


RECOMMENDATION That -

1. Council places the Outdoor Dining Policy on public exhibition for a minimum period of 28 days to seek public comment / submissions.

ATTACHMENTS

1. 	Outdoor Dining Policy (formally Footpath Usage Policy)	Attachment
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POLICY:-	
Policy Title:	Outdoor Dining Policy
File reference:	F10/618
Date Policy was adopted by Council initially:	26 July 2007
Resolution Number:	206/07
Other Review Dates:	21 June 2012
Resolution Number:	173/12
Current Policy adopted by Council:	XX/XX/2017
Resolution Number:	XX/17
Next Policy Review Date:	2020

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

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

INTRODUCTION

The purpose of this policy is to stipulate Council's requirements for the use of footpaths for outdoor dining, commercial and other activities by businesses and organisations including activities by voluntary organisations.

APPLICATION OF POLICY

This policy applies to all commercial premises that use adjacent footpaths for commercial purposes and other organisations which use footpaths for non-commercial purposes within the Upper Lachlan Shire Council area.

The Plan applies specifically to land zoned B2 Local Centre, B4 Mixed Use and RU5 Village within the Upper Lachlan Shire Council area.

OBJECTIVES

- To encourage a streetscape that promotes economic development and visual amenity.
- To facilitate compatible commercial activities for business houses.
- To allow pedestrians ease of access along footpaths.
- To provide for the safe movement of pedestrians.
- To facilitate businesses to improve disabled access.
- To facilitate non-commercial activities by organisations including voluntary organisations.

DEFINITIONS

For the purposes of this policy the following definitions will apply:

"Article" means any obstruction whatsoever and includes sandwich boards, goods for sale, tables, chairs, