18** **RESOLVED** by Cllr Searl and Cllr Kensit that Council endorse the naming of the Gunning Showground Bar as "Paddy's Bar" in honour of the late Patrick Smith.

- CARRIED

**SECTION 8: LATE CORRESPONDENCE**

Nil

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
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**REPORTS FROM STAFF AND STANDING COMMITTEES**

**SECTION 9: ENVIRONMENT AND PLANNING**

**ITEM 9.1 MONTHLY WEEDS ACTIVITIES REPORT**

**06/18** **RESOLVED** by Cllr Searl and Cllr Culhane

1. Council receives and notes the report as information.

**Councillors who voted for:-** Cllrs P Culhane, R Cummins, P Kensit, B McCormack, D O'Brien, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-** Nil

- CARRIED

**ITEM 9.2 DEVELOPMENT STATISTICS FOR THE MONTHS OF DECEMBER 2017 AND JANUARY 2018**

**07/18** **RESOLVED** by Cllr Searl and Cllr Stafford

1. Council receives and notes the report as information.

**Councillors who voted for:-** Cllrs P Culhane, R Cummins, P Kensit, B McCormack, D O'Brien, J Searl, J Stafford and J Wheelwright

**Councillors who voted against:-** Nil

- CARRIED

**UPPER LACHLAN SHIRE COUNCIL**  
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**ON 15 FEBRUARY 2018**

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**ITEM 9.3**  
**08/18**

**OUTDOOR DINING POLICY REVIEW**

**RESOLVED** by Clr Searl and Clr Wheelwright

1. Council adopts the reviewed Outdoor Dining Policy.

**Councillors who voted for:-**

Crs P Culhane, R Cummins, P  
Kensit, B McCormack, D  
O'Brien, J Searl, J Stafford and J  
Wheelwright

**Councillors who voted against:-** Nil

- CARRIED

**SECTION 10: WORKS AND OPERATIONS**

**ITEM 10.1**  
**09/18**

**WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE**

**RESOLVED** by Clr Searl and Clr Culhane

1. Council receive the report and note the information.

- CARRIED

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
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**ITEM 10.2**                      **ROAD MAINTENANCE COUNCIL CONTRACT**  
**10/18**                              **RESOLVED** by Clr Searl and Clr O'Brien

1. Council receives the report and notes the information.

- CARRIED

**ITEM 10.3**                      **REPLACEMENT OF COUNCIL EMULSION SPRAYER**  
**11/18**                              **RESOLVED** by Clr Searl and Clr Kensit

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.

- CARRIED

**ITEM 10.4**                      **LEGISLATIVE CHANGES**  
**12/18**                              **RESOLVED** by Clr Searl and Clr Culhane

1. Council receive and note the report as information.

- CARRIED

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
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**ITEM 10.5**                      **REQUEST FOR DUST SEAL ANDERSON ROAD**  
**13/18**                              **RESOLVED** by Cllr Searl and Cllr Stafford

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%).

- CARRIED

**ITEM 10.6**                      **WATER SUPPLY AND SEWERAGE SERVICES UPDATE**  
**14/18**                              **RESOLVED** by Cllr Searl and Cllr Wheelwright

1. Council receive the report and note the information.

- CARRIED

**ITEM 10.7**                      **WASTE MANAGEMENT FACILITY STRATEGY FOR UPPER**  
**15/18**                              **LACHLAN SHIRE COUNCIL**  
**RESOLVED** by Cllr Searl and Cllr Wheelwright

1. Council adopt the Waste Management Facility Strategies 1-5 as listed below and authorise staff to take necessary actions to implement it.

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

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

**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.

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

**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.

- CARRIED

**ITEM 10.8                      ADOPTION OF PREFERRED OPTION - CROOKWELL LANDFILL UPGRADE PROJECT**  
**16/18                              RESOLVED by Cllr Searl and Cllr Culhane**

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

- CARRIED

**UPPER LACHLAN SHIRE COUNCIL**  
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**ITEM 10.9          NSW EPA ORGANIC COLLECTION GRANTS**  
**RECOMMENDED** by Cllr Searl and Cllr O'Brien

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.

An amendment was moved by Cllr Cummins and Cllr Kensit that Council implement its current resolution to provide a green waste service to commence by September 2018 and that Council makes an application for grant funding to extend this service to provide a regular fortnightly service, provide kitchen caddies to all property owners who have a green waste bin, and to include a bin audit and a comprehensive education campaign.

On being put to the meeting the amendment was lost.

Cllr Cummins and Cllr Stafford called for a division.

**Councillors who voted for:-**          Cllrs R Cummins, P Kensit, D O'Brien and J Stafford

**Councillors who voted against:-**    Cllrs P Culhane, J Searl, J Wheelwright and B McCormack.

Cllr McCormack used his casting vote against the motion.

An further amendment was moved by Cllr Culhane and Cllr Wheelwright that Council reaffirm its commitment to providing a green waste service but first 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 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.

On being put to the meeting the amendment was carried and became the motion.



**UPPER LACHLAN SHIRE COUNCIL**  
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**17/18**

**RESOLVED** by Cllr Culhane and Cllr Wheelwright that Council reaffirm its commitment to providing a green waste service but first 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 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.

- CARRIED

Cllr Cummins and Cllr Kensit called for a division.

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

**Councillors who voted against:-** Cllrs R Cummins, P Kensit, D O'Brien and J Stafford.

Cllr McCormack used his casting vote for the motion.

**ITEM 10.10      WASTE LESS , RECYCLE MORE GRANTS**

**18/18**

**RESOLVED** by Cllr Searl and Cllr Wheelwright

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

- CARRIED

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
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**ITEM 10.11**                      **EMERGENCY GENERATOR GUNNING WATER AND SEWER**  
**19/18**                              **RESOLVED** by Clr Searl and Clr O'Brien

1. Council revote \$100,000 from its Gunning Sewerage Fund for the purchase of an emergency generator for Gunning Water and Sewer in the 2017/18 financial year.

- CARRIED

**ITEM 10.12**                      **MEMORIAL BENCH REQUEST**  
**20/18**                              **RESOLVED** by Clr Searl and Clr Cummins

1. Council approves the proposed installation of benches at no cost to the Council on the proviso that the seats will comply with the finalised Streetscape Plan.

- CARRIED

**ITEM 10.13**                      **TRAFFIC & PARKING**  
**21/18**                              **RESOLVED** by Clr Cummins and Clr Culhane

1. Council allocate \$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.

- CARRIED

**UPPER LACHLAN SHIRE COUNCIL**  
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**ITEM 10.14      REPORT ON GAS SUPPLY TO THE TOWNSHIP OF CROOKWELL  
AND GUNNING**

**22/18      RESOLVED by Cllr Culhane and Cllr Wheelwright**

1. Council allocate \$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.

- CARRIED

Cllr McCormack and Cllr Searl requested their vote against this motion be recorded.

**ITEM 10.15      REPORT ON REVIEW OF CHARGES OF KERB AND GUTTER -  
INFILL DEVELOPMENT**

**23/18      RESOLVED by Cllr Searl and Cllr Stafford**

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.

- CARRIED

The time being 7.46pm the Mayor left the meeting in accordance with his Declaration of Interest.

Deputy Mayor Cllr Stafford assumed the Chair.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
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**ITEM 10.16            HEAVY VEHICLE INSPECTION STATION**  
**24/18                    RESOLVED by Cllr Searl and Cllr Culhane**

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.

- CARRIED

Mayor Cllr McCormack returned to the meeting the time being 7.50pm and resumed the chair.

*The meeting adjourned for a short break the time being 7.50pm.  
The meeting resumed the time being 8.00pm.*

**SECTION 11:        FINANCE AND ADMINISTRATION**

**ITEM 11.1            INVESTMENTS FOR THE MONTHS OF DECEMBER 2017 AND**  
**25/18                    JANUARY 2018**  
**RESOLVED by Cllr Searl and Cllr Wheelwright**

1. Council receive and note the report as information.

- CARRIED

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
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**ITEM 11.2**                      **BANK BALANCE AND RECONCILIATION - 31 DECEMBER 2017**  
**26/18**                              **RESOLVED** by Clr Wheelwright and Clr Searl

1. Council receive and note the report as information.

- CARRIED

**ITEM 11.3**                      **RATES AND CHARGES OUTSTANDING FOR THE MONTHS OF**  
**27/18**                              **DECEMBER 2017 AND JANUARY 2018**  
**RESOLVED** by Clr Searl and Clr O'Brien

1. Council receive and note the report as information.

- CARRIED

**ITEM 11.4**                      **LIBRARY QUARTERLY REPORT - 2ND QUARTER 2017/2018**  
**28/18**                              **RESOLVED** by Clr Searl and Clr Wheelwright

1. Council receive and note the report as information.

- CARRIED

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 FEBRUARY 2018**

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**ITEM 11.5                      QUARTERLY BUDGET REVIEW STATEMENTS - 2ND QUARTER  
2017/2018**

**29/18                      RESOLVED by Cllr Searl and Cllr O'Brien**

1. Council adopts the 2nd Quarter Budget Review Statements for 2017/2018 including revotes of income and expenditure to the Operational Plan; and
2. Council endorses the Operational Plan Performance Summary Report.

- CARRIED

**SECTION 12:              GENERAL MANAGER**

**ITEM 12.1                      STAFFING MATTERS**

**30/18                      RESOLVED by Cllr Searl and Cllr Stafford**

1. Council receive and note the report as information.

- CARRIED

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 FEBRUARY 2018**

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**ITEM 12.2**                      **CONSULTATIVE COMMITTEE MEETING MINUTES**  
**31/18**                              **RESOLVED** by Clr Searl and Clr Cummins

1. Council receives and notes the Consultative Committee Meeting Minutes as information.

- CARRIED

**ITEM 12.3**                      **WHS COMMITTEE MINUTES**  
**32/18**                              **RESOLVED** by Clr Searl and Clr Cummins

1. Council receives and notes the WHS Committee Meeting Minutes as information.

- CARRIED

**ITEM 12.4**                      **DRAFT MODEL CODE OF MEETING PRACTICE FOR LOCAL COUNCILS IN NSW**  
**33/18**                              **RESOLVED** by Clr Searl and Clr Stafford

1. Councillors provided the General Manager with their individual feedback as to whether or not the proposed non-mandatory provisions, within the draft Model Code of Meeting Practice for Local Councils in NSW, should be mandated, by Friday, 2 March 2018.
2. Council forwards a submission to the Office of Local Government with respect to the draft Model Code of Meeting Practice for Local Councils in NSW by Friday, 16 March 2018.

- CARRIED

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
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**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 FEBRUARY 2018**

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**ITEM 12.5                      PROPOSED COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT GUIDELINES**

**34/18                      RESOLVED by Cllr Searl and Cllr O'Brien**

1. Council receives and endorses the Councillor Induction and Professional Development Guidelines.

- CARRIED

**ITEM 12.6                      GRANTS REPORT**

**35/18                      RESOLVED by Cllr Searl and Cllr Stafford**

1. Council receive and note the report as information.
2. That the General Manager be given authority to submit a grant application to the Regional Tourism Product Development Program for the provision of visitor sign posting to improve the overall visitor experience and highlighting tourist activities in accordance with the Streetscape Theme Guide.

- CARRIED

**ITEM 12.7                      ACTION SUMMARY - COUNCIL DECISIONS**

**36/18                      RESOLVED by Cllr Searl and Cllr Wheelwright**

1. Council receive and note the report as information.

- CARRIED



**UPPER LACHLAN SHIRE COUNCIL**  
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**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 FEBRUARY 2018**

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**SECTION 13: LATE REPORTS**

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

**ITEM 14.1 REPORTS FOR THE MONTH OF FEBRUARY 2018**  
**37/18 RESOLVED by Clr Searl and Clr Wheelwright**

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

1. Crookwell Potato Festival Committee – Minutes from meeting held 14 December 2017.

**ITEM 4 CORRESPONDENCE – EXPRESSION OF INTEREST - NEW MEMBER FOR COMMITTEE**  
**RECOMMENDED THAT** Mr Michael Walsh be accepted as a member of the 2018 Crookwell Potato Festival Organising Committee.

**38/18 RESOLVED by Clr Kensit and Clr O'Brien that Item 4 of the Crookwell Potato Festival be adopted.**

2. Stonequarry Cemetery Management Committee – Minutes from meeting held 25 November 2017.
3. Breadalbane Hall Committee – Minutes from Annual General Meeting and meeting held 26 November 2017.
4. Tony Foley Memorial Community Centre s355 Committee – Minutes from Annual General Meeting held 23 January 2018.
5. Economic Development Task Force – Minutes from meeting held 1 February 2018.

**ITEM 4.1 POSSIBLE USES FOR LAND LOT 3 DP 1112816 RECOMMENDATION:**

That a letter be sent to Crookwell Taralga Aged Care (CTAC) inviting them to a meeting with Council representatives to discuss the following points:

- CTAC mentioned in their letter that they wish to purchase the land (Lot 3 DP 1112816) however they still have an option in existence for land behind their development what is the status of that option.

**UPPER LACHLAN SHIRE COUNCIL**  
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- When meeting with Council can CTAC come with their specific plans and ideas for the land (Lot 3 DP 1112816) with a timeframe, because Council are looking at all opportunities and possibilities for the development of the land (Lot 3 DP 1112816). CTAC will also need to indicate if they wish to purchase all of (Lot 3 DP 1112816) or just a portion.

**39/18**

**RESOLVED** by Cllr Culhane and Cllr O'Brien that Item 4.1 of the EDTF Committee be adopted.

6. Australia Day Committee – Minutes from meeting held 21 December 2017.
7. Access Committee – Minutes from meeting held 31 January 2018.

**ITEM 5.1 – NEW STANDARD FOR INCLUSIVE KID'S PLAY SPACES**

**RECOMMENDATION:** That the Council conduct an audit of compliance of playgrounds across the Shire as part of the 18/19 budget.

**ITEM 5.2 - NEW TOILET BLOCK FOR GOODHEW PARK TARALGA – WITH DISABLED FACILITIES**

**RECOMMENDATION:** That the Goodhew Park at Taralga including toilet block, play areas and access be upgraded to comply with new standards, as part of the Goodhew Park upgrade project.

**ITEM 5.3 - MISSED BUSINESS - A GUIDE FOR SMALL BUSINESS**

**RECOMMENDATION:** That the Access Committee welcomes and supports “the guide to mixed business” and that this document be made available through progress associations.

**ITEM 5.5 - MLAK TOILET**

**RECOMMENDATION:** That MLAK forms be provided to medical and disability services in Crookwell

**ITEM 5.6 - DISABLED PARKING**

**RECOMMENDATION:** That the Access Committee request the Local Traffic Committee consider placing one additional disabled parking place adjacent to the current disabled parking space in Kialla Road ( near the hospital)

**UPPER LACHLAN SHIRE COUNCIL**  
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**40/18**

**RESOLVED** by Clr Searl and Clr O'Brien that Items 5.1, 5.2, 5.3, 5.5 and 5.6 of the Access Committee be adopted.

8. Building Review Committee – Minutes from meeting held 6 February 2018.

**ITEM 4.1 - NEW COUNCIL CONCEPT REPORT PROVIDED  
BY ANDREW RANDALL OF RANDALL AND DUTAILLIS  
ARCHITECTS**

**RECOMMENDATION:**

1. The Building Review Committee endorse the New Council Concept Report as presented and request Council proceed with Option 1 and provide the General Manager authority to commission a brief based on Option 1 with the intention of submitting to 3 architectural firms for quotation to meet the brief.
2. The Building Review Committee request Council provide the General Manager authority to commission a detailed survey and environmental assessment of the existing 44 Spring Street site and 106-108 Goulburn Street site.
3. The Building Review Committee request Council undertake a traffic survey of Robertson Lane and report the findings to the Building Review Committee.

**41/18**

**RESOLVED** by Clr Kensit and Clr Cummins that Item 4.1 of the Building Review Committee be adopted

9. Report from the Mayor – Attendance at LGNSW Conference 2017.
10. Report from Clr John Stafford – LGNSW Conference 2017.

- CARRIED

**SECTION 15: BUSINESS WITHOUT NOTICE**

Nil

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
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**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 FEBRUARY 2018**

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**SECTION 16:      NOTICES OF MOTION**

**ITEM 16.1            NOTICE OF MOTION - DOMESTIC COLLECTION SERVICE ROUTES**

**42/18                RESOLVED by Clr Culhane and Clr Searl**

“That council staff prepare a report for Council at the 2018/19 Budget Workshop showing what shire routes outside of the villages currently receive a domestic collection service. In light of the move to implement a green waste service to ratepayers who already receive domestic waste services on a no additional user pay basis I believe we should endeavour to make available basic waste collection services to more rural rate payers.’

**- CARRIED**

**ITEM 16.2            NOTICE OF MOTION - LOCAL ENVIRONMENTAL PLAN**

**43/18                RESOLVED by Clr Cummins and Clr Kensit**

“The General Manager is given authority to engage the services of a consultant to make a submission to the Department of Environment and Planning in relation to the anomalies in the land use tables, particularly concerning the fact that self-storage units are prohibited in IN2 Light Industrial Zones.”

**Councillors who voted for:-**                Crs Culhane, Searl, McCormack  
R Cummins, P Kensit, D  
O'Brien, J Wheelwright and J  
Stafford

**Councillors who voted against:-**        Nil.

**- CARRIED**

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 FEBRUARY 2018**

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**ITEM 16.3            NOTICE OF MOTION - ECONOMIC DEVELOPMENT AND TOURISM STRATEGIES**

**RECOMMENDED** by Clr Stafford and Clr Cummins

“That Council, as a matter of policy, realign its economic development and tourism strategies to enable more cohesive and effective development. A consequence of this should be combining the current departments”.

- LOST

**ITEM 16.4            NOTICE OF MOTION - BUSINESS OPPORTUNITIES**

**RECOMMENDED** by Clr Stafford and Clr Cummins

“That Council move immediately to start negotiations to engage a consultant to address business opportunities (as previously agreed).”

- LOST

**SECTION 17:        QUESTIONS WITH NOTICE**

**ITEM 17.1           GREEN WASTE SERVICE**

Refer to the Business Paper for Council Meeting held 15 February 2018 for the General Manager’s comments.

**44/18                RESOLVED** by Clr Cummins and Clr Kensit that Item 17.1 be moved into Closed Council as questions relating to staff will be raised.

- CARRIED

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
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**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 FEBRUARY 2018**

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

**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:

**45/18**                      **RESOLVED** by Clr Searl and Clr Wheelwright

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 (2a) and 10A (2d (i)) 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 (2a) and 10A (2d (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 9.28pm and the public, staff and press left the chambers.

**46/18**                      **RESOLVED** by Clr Searl and Clr Wheelwright

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

- CARRIED

Open Council resumed at 9.50pm.

**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.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
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**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 FEBRUARY 2018**

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**SECTION 18:      CONFIDENTIAL SESSION**

**ITEM 17.1            GREEN WASTE SERVICE**

Refer to the Business Paper for Council Meeting held 15 February 2018 for the General Manager's comments.

**ITEM 18.1            POOL REVIEW COMMITTEE**

**47/18                RESOLVED** by Clr Searl and Clr Wheelwright

1. Council appoints Julie Simpson and John Oke as the two community members to the Swimming Pool Review Committee.

- CARRIED

**ITEM 18.2            CROOKWELL GOLF CLUB LIMITED - BEIJING JINGNENG CLEAN  
ENERGY (AUSTRALIA) HOLDING PTY LTD PTY LTD LEASE  
AGREEMENT**

**48/18                RESOLVED** by Clr O'Brien and Clr Wheelwright

1. Council concurs with the terms of the revised proposal, wherein initial upfront fee of \$16,000.00 (being annual payments of \$4,000.00 per year for years 2014, 2015, 2016 and 2017) payable upon commencement of the Agreement, an Annual Licence Fee of \$3,000.00 indexed from the execution and commencement date, and \$850.00 per week as a specific job fee and payable for each week that the site is accessed by the Licensee during either the construction phase of the Biala Windfarm or the operational phase of either the Gullen Range Windfarm or the Biala Windfarm or the option periods applicable to such Windfarms be paid to the Crookwell Golf Club Limited (payments exclusive of GST with GST payable in connection with the payments and all payments will be indexed).

**UPPER LACHLAN SHIRE COUNCIL**  
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2. Council advise that the terms of the proposed Licence Deed and Agreement for Easement are satisfactory.

- CARRIED

**THE MEETING CLOSED AT 9.55pm**

Minutes confirmed 15 MARCH 2018

.....  
Mayor



## **5 MAYORAL MINUTES**

The following item is submitted for consideration -

5.1	Mayoral Minute - February/March 2018	38
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## Mayoral Minutes - 15 March 2018

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### ITEM 5.1

### Mayoral Minute - February/March 2018

#### FILE REFERENCE I18/111

#### FEBRUARY

3 February	Attended AP&H Society Sashing of Miss Showgirl 2018
5 February	Memorial Oval Project Meeting
10 February	Attended Crookwell AP&H Society Show luncheon and opening of the Show
15 February	Council meeting
17 February	Opening of "Paddy's Bar" at the Gunning PA&I Society Show
17 February	Opening of the Crookwell Irish Festival
19 February	"Working Together to Deliver" Councillor and staff training
21 February	Meeting with Paul Anderson re AP&H Society Grants
22 February	Meeting with Director of Works and Operations.
22 February	Traffic Committee Meeting
22 February	CBRJO Board Presentations
23 February	CBRJO Board Meeting
26 February	"Working Together to Deliver" Councillor and staff training
28 February	Accompanied Minister Don Harwin MP on his visit to the Gullen Range Wind and Solar Farm

#### MARCH

1 March	Attended the NSW Country Cabinet Meeting in Goulburn where I spoke to The Premier Gladys Berejiklian MP, Deputy Premier John Barilaro MP and the following Ministers – Blair, Harwin, Goward, Toole, Upton, Ayres, Pavey and Marshall.
1 March	Attended the opening of the Country University Centre at Illawarra TAFE Goulburn Campus
2 March	Country Mayor Meeting at Parliament House, Sydney
6 March	General Manager's Performance Review

## **7        CORRESPONDENCE**

The following item is submitted for consideration -

7.1	Correspondence for the month of March 2018	40
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## Correspondence - 15 March 2018

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### ITEM 7.1

### Correspondence for the month of March 2018

#### RECOMMENDATION:

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

1. Hon John Barilaro MP – Stronger Country Communities Fund.
2. Local Government – Circular 18/01 – Establishment of a Council Engagement Team.
3. Keith Brown – Letter of Thanks & Appreciation.
4. Building Review Committee – Resignation letter of Peter Mayoh from the Committee.
5. Southern Phone Company – 2016/17 Dividend.
6. Jo Marshall – Request for Council Representative on the Australian Agricultural Centre.

#### ATTACHMENTS

1. <a href="#">↓</a>	NSW Government Hon John Barilaro MP - Stronger Country Communities Fund ( SCCF ) - Open's Mid-March 2018	Attachment
2. <a href="#">↓</a>	Local Government - Circular 18-01 - Establishment of a Council Engagement Team	Attachment
3. <a href="#">↓</a>	Keith Brown - Letter of Thanks & Appreciation - 15 February 2018	Attachment
4. <a href="#">↓</a>	080218__ Letter to Jerome Rowley - resignation of Peter Mayoh from the Building Review Committee	Attachment
5. <a href="#">↓</a>	Southern Phone Company - 2016/217 Dividend - \$12,173.50	Attachment
6. <a href="#">↓</a>	Request from Jo Marshall for a Council Representative on the Australian Agricultural Centre - March 2018	Attachment



**The Hon. John Barilaro MP**  
Deputy Premier  
Minister for Regional New South Wales,  
Minister for Skills and Minister for Small Business

Your ref: A2336069

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

Dear Clr McCormack

I write regarding the NSW Government's \$200 million Stronger Country Communities Fund (SCCF). Round One of this program has now closed and I want to thank you for your council's time and effort in submitting applications on behalf of your community.

In late 2017 I was pleased to announce the first successful projects that were submitted in Tranche A. These exciting projects will no doubt improve the lives of residents and provide regional towns with the infrastructure they deserve. I expect the successful Tranche B and C projects to be announced by early March 2018.

### **Round Two of the SCCF will open in mid-March 2018**

Round Two of the SCCF will open for eight weeks to all eligible councils in mid-March 2018. The next round will have an increased focus on sporting infrastructure as well as the general community amenity projects that help boost the livability of your local communities.

### **Key dates**

March 2018	Applications open for 8 weeks
May 2018	Applications close
May – June 2018	Projects are reviewed for eligibility (general and viability)
June – July 2018	Community choice modelling is conducted
August 2018	Successful projects expected to be announced

If a council's successful projects from Round One total less than their allocation, the balance of funding will be added to their Round Two allocation. If a council's successful Round One projects total above their allocation, the amount above will be subtracted from their allocation in Round Two.

### **Program changes**

After listening to feedback, some changes will be introduced for SCCF Round Two. These include:

1. A single opening round for all councils.
2. Changes to the scope of eligible projects to include street beautification and 'place making' activities.

3. Minimum cost evidence for applications now at least one quote (from a tradesperson or qualified contractor) or estimate from a quantity surveyor or suitably qualified person for each key project activity, and a detailed budget.

The refreshed Program Guidelines will be made available in early 2018. Further details about Round Two will also be made available on the SCCF website:

[www.nsw.gov.au/strongercountrycommunities](http://www.nsw.gov.au/strongercountrycommunities).

I urge your council to start consulting with the community and preparing applications for Round Two as early as possible.

#### **Assistance to prepare applications**

I am pleased to confirm that professional assistance to prepare applications will be offered to the most disadvantaged councils in SCCF Round Two. This assistance will support councils to develop stronger applications with a focus on more detailed project scope and costings. Further details about this assistance and the eligible councils will be provided before applications open in March 2018.

As always, Councils are encouraged to contact their local Office of Regional Development representative for support with any of the Regional Growth Fund programs. Your allocated Business Development Manager is Rhonda Lawrie who can be contacted on rhonda.lawrie@dpc.nsw.gov.au or 0407 960 667.

Thank you for your support once again, and I look forward to seeing your community's projects come to life through 2018.

Yours sincerely



The Hon. John Barilaro MP  
**Deputy Premier**  
**Minister for Regional New South Wales**  
**Minister for Skills and Minister for Small Business**



Office of  
Local Government

## Circular to Councils

<b>Circular Details</b>	Circular No 18-01 / 9 February 2018 / A581427
<b>Previous Circular</b>	<i>Not applicable</i>
<b>Who should read this</b>	Councillors / General Managers / All council staff
<b>Contact</b>	Melissa Gibbs, Director Policy and Sector Development, <a href="mailto:melissa.gibbs@olg.nsw.gov.au">melissa.gibbs@olg.nsw.gov.au</a> ; (02) 4428 4174
<b>Action required</b>	Information

### Establishment of a Council Engagement Team

#### What's new or changing

- OLG is changing the way it engages with councils.
- A key step is the establishment of a Council Engagement Team.

#### What this will mean for your council

- The Council Engagement Team will:
  - work closely with councils and Joint Organisations
  - identify emerging issues and opportunities for OLG to address
  - implement programs to support improved council performance
  - build working relationships with State agencies.
- OLG will be establishing six new positions – Council Engagement Managers – to work more closely with councils across the state.

#### Key points

- The Council Engagement Team will include six new Council Engagement Manager positions, whose role will be to:
  - develop and build relationships with councils and Joint Organisations
  - determine and identify emerging issues affecting councils and those that are likely to eventuate; and identify solutions and initiatives to respond
  - provide information and assistance to councils on State Government policy priorities
  - facilitate effective working relationships between State and local government agencies and improve collaboration and support
  - develop and deliver programs to support councils.
- Council Engagement Managers will travel extensively, and will work with clusters of councils on a regional basis.
- The Council Engagement Team will work closely with the Department of Premier and Cabinet's regional directors and established regional collaboration processes.
- Some Council Engagement Managers will be based in Sydney to work with councils in the metropolitan area.
- Recruitment action has commenced, and appointments should be finalised by the end of March 2018.

Office of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au) W [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) ABN 44 913 630 046

**Where to go for further information**

- Once appointed, Council Engagement Managers will be in touch with councils to further outline their role and to discuss how councils would like to engage with the Council Engagement Team.
- In the meantime, please contact Melissa Gibbs, Director Policy and Sector Development at OLG on (02) 4428 4174 or [melissa.gibbs@olg.nsw.gov.au](mailto:melissa.gibbs@olg.nsw.gov.au) for further information



**Tim Hurst**  
**Acting Chief Executive**

Office of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au) [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) ABN 44 913 630 046



P. O. Box 74  
Gunning NSW 2581  
15 February 2018

Mr. John Bell  
General Manager  
Upper Lachlan Shire Council  
P. O. Box 42  
Gunning NSW 2581

UPPER LACHLAN SHIRE COUNCIL
CROOKWELL OFFICE
15 FEB 2018
File No:

Dear Mr. Bell,

I would like to express my appreciation to the Mayor and Councillors, and to the staff of the Upper Lachlan Shire, and to those who nominated me for a Shire Citizenship of the Year Award. That I should have been nominated for such an Award was completely unexpected, and that it should have been the Shire Citizen of the Year Award, was somewhat embarrassing since I feel there are many worthier recipients within the Shire.

Nevertheless, that my small contribution has been appreciated is most encouraging and I hope I may continue to contribute in some small way to the Shire while I am able. In undertaking historical research I have been privileged to meet many wonderful Shire residents and have received support and encouragement in my endeavours. The Shire is privileged to have four very active Historical Societies, located in Crookwell, Taralga, Gunning and Collector respectively, who collect, record and maintain Shire history, and the history incorporated within this Shire is remarkable.

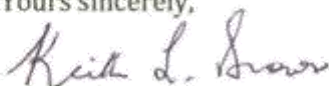
I am currently undertaking further research into the Church and churches of the Upper Lachlan Shire, embracing all the denominations which are today or were active in the early days of settlement, and, if successfully completed during the next few months, this will also be donated to the community if considered worthwhile.

I also congratulate the Shire on the work already undertaken, and being undertaken, with regard to the roads within the Shire. In my research to find old churches or the sites thereof, I have driven many of the roads including some "back tracks" and, with few exceptions, have found them remarkably well maintained.

It has been, and is, a privilege to live in this Shire and I expect, in due course, to remain permanently here along with my wife who passed away last September. Then I too shall become 'history'!

With thanks and best wishes to the Councilors and staff,

Yours sincerely,

  
Keith L. Brown

8<sup>th</sup> February 2018

Mr Jerome Rowley  
Chairman of the Building Review Committee  
Upper Lachlan Shire Council  
P.O BOX 10  
Crookwell NSW 2583



PD MAYOH PTY LTD

ABN : 16788096806  
Peter Mayoh - Registered Architect No.3788  
Jo Simmons - Registered Architect No.8227

80 Strathallen Avenue, Northbridge NSW 2063  
P : 02 - 9958 0488 F : 02 - 9958 6424  
E : info@pdmayoh.com.au  
www.mayoharchitects.com.au

Dear Sir,

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**RE: RESIGNATION FROM THE UPPER LACHLAN SHIRE COUNCIL BUILDING REVIEW COMMITTEE**

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After our discussion on Tuesday the 8<sup>th</sup> of February following the Building Review Committee, you enquired whether my Architectural practice would be interested in submitting an expression of interest for a competition. This competition is to include three architectural firms for the proposed redevelopment of the Council Chambers.

Mr John Bell had previously mentioned this possibility late last year when I inspected the existing Council Chambers. I am honoured to be given this opportunity, given my 68 years in the Roslyn district.

As a consequence of this offer, I believe it is only appropriate that I resign from my position as a community representative on the Building Review Committee. The purchase of the Spring Street property was not anticipated when I joined the committee but it now opens up a new approach to the needs for new Council accommodation, especially focusing on staff working conditions.

It is in my opinion that my resignation take place prior to being invited to submit a formal expression of interest, to then be considered as one of the three selected Architects for the design competition.

Yours Sincerely,

Peter Mayoh  
P.D. MAYOH PTY LTD

13 February 2018



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

**\$12,173.50**

**YOUR 2016-17 SOUTHERN PHONE COMPANY DIVIDEND**

Dear Mr McCormack

I have pleasure in confirming payment of your 2016-17 Southern Phone Company dividend. Your \$12,173.50 dividend represents 0.81% of the total dividend pool for this year, of \$1,000,000.

More information about our performance in 2016-17 is contained in the Annual Report we have previously sent you.

As you would be aware, the dividend calculation is based on 20% of the dividend pool being split equitably by the 35 shareholders, and 80% split based on the Southern Phone revenues generated in your Council area.

**Outlook**

The telecommunications market continues to evolve, creating challenges and opportunities that company's like ours are responding.

Short-term earnings are likely to be impacted as we meet the demands of the 'new' marketplace by investing in digitising the internal workings of the business and extending our capabilities to create customer outcomes beyond our traditional senior's home phone product range. However, the longer-term prospects of the business are very positive, and I believe the investments that we are making will create efficiencies and growth that will underpin shareholder returns well into the future.

We have a clear strategy that we are deploying that will create a market leading customer experience. We will do this by:

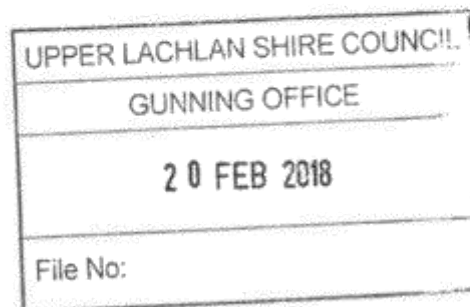
1. Improving the NBN experience and supply-side economics by deploying our own aggregation network that will allow us to directly connect to NBNCo for data supply,
2. Improve supply economics and open new markets by deploying carrier grade voice switching to create our own VoIP capabilities,
3. Repositioning ourselves in the market by refreshing the Southern Phone brand, and
4. Entering the regional small business market with a range of targeted solutions

Thank you for your support. Southern Phone is a proud and successful Local Government Enterprise.

Yours faithfully

**BILL HILZINGER  
CHAIRMAN**

CC: Mr John Bell  
General Manager  
Upper Lachlan Shire Council





Friday 2 March, 2018

John Bell  
General Manager  
Upper Lachlan Shire Council  
PO Box 42  
Gunning NSW 2581

By email.

Dear John,

At the December meeting when the council allocated funding towards the feasibility study and conceptual designs for the Australian Agricultural Centre, subject to reaching the required amount for the study, it was suggested that council have a representative on the Steering Committee.

Since that meeting, I have now matched that funding and I am applying for further funds through a few different avenues. It is now time to work on an effective and interested group to help the Australian Agricultural Centre reach it's next goal.

I am requesting that the council representative be yourself, as you well understand the size of this project and impact it will have on the shire, and will be in the position to call in assistance from areas of council as required/ approved by council.

I do understand that this will be decided on at the council meeting in due course.

I aim to call the first meeting at the beginning of April.

Kind Regards

Jo Marshall  
Project Manager

PO Box 7 Binda, NSW 2583 - email: jo.marshall8@me.com

## **9 ENVIRONMENT AND PLANNING**

The following items are submitted for consideration -

9.1	Monthly Weeds Activities Report	50
9.2	Development Statistics for the Month of February 2018	54
9.3	Request to review determination of development application 8/2017 - mixed use development comprising intensive livestock agriculture and agricultural produce industry, Lots 4 & 5 DP742425 and Lots 3, 6, 20, 21, 67 & 68 DP753031, Greenmantle Road, Bigga	61
9.4	Primary Production Subdivisions	88
9.5	Planning Proposal to amend Upper Lachlan Local Environmental Plan 2010 - IN2 Light Industrial Zone Land Use Table	92

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# Environment and Planning - 15 March 2018

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## ITEM 9.1 Monthly Weeds Activities Report

**FILE REFERENCE** I18/102

**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.

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### BACKGROUND

Standard monthly report providing Council with a summary of the weed control activities conducted in February 2018.

### REPORT

#### Property Inspections

Weed	Parish	Road or Street	Date	Action	Degree
S/T	Gillindich	Glenfield	1/2/18	Routine	1
S/T	Gillindich	Junction Pt	1/2/18	Routine	1
S/T	Gillindich	Junction Pt	1/2/18	Routine	1
S/T	Gillindich	Junction Pt	2/2/18	Routine	1
S/T	Gillindich	Junction Pt	2/2/18	Routine	1
S/T	Guinecor	Taralga	6/2/18	Notified	2
S/T BB	Gillindich	Bridge Ck	7/2/18	Notified	1, 2
S/T	Gillindich	Bridge Ck	7/2/18	Notified	2
S/T BB	Cuddyong	Tuena	7/2/18	Notified	2
S/T BB	Gillindich	Bridge Ck	8/2/18	Notified	2
S/T	Gillindich	Bridge Ck	8/2/18	Routine	1
S/T BB	Gillindich	Bridge Ck	8/2/18	Notified	2
S/T	Gillindich	Tuena	8/2/18	Routine	2
S/T	Gillindich	Tuena	8/2/18	Routine	2
S/T	Gillindich	Tuena	13/2/18	Routine	1
S/T BB	Gillindich	Tuena	13/2/18	Notified	2
S/T BB	Gillindich	Tuena	13/2/18	Notified	2
S/T BB	Gillindich	Tuena	13/2/18	Notified	2, 3
S/T	Gillindich	Tuena	14/2/18	Routine	1
S/T	Gillindich	Tuena	14/2/18	Routine	1



## Environment and Planning

### MONTHLY WEEDS ACTIVITIES REPORT cont'd

S/T SJW BB	Gillindich	Tuena	14/2/18	Notified	2
S/T	Gillindich	Tuena	14/2/18	Routine	1
S/T	Gillindich	Tuena	14/2/18	Routine	2
S/T	Gillindich	Tuena	14/2/18	Routine	2
S/T BB	Blackman	Tuena	15/2/18	Notified	2
S/T BB	Meglo	Tuena	15/2/18	Notified	1, 3
S/T	Meglo	Tuena	15/2/18	Routine	2
S/T	Meglo	Tuena	15/2/18	Routine	2
S/T BB	Yarraman	Tuena	15/2/18	Notified	2
S/T BB	Kiama	Redground	16/2/18	Notified	2
S/T BB	Yarraman	Tuena	19/2/18	Routine	2
S/T BB	Meglo	Tuena	19/2/18	Notified	2, 3
S/T BB	Meglo	Tuena	20/2/18	Routine	2
S/T SJW	Pomeroy	Walkom Ln	20/2/18	Notified	2
S/T BB	Gillindich	Junction Pt	21/2/18	Notified	2
S/T BB	Gillindich	Junction Pt	21/2/18	Notified	2
S/T BB	Pejar	Goulburn	27/2/18	Notified	2, 3
S/T BB	Cuddyong	Bridge Ck	27/2/18	Notified	1, 2
S/T BB	Cuddyong	Bridge Ck	27/2/18	Notified	2
S/T BB	Cuddyong	Bridge Ck	27/2/18	Notified	1, 2
SJW	Nelanglo	Yellanglo Ln	5/2/18	Notified	2
BB	Lampton	Learys	5/02/18	Routine	1
S/T	Gunning	Dalton	6/02/18	Routine	1
S/T	Gunning	Dalton	6/02/18	Routine	1
BB	Gunning	Hume Hwy	6/02/18	Routine	1
S/T SJW	Dalton	Walsh's	19/02/18	Reinspect	2
S/T SJW	Cullarin	Collector	19/02/18	Routine	2
S/T	Dixon	Ladevale	19/02/18	Routine	1
BB	Kildare	Rugby	20/02/18	Routine	1
S/T	Manton	Sheldricks Ln	21/02/18	Routine	2
BB	Collector	Church St	22/02/18	Notified	2
S/T	Dixon	Ladevale	22/02/18	Notified	1
S/T	Dalton	Darby's	23/02/18	Routine	2
S/T	Bunton	Rye Park	27/02/18	Notified	1
SJW	Collector	Short St	27/02/18	Routine	1
BB	Lampton	Banister Ln	27/02/18	Notified	2
S/T	Lerida	Collector	28/02/18	Routine	1
S/T	Cullarin	Lerida	28/02/18	Routine	1
S/T	Lerida	Gundaroo	28/02/18	Routine	1

*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

BB Blackberry

Nth Nodding Thistle

SJW St John's Wort

CNG Chilean Needle Grass

## Environment and Planning

### MONTHLY WEEDS ACTIVITIES REPORT cont'd

EB English Broom  
Go Gorse

FW Fireweed  
CG Coolatai Grass

ALG African Lovegrass

#### Key for Degree of Infestations

1. Scattered Plants
2. Scattered Plants with Isolated Patches
3. Dense Infestations

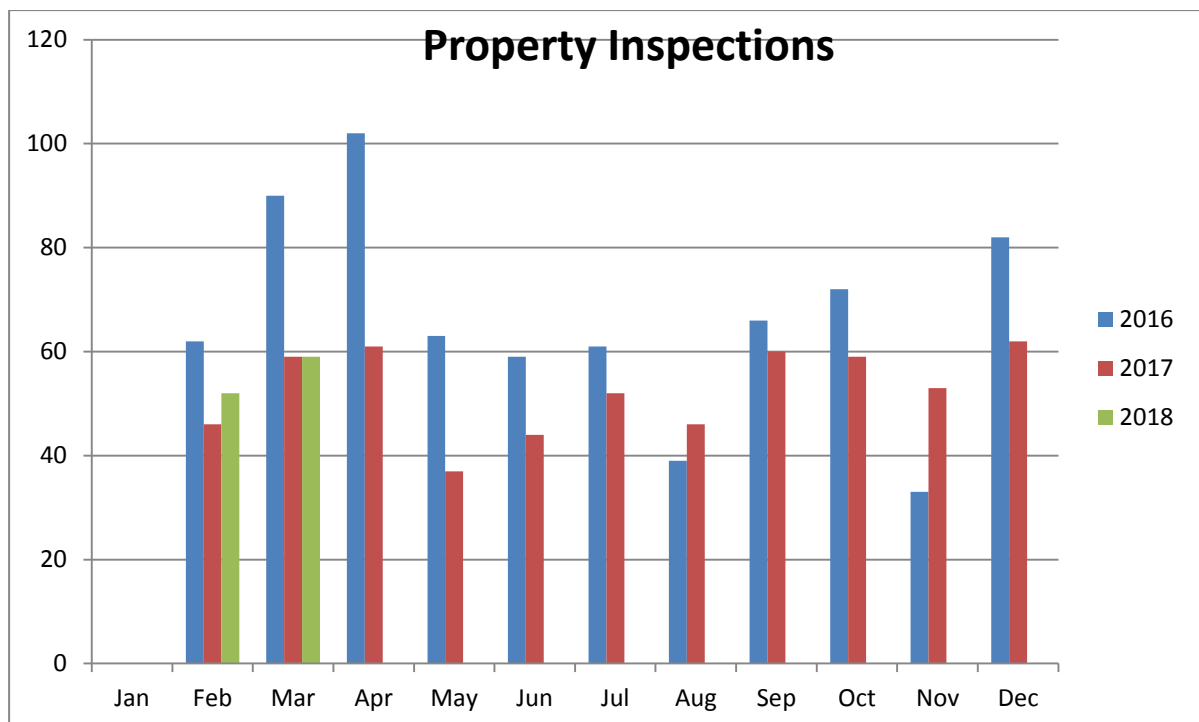
#### Key for Actions of Inspections

**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

Roadside weed control work has continued to focus on woody weed control with weeds such as Blackberry, Gorse, Brooms and St John's Wort targeted. This control program will continue through until the end 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

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## Environment and Planning - 15 March 2018

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**ITEM 9.2**                      **Development Statistics for the Month of February 2018**

**FILE REFERENCE**    I18/112

**AUTHOR**                      **Director of Environment and Planning**

### ISSUE

Providing Council with a brief summary of the development control activities that have occurred in the month of February 2018.

**RECOMMENDATION**      That -

1. Council receives and notes the report as information.

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### BACKGROUND

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

### REPORT

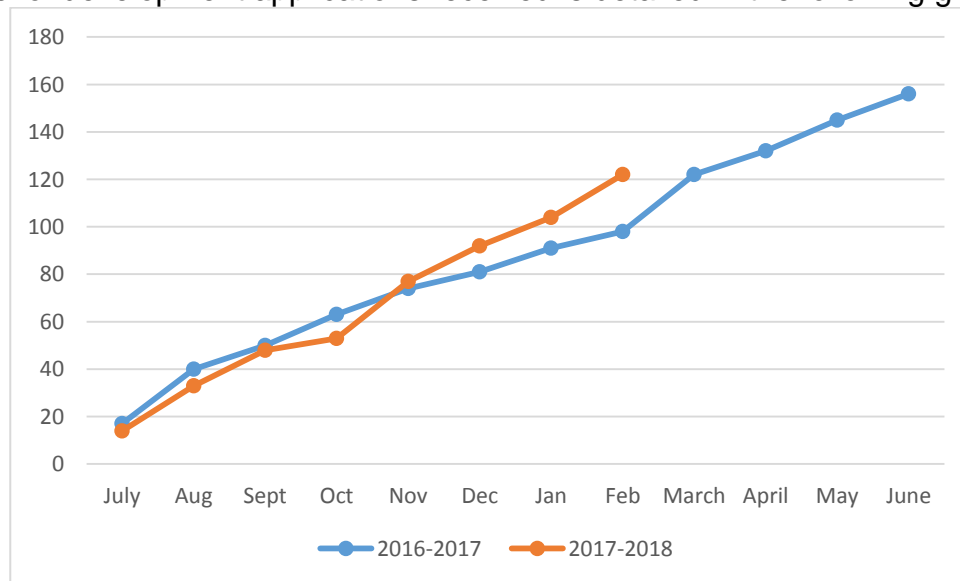
The following table outlines the type and value of new development.

Statistics by Development Type								
Current Year					Last year			
DA Type	Feb 2018		Year to Date 1/7/2017 to 30/6/2018		Feb 2017		Year to date 1/7/2016 to 30/6/2017	
	Count	\$Value	Count	\$Value	Count	\$Value	Count	\$Value
Commercial	1	\$5000	6	\$21,336,000	0	\$0	5	\$97,585
Residential	14	\$2,356,770	84	\$16,898,070	4	\$738,362	75	\$13,436,928
Industrial	0	\$0	0	\$0	1	\$0	1	\$0
Other	1	\$100,000	7	\$6,223,000	2	\$30,000	8	\$80,000
<b>Total</b>	<b>16</b>	<b>\$2,461,770</b>	<b>97</b>	<b>\$44,457,070</b>	<b>7</b>	<b>\$768,362</b>	<b>89</b>	<b>\$13,614,513</b>
Subdivision								
Type	Count	Lots	Count	Lots	Count	Lots	Count	Lots
Residential	0	0	1	3	0	0	4	78
Rural Residential	0	0	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	4	3	0	0	0	0
Strata	0	0	0	0	0	0	0	0
Agricultural	0	0	9	17	1	2	3	8
Modification/Other	1	5	1	53	0	0	1	6
<b>Total</b>	<b>2</b>	<b>5</b>	<b>20</b>	<b>88</b>	<b>1</b>	<b>2</b>	<b>11</b>	<b>101</b>

## 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:

<b>DAs under assessment</b>	<b>DA modifications under assessment</b>	<b>DAs received Feb 2018</b>	<b>DA modifications received Feb 2018</b>	<b>DAs determined February 2018</b>	<b>DA modifications determined Feb 2018</b>
30	4	14	4	23	1

The average determination processing time is for the month of February was 29 days.

Determinations issued 1 February to 28 February 2018 are summarised in the following table:

<b>Determinations Issued between 1 February 2018 to 28 February 2018</b>		
<b>DA No.</b>	<b>Proposal</b>	<b>Property</b>
63/2016	Dwelling	Lot 30 DP 864071 - 639 Grabben Gullen Road, Grabben Gullen
51/2017	Subdivision	Lots 9-11 DP 46360, Lot 1 DP 119665, Lot 1-3 DP 132213, Lot 8, 29 DP 753028 Lots 2,,

<b>Determinations Issued between 1 February 2018 to 28 February 2018</b>		
<b>DA No.</b>	<b>Proposal</b>	<b>Property</b>
		33, 108, 269 DP 753038 - 3294 Bigga Road, Crooked Corner
53/2017	Garage/Shed	Lot 248 DP 754122 - Jerrawa Road, Jerrawa
102/2017	Dwelling	Lot 1 DP 1169255 - 2281 Woodhouselee Road, Laggan
103/2017 (modification)	Alterations/Additions	Lot 11 DP 1046757 – 1 Brennan St, Collector
108/2017	Dwelling	Lot 1 DP 852156 - 614 Woodhouselee Road, Woodhouselee
110/2017	Subdivision	Lot 1 DP 1143904, Lots 11, 47, 48, 50, 173 DP 754111 and Lot 491 DP 883200 – Jerrara Road, Narrawa
113/2017	Dwelling	Lot 2 DP 861753 - Gurrundah Road, Parkesbourne
115/2017	Change of Use	Lot 21 DP 850913 - 4 Chapel Street, Dalton
117/2017	Subdivision	Lots 112, 126, 133, 134, 158, 159 and 172 DP 754127 - Collector Road, Lerida
120/2017	Subdivision	Lots 23 and 238 DP 753038, Lots 1 and 2 DP 174273 – 729 Julong Road, Binda
123/2017	Subdivision	Lots 197 and 213 DP 750019 - Gurrundah Road, Gurrundah
128/2017	Garden Room (folly)	Lot 3 DP 917994 – Mill Road, Laggan
131/2017	Alterations/Additions	Lot 8 DP 574665 - Fish River Road, Narrawa
135/2017	Dwelling	Lot 2, 3, 4 and 5 DP 1226221, Lots 11, 12, 14, 23 DP 750052 - 1801 Woodhouselee Road, Roslyn
136/2017	Subdivision	Lot 3 DP 1163350 - Boongarra Road, Laggan
137/2017	Subdivision	Lot 5 DP 1048691 - 130 Woodward Lane, Crookwell
138/2017	Boundary Adjustment	Lot 1 DP 1188656 and Lot 11 DP 719685 - 80 Orchard Street, Taralga
3/2018	Dwelling	Lot 1 DP 1180068 - 1644 Bevendale Road, Bevendale
4/2018	Shed	Lot 4 DP 1089023 - 1136 Veterans Road, Lade Vale
9/2018	Boundary Adjustment	Lots 42 and 43 Sec 6 DP 976169 – Orchard Street, Taralga
13/2018	Dwelling	Lot 9 DP 720193 - 7 George Street, Collector
14/2018	Relocation of Dwelling	Lot 11 DP 1211033 - Bourke Street, Collector
6/2018	Dwelling	Lot 16 DP 1234849 – 11 Bunduluk Place, Gunning

**Environment and Planning****DEVELOPMENT STATISTICS FOR THE MONTH OF FEBRUARY 2018 cont'd**

The Development Applications outstanding as of 28 February 2018 are summarised in the following table:

		<b>Development Applications Outstanding on 28 February 2018</b> (In order of date submitted to Council)			
<b>DA No.</b>	<b>Date Rec</b>	<b>Proposal</b>	<b>Property</b>	<b>Reason</b>	
33/2016	22/4/2016	Fence/Wall	Lot 1 DP 256082 – Church Street, Collector	Awaiting additional information	
29/2017	30/3/2017	Dwelling	Lot 3 DP 1083826 – 115 Cobodong Rd, Curraweela	Under Assessment	
77/2017	15/8/2017	Dwelling	Lot 22 DP 1095649 – Towrang Rd, Greenwich Park	Awaiting WaterNSW and Additional Information	
109/2017	2/11/2017	Dwelling	Lot 5 DP 1121292 – 2542 Middle Arm Rd, Middle Arm	Awaiting Additional Information	
122/2017	24/11/2017	Gullen Range Windfarm Substation & Underground Transmission Line	Lot 185,186,187,188,204 & 224 DP 754126, Lot 1 & 2 DP 877769, Lot 6 DP 1115749, Lot 1 & 2 DP 1115746, Lot 7,197,226,319 DP 754126, Lot 4 DP 1031856, Lot 100 DP 1026064, Lot 103 DP 750043, Lot 2 DP 1168750, Lot 101 DP 1083286 – Gurrundah Area	JRPP 14 March 2018	
124/2017	29/11/2017	Consolidation	Lots 220 and 221 DP 750019 – Gurrundah Road, Gurrundah	Awaiting Additional Information	
172/2009 (Mod)	12/12/2017	Subdivision	Lot 19,20,21 & 22 DP 746075 Lot 1 & 3 DP 837871 and Lot 1 DP 856811	Awaiting Additional Information	
133/2017	15/12/2017	Medical Centre	Lot 5 DP 662702 – Goulburn St, Crookwell	Awaiting Additional Information	
134/2017	14/12/2017	Subdivision	Lot 20 DP 1207639 & Lot 1,149 & 62 DP 753011 – 1593 Grabine Rd, Grabine	Under Assessment	
1/2018	4/1/2018	Dwelling	Lot 13 Sec 4 DP 1809 - 12 Gordon St, Crookwell	Awaiting Additional Information	
2/2018	4/1/2018	Subdivision	Lot 8 DP 1213731 – 34 McGaw Rd, Crookwell	Engineering Referral	
5/2018	11/1/2018	Dwelling	Lot 13 DP 1211033 – 15 Murray St, Collector	Under Assessment	
7/2018	11/1/2018	Pumpkin Festival	Lot 10 DP 1046757 – 3 Brennan St, Collector	Awaiting Additional Information	
8/2018	15/1/2018	Garage/Shed	Lot 225 DP 754125 – Blakney Creek Rd, Blakney Creek	Neighbour Notification and Assessment	

**Environment and Planning****DEVELOPMENT STATISTICS FOR THE MONTH OF FEBRUARY 2018 cont'd**

		<b>Development Applications Outstanding on 28 February 2018</b> (In order of date submitted to Council)		
<b>DA No.</b>	<b>Date Rec</b>	<b>Proposal</b>	<b>Property</b>	<b>Reason</b>
10/2018	30/1/2018	Dwelling	Lot 11 DP 1069914 – 2203 Wombeyan Caves Rd, Wombeyan Caves	Awaiting Additional information and Crown Lands Referral
11/2018	6/2/2018	Boundary Adjustment	Lots 8 and 9 DP 13135 – Orchard Street, Taralga	Under Assessment
12/2018	6/2/2018	Shed	Lot 16 DP 757071 – 698 Langs Road, Wombeyan Caves	Under Assessment
15/2018	8/2/2018	Dwelling	Lot 7 DP 1135717 – 70 Back Arm Road, Middle Arm	Awaiting Additional Information
39/2017 (Mod)	9/2/2018	Garage / Shed	Lot 102 DP 105184 – Hill Street, Taralga	Under Assessment
89/2017 (Mod)	12/2/2018	Subdivision	Lot 1 DP 1162296 – 24 Reservoir Road, Crookwell	Engineering Referral
16/2018	13/2/2018	Garage / Shed	Lot 1 DP 1217974 – 26 McIntosh Road, Crookwell	Under Assessment
17/2018	16/2/2018	Change of Use	Lot 16 Sec 9 DP 2383 – 17 Brooklands Street, Crookwell	Under Assessment
18/2018	16/2/2018	Dwelling	Lot 2 DP 1232414 – 1156 Woodhouselee Road, Roslyn	Under Assessment
19/2018	19/2/2018	Alterations / Additions	Lot 3 Sec 13 DP 758308 – 94 Warne Lane, Crookwell	Under Assessment
20/2018	19/2/2018	Garage / Shed	Lot 2 DP 1228438 – High Street, Crookwell	Under Assessment
101/2015 (Mod)	21/2/2018	Alterations / Additions	Lot 3A DP 908945 – 33 Cowper Street, Crookwell	Under Assessment
21/2018	23/2/2018	Garage / Shed	Lot 9 Sec 13 DP 758263 – 1 Bourke Street, Collector	Under Assessment
22/2018	23/2/2018	Dwelling	Lot 1 DP 1185667 – 104 Collector Road, Gunning	Under Assessment
23/2018	23/2/2018	Dwelling	Lot 1 DP 574573, Lot 148 and 197 DP 754113 – Gundaroo Road, Bellmount Forest	Under Assessment
24/2018	26/2/2018	Change of Use – Shed to Dwelling	Lot 2 DP 1045168 and Lots 59 and 79 DP 753063 – 2646 Golspie Road, Golspie	Awaiting Additional Information

**2. Construction Certificates**

<b>Construction Certificates Issued between 1 February 2018 &amp; 28 February 2018</b>		
<b>CC No.</b>	<b>Proposal</b>	<b>Property</b>
10/2018	Dwelling	Lots 5, 6 and 14 DP 1211033 and Lot 16 DP 1091882 – 19 Murray Street, Collector
11/2018	Dwelling Alterations / Additions	Lot 8 DP 574665 – Fish River Road, Narrawa
13/2018	Shed	Lot 4 DP 1089023 – 1136 Veterans Road, Lade Vale
15/2018	Transportable Dwelling	Lot 1 DP 1180068 – 1644 Bevendale Road, Bevendale
16/2018	Dwelling	Lot 1 DP 852156 – 614 Woodhouselee Road, Woodhouselee

<b>Approved by Council</b>	
<b>Jan 2018</b>	<b>Year to date</b>
5	45

**3. Occupation Certificates**

<b>Occupation Certificates Issued between 1 February 2018 and 28 February 2018</b>		
<b>OC No.</b>	<b>Proposal</b>	<b>Property</b>
10/2018	Dwelling and Garage / Carport	Lot 3 DP 1126598
14/2018	Garage	Lot 1 DP 1228377 – 1 Tulloh Street, Crookwell

<b>Approved by Council</b>	
<b>Jan 2018</b>	<b>Year to date</b>
2	19

**4. Subdivision Certificates**

<b>Subdivision Certificates Issued between 1 February 2018 and 28 February 2018</b>		
<b>SC No.</b>	<b>Proposal</b>	<b>Property</b>
1/2018	Boundary Adjustment	Lot 22 DP 753066
2/2018	Boundary Adjustment	Lot 65 DP 753066
3/2018	Boundary Adjustment	Lots 79, 71, 64, 33, 34, 72 and 77 DP 753066
4/2018	Boundary Adjustment	Lot 67 DP 753066
5/2018	Boundary Adjustment	Lot 21 DP 753066
6/2018	Subdivision	Lot 131 DP 753041

<b>Approved by Council</b>	
<b>Feb 2018</b>	<b>Year to date</b>
6	40

**5. Planning Certificates**

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

<b>Year</b>	<b>Number of Certificates Issued</b>
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	309

**POLICY IMPACT**

Nil

**OPTIONS**

Nil

**FINANCIAL IMPACT OF RECOMMENDATIONS**

Nil

**RECOMMENDATION**      That -

1. Council receives and notes the report as information.

**ATTACHMENTS**

Nil



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## Environment and Planning - 15 March 2018

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**ITEM 9.3**                      **Request to review determination of development application 8/2017 - mixed use development comprising intensive livestock agriculture and agricultural produce industry, Lots 4 & 5 DP742425 and Lots 3, 6, 20, 21, 67 & 68 DP753031, Greenmantle Road, Bigga**

**FILE REFERENCE**    **I18/23**

**AUTHOR**                      **Manager of Environment and Planning**

### **ISSUE**

The applicant for development consent 8/2017 has requested Council's review of its determination of development application 8/2017, pursuant to section 82A of the Environmental Planning and Assessment Act 1979 (the Act).

**RECOMMENDATION**        That -

1. The Council, as a consequence of its review of its determination of development application 8/2017, confirm that determination without change.

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### **BACKGROUND**

Council determined development application 8/2017 by granting consent on 10 August 2018. The applicant subsequently applied for modification of the consent, and Council accordingly modified it on 22 January 2018. A copy of Council's current notice of determination is attached as Attachment 1, including the consent drawings.

Condition 19 of development consent 8/2017 requires consolidation of the subject eight lots. The applicant has made an application requesting Council's review of its determination of development application 8/2017, specifically the consolidation requirement of condition 19.

### **REPORT**

Assessment of development application 8/2017 included consideration of the relevant provisions of applicable environmental planning instruments, development control plans and Council policies. Among these are sections 2.2 and 9.1 of Upper Lachlan Development Control Plan 2010 (the DCP), which respectively specify rural development objectives and relate to poultry farm developments.

With respect to section 2.2 of the DCP, the requirement to consolidate lots is consistent with the stated objective to ensure "activities are not affected by...unnecessary fragmentation". Whilst removing the requirement to consolidate lots would not change the existing lot pattern and thus would not *worsen* existing rural land fragmentation, it is arguable that it seeks to *perpetuate* an unnecessarily and undesirably fragmented lot pattern.

## ***Environment and Planning***

### **REQUEST TO REVIEW DETERMINATION OF DEVELOPMENT APPLICATION 8/2017 - MIXED USE DEVELOPMENT COMPRISING INTENSIVE LIVESTOCK AGRICULTURE AND AGRICULTURAL PRODUCE INDUSTRY, LOTS 4 & 5 DP742425 AND LOTS 3, 6, 20, 21, 67 & 68 DP753031, GREENMANTLE ROAD, BIGGA cont'd**

Under Upper Lachlan Local Environmental Plan 2010 (the LEP), the minimum size shown on the Lot Size Map in relation to the land is 200ha, and Council records indicate the largest and smallest lots in the parcel are respectively only 48.56ha and 13.76ha in area. The development thus presents an opportunity to reverse historical rural land fragmentation and thereby produce a desirable rural planning outcome.

Furthermore, the statement of environmental effects accompanying the original development application 8/2017 indicated, "It is in the owners' interests to maintain their dwelling entitlement and therefore the current owners are unlikely to sell off land below the 200ha level". Firstly, none of the subject lots individually enjoys dwelling permissibility under clause 6.6 of the LEP. Secondly, clause 6.6 (3) (a) precludes development consent for erection of a dwelling house on *a lot* unless *the lot is a lot* that is at least the minimum lot size specified for that lot. That is, consent may only be granted for erection of a dwelling house on the subject land parcel if it will be erected on a single lot of at least 200ha. Noting the subject land's total area is around 210ha, the only means by which consent may be granted to erect a dwelling house on the land is through consolidation of its lots into one. To paraphrase the original statement of environmental effects, it is thus "in the owners' interest" to consolidate the subject lots so as to realise dwelling permissibility.

With respect to section 9.1 of the DCP, site area provisions of that section firmly specify, "The absolute minimum allotment size for poultry farm development shall be 200 hectares". It does not allow for a single poultry farm development to occupy multiple smaller lots.

Past Land and Environment Court decisions, such as *North Sydney Council v Ligin 302 Pty Ltd* (1995), *North Sydney Council v Ligin 302 Pty Ltd (no 2)* (1996), and *Stockland Development Pty Ltd v Manly Council* (2004), have provided a number of principles relevant to consideration of DCPs. One such principle is: "A development control plan which has been consistently applied by a council will be given significantly greater weight than one which has only been selectively applied". Essentially, this principle implies that allowing exceptions to a DCP's provisions will compromise its effectiveness.

Few, if any, applications have been made for consent to develop land in Upper Lachlan Shire for the purpose of poultry farms since the DCP took effect in July 2010. The minimum lot size provision of clause 9.1 has therefore rarely – if ever – been called upon, let alone varied. To vary the DCP's minimum lot size provision on the first request may undesirably reduce its weight in consideration of any future proposed poultry farm. Furthermore, the applicant's submitted justification for the proposed variation, based entirely on consolidation being more expensive than the suggested alternative (a covenant prohibiting separate sale of the subject lots) is not considered adequate to support the proposed variation.

Given the above consideration of sections 2.2 and 9.1, it is not considered appropriate to remove the current requirement for consolidation of lots.

### ***Environment and Planning***

## **REQUEST TO REVIEW DETERMINATION OF DEVELOPMENT APPLICATION 8/2017 - MIXED USE DEVELOPMENT COMPRISING INTENSIVE LIVESTOCK AGRICULTURE AND AGRICULTURAL PRODUCE INDUSTRY, LOTS 4 & 5 DP742425 AND LOTS 3, 6, 20, 21, 67 & 68 DP753031, GREENMANTLE ROAD, BIGGA cont'd**

### **POLICY IMPACT**

As discussed, variation of the DCP's minimum lot size provision for poultry farms may undesirably reduce its weight in consideration of any future proposed poultry farm, and thus compromise the DCP's robustness.

### **OPTIONS**

As a consequence of its review of Council's determination of development application 8/2017, the Council may, instead of confirming the determination without change, change the determination by:

- (a) Deleting condition 19 of the consent, or
- (b) Amending condition 19 to require creation of a covenant or similar instrument that legally precludes separate sale of lots in the subject land parcel.

Option (a) would allow any lot or lots in the subject parcel to be sold separately from the others. Noting the consent was granted on the basis that the development will be stocked with a maximum of 2,000 birds, this may effectively intensify the approved poultry farm by reducing the available land area without reducing the number of birds.

Option (b) will maintain the current situation in terms of the LEP precluding consent to erect a dwelling house on any part of the subject land parcel. This would seem contrary to the owners' stated interest to realise dwelling permissibility.

Both options (a) and (b) would necessitate amendment of Council's notice of determination of development application 8/2017.

### **FINANCIAL IMPACT OF RECOMMENDATIONS**

Nil.

### **RECOMMENDATION**      That -

1. The Council, as a consequence of its review of its determination of development application 8/2017, confirm that determination without change.

### **ATTACHMENTS**

1. <a href="#">↓</a>	Current modified notice of determination of development application 8/2017.	Attachment
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ABN 87 011 531 552

## Upper Lachlan Shire Council

All correspondence addressed to the General Manager, PO Box 42, Gunning NSW 2581

**Crookwell Office:** 44 Spring Street, Crookwell NSW 2583

p: 02 4830 1000 | f: 02 4832 2066 | e: council@upperlachlan.nsw.gov.au | www.upperlachlan.nsw.gov.au

**Gunning Office:** 123 Yass Street, Gunning NSW 2581

p: 02 4845 4100 | f: 02 4845 1426 | e: council@upperlachlan.nsw.gov.au

**Taralga Office:** Taralga Community Service Centre, Orchard Street, Taralga NSW 2580

p: 02 4840 2099 | f: 4840 2296 | e: taralgacsc@centernet.com.au

# Notice of Determination of a Development Application (modification)

Issued under the *Environmental Planning and Assessment Act 1979 Section 96 (1A)*

**Development application no** 8/2017.

**Development application**

**Applicant name** Heath & Rachel Davies

**Applicant address** 19 Harley Street  
YANDERRA NSW 2574.

**Land to be developed: address** Lots 4 & 5 DP742425 and Lots 3, 6, 20, 21, 67 & 68 DP753031, Greenmantle Road, Bigga.

**Proposed development** Use of land, erection of a building and carrying out of works for the purpose of a mixed use development comprising intensive livestock agriculture (poultry farm) and agricultural produce industry (egg packing facility).

**Determination made on (date)** 10 August 2017.

**Modification Determination made on (date)** 22 January 2018.

**Determination** Modified consent granted subject to the following conditions.

**consent to operate from (date)** 10 August 2017. *see note 1*

**consent to lapse on (date)** 10 August 2022.

**DETAILS OF CONDITIONS** (including section 94 conditions) See Note 2

**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 consent drawings, including any notations or amendments marked by Council in red.
  - "Proposed Free Range Poultry Farm, Greenmantle Road, Bigga – NSW: Figure 1, Existing Boundaries & Site Detail", unnumbered, Sheet 1 of 1, prepared by Saunders & Staniforth, dated 8 December 2016
  - "Proposed Free Range Poultry Farm, Greenmantle Road, Bigga – NSW: Figure 1, Existing Boundaries & Site Detail", unnumbered, Sheet 1 of 1, prepared by Saunders & Staniforth, dated 8 December 2016 (received by Council 23 February 2017)
  - "Packing Room Site Plan", unnumbered, prepared by unknown, undated (received by Council 21 December 2017)
  - "Packing Room Floor Plan", unnumbered, prepared by unknown, undated (received by Council 21 December 2017)
  - Floor Plan and Foundation Plan and Member Layout", Job No GOUL19226, Sheet 1 of 6, prepared by Northern Consulting Engineers (drawn by FDS), dated 9 January 2018
  - "Internal Frame Section", Job No GOUL19226, Sheet 3 of 6, prepared by Northern Consulting Engineers (drawn by FDS), dated 9 January 2018
  - Sidewall and Endwall Exterior Elevations, Job No GOUL19226, Sheet 6 of 6, prepared by Northern Consulting Engineers (drawn by FDS), dated 9 January 2018
  - 
  - "Mobile Poultry House" (two sheets), unnumbered, prepared by unknown, undated (received by Council 22 June 2017).
- (2) 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.
- (3) All vehicle movements to and from the development shall take place via the two access driveways labelled "Existing Accesses" on the stamped consent drawings.
- (4) The consent does not permit any development for the purpose of residential accommodation.
- (5) The consent does not permit the development's agricultural produce industry (poultry farm) component to involve the release of effluent, sludge or other waste:
  - (a) in or within 100m of a natural waterbody or wetland, or
  - (b) in an area of high watertable, highly permeable soils or acid sulphate, sodic or saline soils.



- (6) The consent does not permit:
  - (a) any development (including use) of any part of the land within 100m of any natural waterbody for the purpose of intensive livestock agriculture (poultry farm)
  - (b) location of any mobile structure or building associated with the development's intensive livestock agriculture (poultry farm) component within 150m of any dwelling not associated with the development.
- (7) No mobile structure or building associated with the development's intensive livestock agriculture (poultry farm) component shall be located within 400m of Greenmantle Road.
- (8) All wastes generated by the development, where not lawfully disposed of on the land, shall be satisfactorily disposed of at a suitably authorised waste management or disposal facility.
- (9) All vehicles delivering birds to or from the development shall be adequately covered to prevent escape of feathers during transit.
- (10) 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.

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.

- (11) 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;
  - (b) Prior to covering any stormwater drainage connections, and
  - (c) After 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 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.

- (12) The consent does not permit any earthworks or removal of vegetation other than indicated by the stamped consent drawings or identified by an environmental planning instrument as not requiring consent.

- (13) The egg producer shall construct and operate facilities in accordance with the Food Regulation 2015 and the Australian New Zealand Food Standards Code as set out in:
- Standard 2.2.2 Egg & Egg Products
  - Standard 3.2.1 Food Safety Programs
  - Standard 3.2.2 Food Safety Practices and General Requirements
  - Standard 3.2.3 Food Premises and Equipment
  - Standard 4.2.5 Primary Production and Processing Standard for Eggs and Egg Products.
- (14) The development's intensive livestock agriculture (poultry farm) component shall not utilise more than four mobile poultry shelter modules.

#### **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.

- (15) 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 are consistent with the development consent, including the stamped consent drawings.
- (16) 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.
- (17) 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, including:
- A practicing Structural engineer's details of the footings, slab and structural components or manufacturer's details for the proposed processing room and attached skillion structure
  - A geotechnical report indicating the classification of the site.
- (18) No construction certificate shall be granted for any building work in the development unless access driveway works associated with the development have been satisfactorily completed to Council's relevant standards. In this regard:
- Gateways to the development shall be located at the two "existing accesses" as indicated on the consent drawings.
  - Each gateway shall be indented at least 17.0m from the edge of the road pavement.
  - Installation of 3 x 375mm reinforced concrete pipe, with precast headwalls or similar, with cover and bedding requirements in accordance with manufacturers' recommendations based on the design load and class of pipe.
  - A vehicular access driveway of 200mm consolidated thickness of approved gravel, with a minimum 4.0m wide pavement, shall be provided.
  - 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.
  - Any trees or vegetation removed from road side clearing shall be transported to the subject land.

- (19) No construction certificate shall be granted for building work in the development unless satisfactory evidence has been supplied to the principal certifying authority for the development of registration in the office of the Registrar-General of a plan of consolidation of the subject lots.
- (20) 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.

### **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.

- (21) 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.
- (22) No building 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:
- (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 work is being carried out, but must be removed when the work has been completed.

- (23) No building work in the development shall commence unless provision has been made for temporary toilet accommodation on the site of the work.
- (24) 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, including:
- 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.



**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.

nil

**PART 5 – 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.

nil

**PART 6 - 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 principle certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

- (25) No building in the development shall be occupied or used unless an occupation certificate has been obtained for the building concerned.
- (26) No occupation certificate shall be granted for any building work in the development unless a Fire Safety Certificate with respect to each fire safety measure nominated in the Fire Safety Schedule with the Construction Certificate has been supplied to the principal certifying authority. In this regard, copies of the Fire Safety Certificate and Fire Safety Schedule shall be:
  - (a) Forwarded to Upper Lachlan Shire Council
  - (b) Forwarded to the Commissioner of the New South Wales Fire Brigade
  - (c) Prominently displayed.
- (27) No occupation certificate shall be granted for the development unless all work associated with the installation of an on-site system of sewage management have been completed and Council has granted an approval under section 68 of the Local Government Act 1993 to operate the system.
- (28) No occupation certificate shall be granted for any building work in the development unless the following have been supplied to and accepted by Council:
  - (a) A copy of the NSW Food Authority's licence approval relating to the development's agricultural produce industry (egg packing facility) component
  - (b) Evidence of public liability insurance relating to the development
  - (c) A food premises registration form relating to the development's agricultural produce industry (egg packing facility) component.
- (29) No occupation certificate shall be granted for any building work in the development unless a water supply management plan for the development has been prepared and has been submitted to and accepted by Council. The water supply management plan shall be kept on the premises for viewing on request.
- (30) No occupation certificate shall be granted for any building in the development's agricultural produce industry (egg packing facility) component unless provided with a suitable electricity supply connection to a reticulated electricity supply network.

**PART 9 - AGENCY CONDITIONS**

- (31) The development shall be carried out in accordance with the recommended conditions of consent specified in Appendix 1 to the NSW Department of Primary Industries, Agricultural Land Use Planning Unit's letter of 18 July 2017, attached to Council's notice of determination of the development application.

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

nil

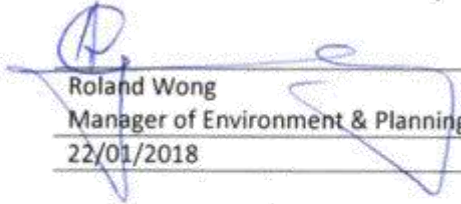
**Dial Before You Dig**

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

**Telecommunications Act 1997 (Commonwealth)**

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: **Telstra's Network Integrity Team** on Phone Number 1800810443.

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<b>Other Approvals</b> List <i>Local Government Act 1993</i> Approvals granted under s 78A (5)	Nil.
Approval bodies that have given general terms of approval in relation to the development, as referred to in section 93 of the Environmental Planning and Assessment Act 1979 (in the case of integrated development)	Not applicable
<b>Rights of appeal</b>	<p>Section 97 of the Environmental Planning and Assessment Act 1979 gives a right of appeal and a right to make an application for a review against the determination of the subject development application to the applicant.</p> <p>The Environmental Planning and Assessment Act 1979 gives no right of appeal against the determination of the subject development application to an objector.</p> <p><i>*Section 97 of the Environmental Planning and Assessment Act 1979 does not apply to a development application for designated development determined by the consent authority after a public hearing held by the Planning Assessment Commission, or to the determination of the application.</i></p>
<b>Review of determination</b>	The applicant has the right to request a review of the determination of the subject development application under section 82A of the Environmental Planning and Assessment Act.
<b>Planning Assessment Commission</b>	The Planning Assessment Commission has not conducted a public hearing in respect of the subject development application.
<b>Signed</b> Signature	on behalf of the consent authority 
Name	Roland Wong Manager of Environment & Planning
Date	22/01/2018
<p><b>Note 1</b> where the consent is subject to a condition that the consent is not to operate until the applicant satisfies a particular condition the date should not be endorsed until that condition has been satisfied.</p>	

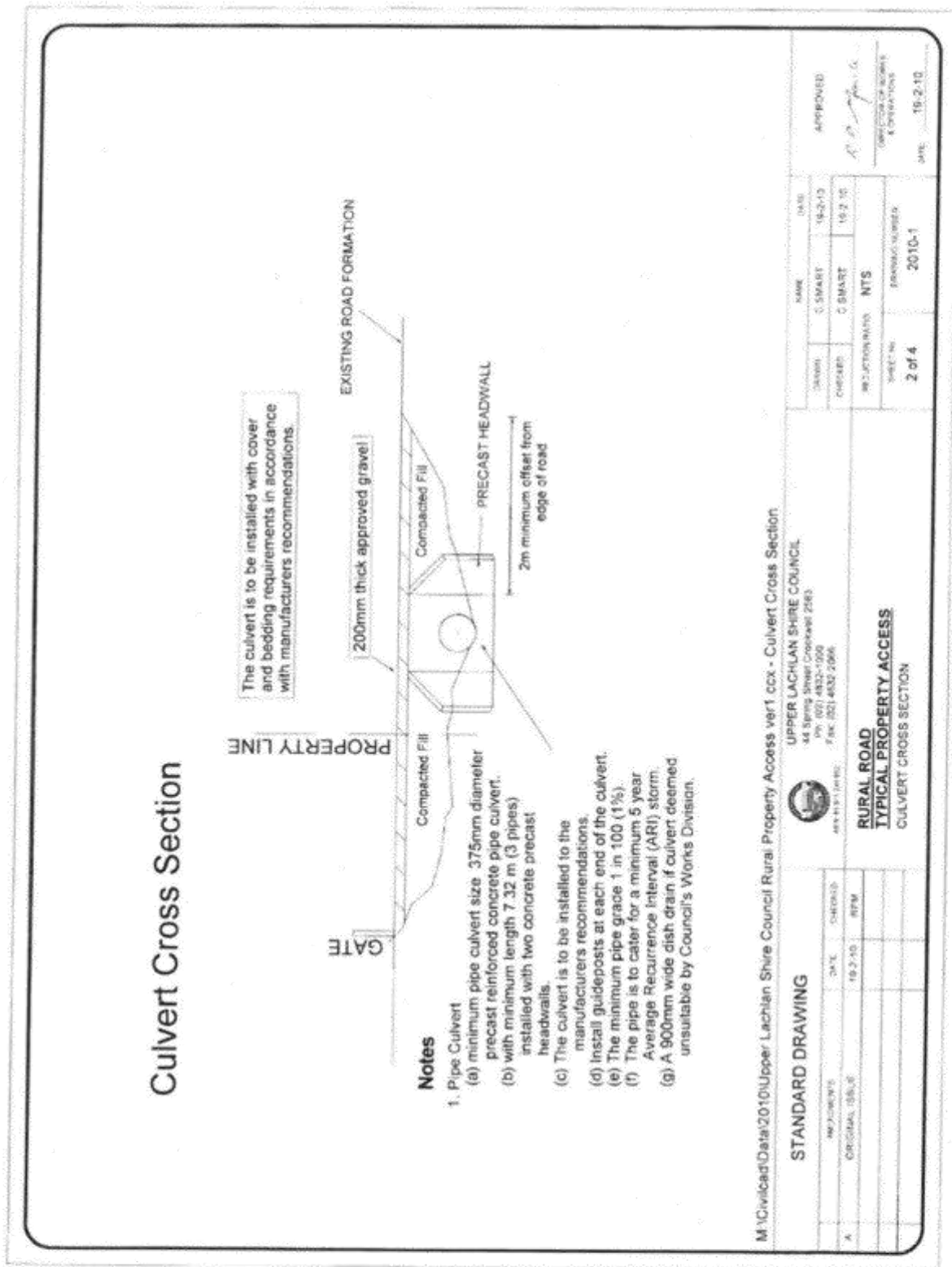
**Note 2** clause 69A of the Regulation contains additional particulars to be included in a notice of determination where a condition under section 94 of the Environmental Planning and Assessment Act 1979 has been imposed.

**Note 3** Council modified the consent on 22 January 2018, including:

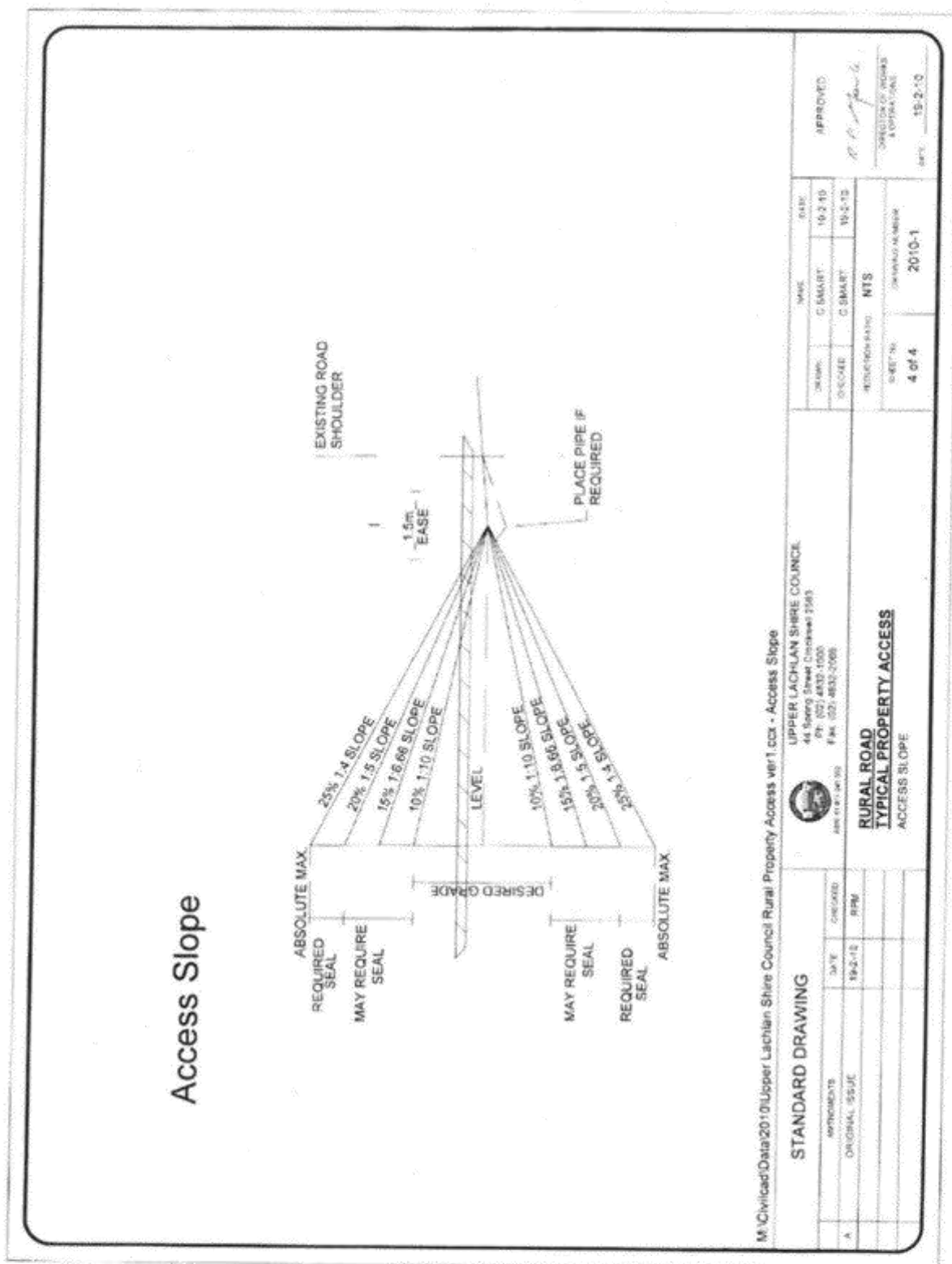
- Amendment of condition 1
- Adoption of the consent drawings specified in condition 1.







<h2 style="text-align: center;">Sight Distance</h2> <p><b>Notes</b></p> <ol style="list-style-type: none"> <li>1. Safe intersection sight distance must be provided for the through traffic and 5 seconds minimum gap sight distance (1.15m to 0.6m for entering vehicles.)</li> <li>2. There should be adequate sight distance to and from the access point.</li> <li>3. Roadside landscaping should not restrict horizontal and vertical sight lines.</li> </ol>									
<h2 style="text-align: center;">Sedimentation and Erosion Control</h2> <p><b>Notes</b></p> <ol style="list-style-type: none"> <li>1. The work is to provide for erosion &amp; sedimentation control measures and be in accordance and follow best management practices as outlined in the NSW Department of Housing's "Managing Urban Storm Water: Soils &amp; Construction" March 2004 manual "The Blue book"</li> <li>2. The standard drawings shown in this manual are to be adopted and used in the installation for each Property Access.</li> <li>3. Erosion and sediment control measures are required to be implemented prior to any work commencing and must be maintained for as long as necessary after the completion of works to prevent sediment and dirty water entering any river system.</li> </ol>									
<p>M:\Civilcad\Data\2010\Upper Lachlan Shire Council Rural Property Access vert.ccd - Sight Distance</p>		<p>UPPER LACHLAN SHIRE COUNCIL 44 Spring Street, Cootamundra 2593 Ph: (02) 4033-8000 Fax: (02) 4032-2266</p>							
<p><b>STANDARD DRAWING</b></p> <table border="1"> <tr> <th>REVISION</th> <th>DATE</th> <th>ENGINER</th> </tr> <tr> <td>A</td> <td>19-2-10</td> <td>ROM</td> </tr> </table>		REVISION	DATE	ENGINER	A	19-2-10	ROM	<p><b>RURAL ROAD</b> <b>TYPICAL PROPERTY ACCESS</b> SIGHT DISTANCE / SEDIMENTATION AND EROSION CONTROL</p>	
REVISION	DATE	ENGINER							
A	19-2-10	ROM							
<p>APPROVED</p> <p>19-2-10</p>		<p>DATE</p> <p>19-2-10</p>							
<p>3 of 4</p>		<p>2010-1</p>							







## Department of Primary Industries

ATTACHMENT 1:  
NSW Department of Primary Industries,  
Agricultural Land Use Planning Unit  
letter of 18 July 2017.

TRIM: OUT17/29399

18 July 2017

Mr Roland Wong  
Manager, Environment & Planning  
Upper Lachlan Shire Council  
PO Box 10  
Crookwell NSW 2583

Dear Mr Wong,

**Proposal – Mixed use development incorporating intensive livestock animal agriculture (poultry farm) and agricultural produce industry (egg packing facility), Lots 4&5 DP 742425 and Lots 3,6,20,21,67&68 DP753031, 2198 Greenmantle Road Bigga.**

Thank you for your letter dated 26 June 2017 giving the NSW Department of Primary Industries (DPI) - Agriculture the opportunity to provide additional comment on the proposed development on Lots 4&5 DP 742425 and Lots 3, 6, 20, 21, 67 & 68, DP753031 Greenmantle Road, Bigga. The proposal is for up to 4 mobile poultry houses (2,000 birds), including packing room, and associated activities for free range egg production on holdings totalling 210 ha.

DPI Agriculture offers some considerations for conditions of consent (Appendix 1) to maintain animal welfare standards, protect the environment and minimise the biosecurity risk to industry, while maintaining opportunity for industry development and innovation.

Please do not hesitate to contact DPI should you have any questions.

Kind Regards,

Andrew Scott on behalf of  
Wendy Goodburn  
Resource Management Officer  
South East Region

NSW Department of Primary Industries, Agricultural Land Use Planning Unit  
Locked Bag 21, Orange NSW 2800 Tel: 02 6391 3494 Fax: 02 6391 3551  
Email: landuse.ag@dpi.nsw.gov.au www.dpi.nsw.gov.au

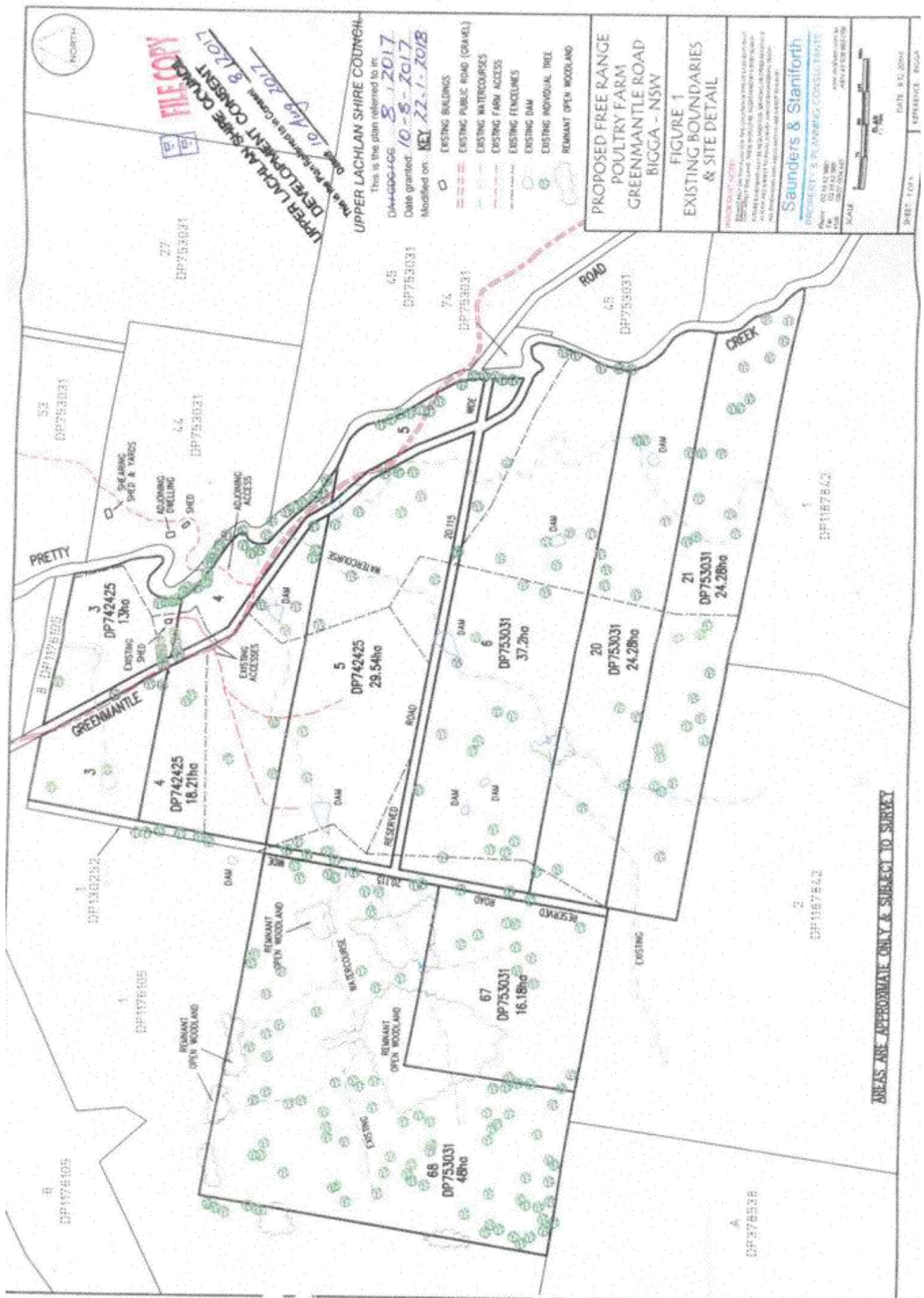
## Appendix 1: Considerations for Conditions of Consent.

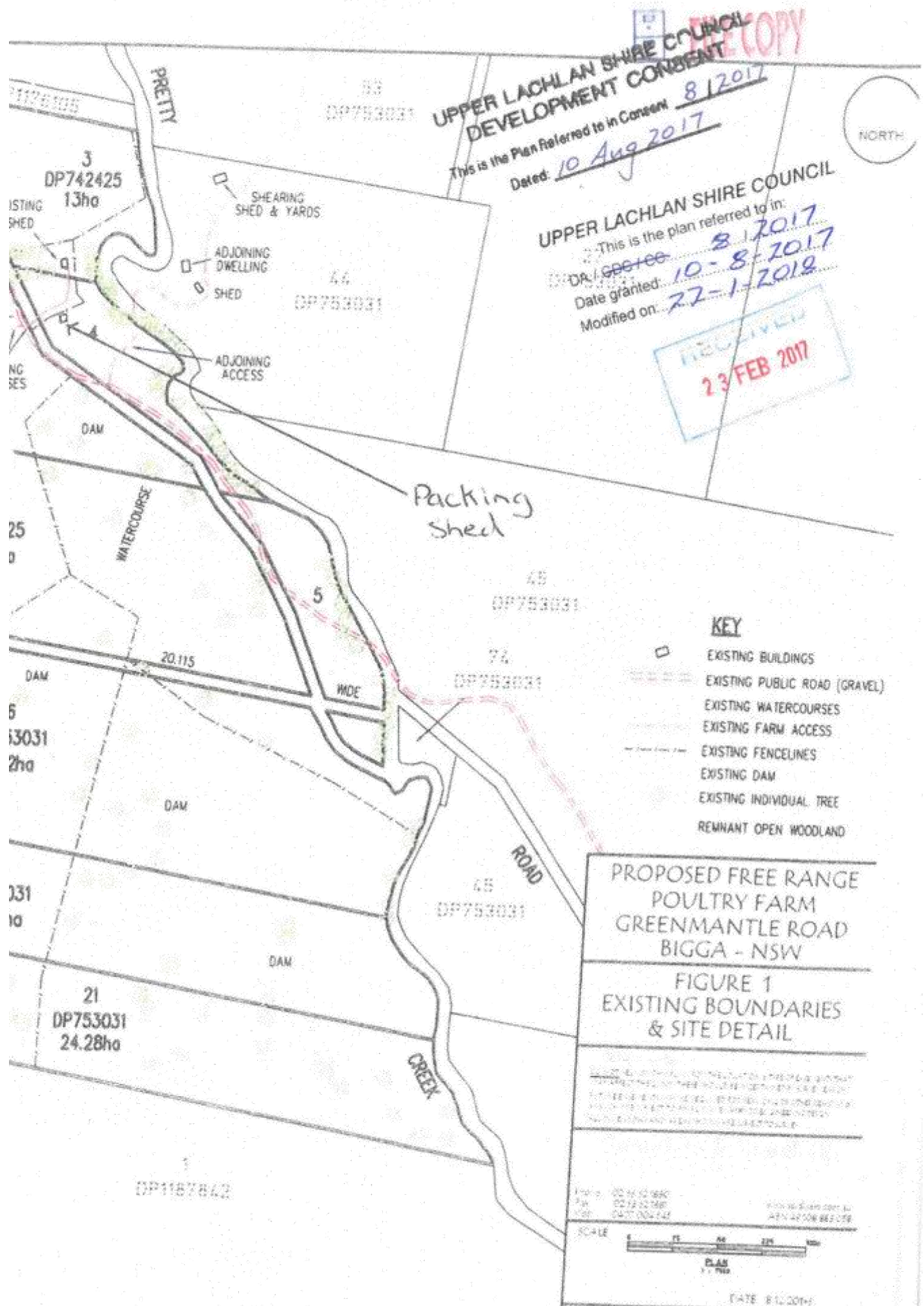
Issue	Recommendation
Animal welfare	<ul style="list-style-type: none"> <li>The development is to be designed and operated accordance with the Model Code of Practice for the Welfare of Animals Domestic Poultry – 4<sup>th</sup> Edition. (or superseding standards)</li> <li>All bird transport activities to be managed in accordance with the Model Code of Practice - Land transport of poultry</li> </ul>
Biosecurity	<ul style="list-style-type: none"> <li>Drinking water for the livestock is to be treated in accordance with the National-Water Biosecurity Manual Poultry Production. (or superseding standards)</li> <li>The development is to comply the <i>NSW Biosecurity Guidelines for Free Range Poultry Farms</i> (or superseding standards).</li> <li>Mobile poultry sheds must not be located within 100m of a ground water bore, creek or dam</li> </ul>
Separation distances	<ul style="list-style-type: none"> <li>Mobile poultry sheds must not be located within 100m of a ground water bore, creek or dam and boundary. To avoid off site impacts and minimise exposure to wild birds.</li> <li>As supported by <i>Environmental Guidelines for the Australian Egg Industry</i></li> </ul>
Environmental management	<ul style="list-style-type: none"> <li>The applicant must move the mobile poultry houses around the available land resource at a rate the will not result in an excessive accumulation of nutrients in the soil in one area or land degradation and erosion due to lack of ground cover and/or inability for the land to recover from disturbance.</li> <li>The preferred method of managing dead birds in this situation is composting. Burying birds on-site as a disposal method is not the preferred method as the carcasses can become odorous, attract scavenging animals which increases the risk of disease spread, additionally there is an increased risk of contaminating ground and surface water.</li> </ul>

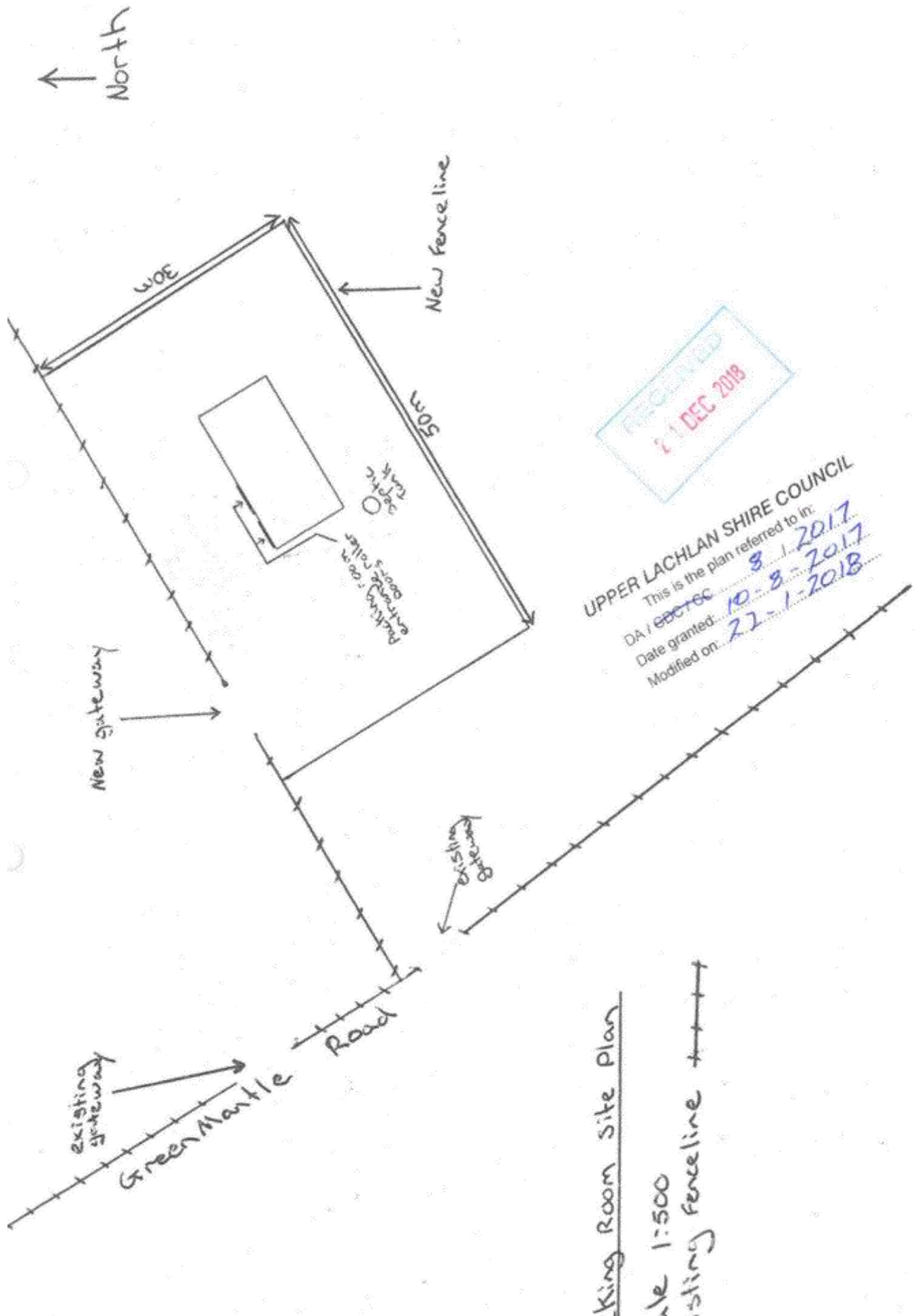
NSW Department of Primary Industries, Agricultural Land Use Planning Unit  
 Locked Bag 21, Orange NSW 2800 Tel: 02 6391 3494 Fax: 02 6391 3551

Email: landuse.ag@dpi.nsw.gov.au www.dpi.nsw.gov.au 21 Page













UPPER LACHLAN SHIRE COUNCIL  
This is the plan referred to in:  
DA / ~~60000~~ 8-1-2017  
Date granted: 10-8-2017  
Modified on: 22-1-2018

oor Plan  
ale 1:100

IF IN DOUBT, ASK.

INTERNAL WALLS USE MULLION SPECIFICATIONS  
MULTIBUILD LAYOUT SCREEN FOR INTERNAL OPENING POSITIONS

STEEL BUILDING BY (CONTACT)  
FOR SOUTHERN GARAGES AND BUILDINGS  
PHONE 02 4822 3999  
HEATH AND RACHEL DAVIES HRD PLUMBING  
AT 2198 GREENMANTLE ROAD  
SHEPHERD

DO NOT SCALE THIS DRAWING. USE FIGURED DIMENSIONS ONLY. ALL DIMENSIONS TO BE VERIFIED ON SITE.

UPPER LACHLAN SHIRE COUNCIL  
This is this plan referred to in  
DA 1084/10-8-2017  
Date granted 10-8-2017  
Modified on 22-1-2018

AMENDED  
RECEIVED  
10 JAN 2018

DESIGNED FOR 0.4 kPa  
GROUND SNOW LOAD

MEMBER LEGEND  
C1 C20015  
C2 C20019  
C3 C20024

Mr Timothy Roy Messer BE MEng Aust RPEQ  
Registered Professional Engineer 2558880  
Signature  
Date 9/1/2018  
Registered on the NPFR in the area of practice

Civil & Structural Engineer  
30 Pines Street  
Cunningham, NSW 4817  
Phone: 07 4725 5850  
Fax: 07 4725 5850  
Email: design@ncc.com.au  
ABN 541 008 173 561  
Page No. 1000000  
Registered Professional Engineer  
Engineering Council of Australia (ECA) No. 1000000

1 FLOOR PLAN AND FOUNDATION PLAN AND MEMBER LAYOUT  
SCALE 1:100

1

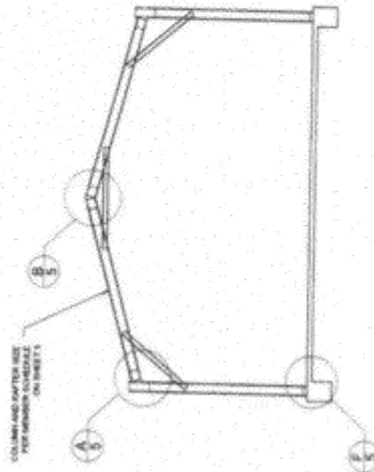
This drawing is the property of Fairdinkum Sheds and is to be used for the purpose of the development application only. It is not to be used for any other purpose without the written consent of Fairdinkum Sheds.

UPPER LACHLAN SHIRE COUNCIL

This is the plan referred to in  
DA 100466 8-1-2017  
Date granted 10-8-2018  
Modified on 12-8-2018

AMENDED

RECEIVED 10 JAN 2018



INTERNAL FRAME SECTION  
SCALE 1:100

Refer to Sheet #4 for concrete specification.

STEEL BUILDING BY (CONTACT)

FOR SOUTHERN GARAGES AND BUILDINGS  
PHONE 02 4822 3999

HEATH AND RACHEL DAVIES HRD PLUMBING  
2198 GREENMANTLE ROAD  
BIRCA

DRAWN FDS  
CHECKED TM  
DATE 9/1/2018  
JOB NO. GOUL19226  
SHEET 3

fairdinkum  
SHEDS

NORTHERN  
CONSULTING  
Engineers

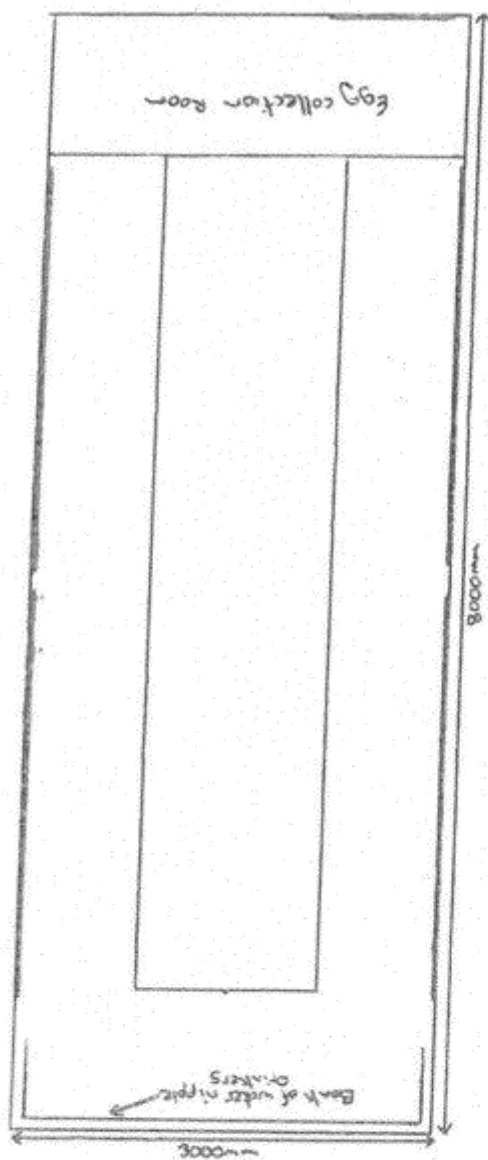
City & Structural Engineers  
50 Punt Road  
Carrington, NSW 1583  
Fax: 02 4231 5650  
ABN 341 008 173 561  
Email: design@ncc-engineers.com.au

Mr Timothy Roy Messer BE MEng RPPEQ  
Registered Professional Engineer 2558960  
Signature  
Date 9/1/2018  
Registered in the areas of practice

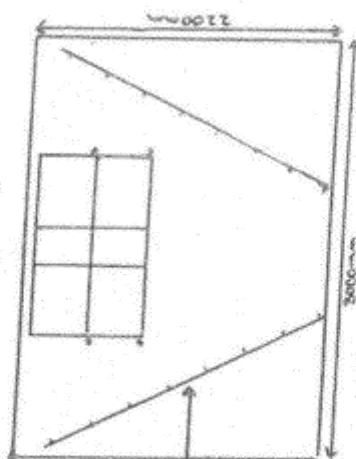


Page 85

MOBILE POULTRY HOUSE  
Top Elevation

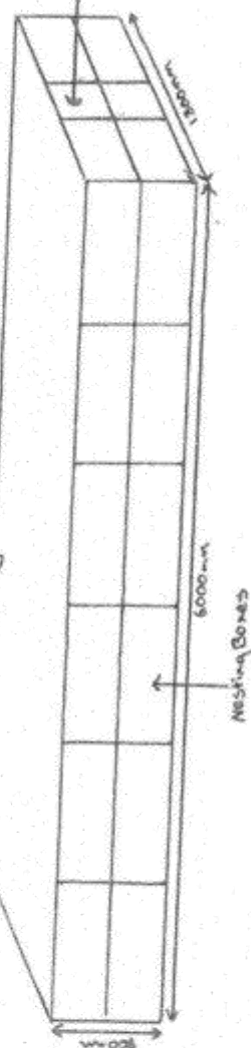


MOBILE POULTRY HOUSE  
Side Elevation



Chicken  
roosting space  
6m long

Nesting boxes



Nesting Boxes

UPPER LACHLAN SHIRE COUNCIL  
This is the plan referred to in:  
DA / 661-CC 8 / 2017  
Date granted: 10-8-2017  
Modified on: 22-1-2018

22 JUN 2017

Mobile Poultry House

Scale: 1:50

UPPER LACHLAN SHIRE COUNCIL  
DEVELOPMENT CONSENT  
This is the Plan Referred to in Consent  
Dated: 10 Aug 2017

UPPER LACHLAN SHIRE COUNCIL  
This is the plan referred to in  
DA / GDC/CG 8-2017  
Date granted: 10-8-2017  
Modified on: 22-1-2018



22 JUN 2017

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## Environment and Planning - 15 March 2018

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### **ITEM 9.4                      Primary Production Subdivisions**

**FILE REFERENCE    I18/104**

**AUTHOR                      Director of Environment and Planning**

### **ISSUE**

Subdivision proposals that seek to create lots below the minimum lot size for the specific purpose of agriculture/primary production.

### **RECOMMENDATION      That -**

1. Council prepares an amendment to the Upper Lachlan Development Control Plan 2010 to introduce appropriate planning controls to address subdivisions below the lot size for agricultural/primary production purposes.
2. Council adopts, as an interim measure, the following information requirements to be supplied with subdivision applications for primary production to enable Council to consider and assess these proposals:
  - Details of the potential future use of the lots and the suitability of the land;
  - Evidence that each of the proposed lot/s for primary production will be agriculturally viable and have the carrying capacity to support sustainable and productive agriculture;
  - Evidence that demonstrates that the size, shape and location of the lots are suitable for primary production purposes and that the size of the proposed lot/s will be consistent with the size of lots used for primary production immediately surrounding the proposed subdivision;
  - The demand for the lots and the need for the subdivision to facilitate farm adjustments including the transfer of farming land. This may include evidence of agreement to purchase the land by existing primary producers;
  - Whether the lots created will support a new agricultural practice, rural industry or permitted employment generating industry;
  - Whether financial assessment (e.g. business plan) of the subdivision is needed to support ongoing primary production;
  - The location of, and the need for additional infrastructure, water and other factors that would facilitate primary production being carried out on the lots;
  - When the primary production activity is to commence;
  - Whether the proposed subdivision will result in the fragmentation of rural lands including creating lots separated from adjoining or adjacent lands under different ownership by a public Council road, will isolate fertile agricultural land, will prevent access to existing water supply including

creeks, rivers, dams or bores and/or reduce existing water supply entitlements/licenses;

- The nature of surrounding land uses including location of existing dwelling houses to ensure the proposed subdivision will not create potential for land use conflicts; and
- Whether the land will be used according to sustainable land management practices.

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## **BACKGROUND**

Council has received a number of subdivision proposals in the past 12 months that seek to create lots below the minimum lot size for the specific purpose of agriculture / primary production. These proposals are permitted with Council approval under the Rural SEPP 2008 and Clause 4.2 of Council's LEP 2010. The intention of these subdivisions is to facilitate primary production. The creation of these allotments prohibits the erection of a dwelling house and negates the need to provide essential services and contributions.

Clause 8.1 Agriculture and 8.2 Subdivision of Council's DCP 2010 do not provide any specific guidance in assessing and determining these subdivision proposals to ensure they are consistent with the objectives of the Rural SEPP 2008 and Clause 4.2 of Council's LEP 2010.

## **REPORT**

Other Council approaches:

A review of the following Councils DCPs has been undertaken to examine the current approaches for these types of subdivisions:

- Upper Hunter Shire Council DCP 2015
- Byron Shire Council DCP 2014
- Hornsby Shire Council DCP
- Narrandera Shire Council DCP 2013
- Dubbo Regional Council DCP 2013

The key issues from this review are that these Councils require specific information to be provided with an application for subdivision for primary production to identify and support these proposals. This information includes:

- understanding the potential future use of the lots and the suitability of the land
- evaluating the agricultural viability of these lots for primary production
- assessing the size, shape and location of the lots for primary production purposes
- considering the demand for the lots and the need for the subdivision to facilitate farm adjustments including the transfer of farming land

- whether the lots created will support a new agricultural practice, rural industry or permitted employment generating industry
- financial assessment of the subdivision that might be needed to support ongoing primary production
- infrastructure, water and other factors that would affect primary production being carried out on the lots
- when the primary production activity is to commence.

There is also a recent court case in the NSW Land and Environment Court that has established some additional principles to ensure these subdivisions are for legitimate primary production reasons. This includes qualified advice from an accredited expert in agriculture confirming that proposed lots are suitable for viable agricultural activity of the type proposed.

## **POLICY IMPACT**

Upper Lachlan Development Control Plan 2010.

## **OPTIONS**

1. Prepare an amendment to the Upper Lachlan Development Control Plan 2010 to introduce appropriate planning controls and creation of a policy as outlined in the report to address the concerns as an interim measure.
2. Not to prepare and amendment to the Upper Lachlan Development Control Plan 2010 to introduce appropriate planning controls.

## **FINANCIAL IMPACT OF RECOMMENDATIONS**

Nil

## **RECOMMENDATION**      That -

1. Council prepares an amendment to the Upper Lachlan Development Control Plan 2010 to introduce appropriate planning controls to address subdivisions below the lot size for agricultural/primary production purposes.
2. Council adopts, as an interim measure, the following information requirements to be supplied with subdivision applications for primary production to enable Council to consider and assess these proposals:
  - Details of the potential future use of the lots and the suitability of the land;
  - Evidence that each of the proposed lot/s for primary production will be agriculturally viable and have the carrying capacity to support sustainable and productive agriculture;
  - Evidence that demonstrates that the size, shape and location of the lots are suitable for primary production purposes and that the size of the proposed lot/s will be consistent with the size of lots used for primary production immediately surrounding the proposed subdivision;

- The demand for the lots and the need for the subdivision to facilitate farm adjustments including the transfer of farming land. This may include evidence of agreement to purchase the land by existing primary producers;
- Whether the lots created will support a new agricultural practice, rural industry or permitted employment generating industry;
- Whether financial assessment (e.g. business plan) of the subdivision is needed to support ongoing primary production;
- The location of, and the need for additional infrastructure, water and other factors that would facilitate primary production being carried out on the lots;
- When the primary production activity is to commence;
- Whether the proposed subdivision will result in the fragmentation of rural lands including creating lots separated from adjoining or adjacent lands under different ownership by a public Council road, will isolate fertile agricultural land, will prevent access to existing water supply including creeks, rivers, dams or bores and/or reduce existing water supply entitlements/licenses;
- The nature of surrounding land uses including location of existing dwelling houses to ensure the proposed subdivision will not create potential for land use conflicts; and
- Whether the land will be used according to sustainable land management practices.

**ATTACHMENTS**

Nil

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## Environment and Planning - 15 March 2018

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**ITEM 9.5**                      **Planning Proposal to amend Upper Lachlan Local Environmental Plan 2010 - IN2 Light Industrial Zone Land Use Table**

**FILE REFERENCE**    **I18/114**

**AUTHOR**                      **Director of Environment and Planning**

### **ISSUE**

This report serves to provide Council with an update on the status of this resolution whilst also seeking Council to resolve to permit the more flexible storage land use known as '*storage premises*' within Zone IN2 Light Industrial, of the *Upper Lachlan Local Environmental Plan 2010*.

**RECOMMENDATION**      That -

1. Council prepare a planning proposal in accordance with the *Environmental Planning and Assessment Act 1979* for submission to the Department of Planning and Environment seeking a Gateway Determination to amend the *Upper Lachlan Local Environmental Plan 2010* by removing the land use term '*storage premises*' from 4 *Prohibited* in the Land Use Table to Zone *IN2 Light Industrial*, and;
2. Council request the Department of Planning and Environment to authorise Council to exercise delegation of plan making functions in accordance with the *Environmental Planning and Assessment Act 1979*; and
3. Council's General Manager have delegation to authorise all required documentation in relation to the Planning Proposal and the subsequent *Upper Lachlan Local Environmental Plan 2010* amendment.

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### **BACKGROUND**

At the Ordinary Meeting of Council on 15 February 2018, Council resolved to give authority to the General Manager to engage the services of a consultant to make a submission to the Department of Planning and Environment in relation to the anomalies in the land use tables of the *Upper Lachlan Local Environmental Plan 2010*, particularly concerning the fact that self-storage units are prohibited in IN2 Light Industrial Zones.

### **REPORT**

A consultant as per the resolution referred to in this report's background has been engaged to prepare the submission (known as a Planning Proposal) to the Department of Planning and Environment (DPE) to amend the *Upper Lachlan Local Environmental Plan 2010*, specifically addressing the prohibition of *self-storage units* in the IN2 Light Industrial Zone. The Land use term '*self-storage units*' within the *Upper Lachlan Local Environmental Plan 2010* is defined as follows:



## **Environment and Planning**

### **PLANNING PROPOSAL TO AMEND UPPER LACHLAN LOCAL ENVIRONMENTAL PLAN 2010 - IN2 LIGHT INDUSTRIAL ZONE LAND USE TABLE cont'd**

*'self-storage units means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).'*

During discussions between the consultant and Council's Director Environment and Planning, it was considered prudent to take the opportunity to address the other types of storage developments within the IN2 Zone whilst the Planning Proposal is being prepared. The land use term *'storage premises'* within the *Upper Lachlan Local Environmental Plan 2010* is defined as follows:

*'storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.'*

As can be seen above the term *storage premises* includes *self-storage units* as well as permitting other types of commercial storage which are characteristic of an industrial area, as an example this could include the storage of agricultural equipment, machinery and goods. *Storage premises* are currently a prohibited land use within the IN2 Light Industrial Zone under the *Upper Lachlan Local Environmental Plan 2010*.

A review of non-metropolitan Council Local Environmental Plans has revealed that *storage premises* are a common permitted land use within IN2 Light Industrial Zones. It is furthermore considered suitable to permit *storage premises* within the IN2 Zone as not only will this facilitate the future development of *self-storage units* as per Council's original resolution, but it will also address the anomaly of *storage premises* not being permissible within any other zone with the *Upper Lachlan Local Environmental Plan 2010*. It must also be noted that the IN2 Light Industrial Zone is the only Industrial Zone within the *Upper Lachlan Local Environmental Plan 2010*.

Council's original resolution specifically identifies *self-storage units* only, as such a separate resolution is required from Council to facilitate the permissibility of the broader land use term *storage premises* within the IN2 Zone. Discussion with the Department of Planning and Environment confirmed a specific resolution is required as the land use term *storage premises* allows additional types of storage in addition to *self-storage units*. Resolving to remove *storage premises* from being listed prohibited within the IN2 Zone land use table will consequently permit the land use within the Zone.

## **POLICY IMPACT**

The Planning Proposal will result in an amendment to the *Upper Lachlan Local Environmental Plan 2010*.

## **OPTIONS**

The Planning Proposal could proceed simply seeking that *self-storage units* be permissible within the IN2 Zone based on the current Council resolution. However, to address the anomaly that the more flexible land use *storage premises* are prohibited within the Zone, it is seen to be judicious to take the opportunity to amend the *Upper*

## ***Environment and Planning***

### **PLANNING PROPOSAL TO AMEND UPPER LACHLAN LOCAL ENVIRONMENTAL PLAN 2010 - IN2 LIGHT INDUSTRIAL ZONE LAND USE TABLE cont'd**

*Lachlan Local Environmental Plan 2010* as per the recommendation of this report which will allow a broader range of storage options for developers and the community.

### **FINANCIAL IMPACT OF RECOMMENDATIONS**

Council has previously resolved to engage a consultant to undertake the required submission to DPE. It is considered that there are no additional financial impacts arising from the recommendation.

### **RECOMMENDATION**      That -

1. Council prepare a planning proposal in accordance with the *Environmental Planning and Assessment Act 1979* for submission to the Department of Planning and Environment seeking a Gateway Determination to amend the *Upper Lachlan Local Environmental Plan 2010* by removing the land use term 'storage premises' from 4 Prohibited in the Land Use Table to Zone *IN2 Light Industrial*, and;
2. Council request the Department of Planning and Environment to authorise Council to exercise delegation of plan making functions in accordance with the *Environmental Planning and Assessment Act 1979*; and
3. Council's General Manager have delegation to authorise all required documentation in relation to the Planning Proposal and the subsequent *Upper Lachlan Local Environmental Plan 2010* amendment.

### **ATTACHMENTS**

Nil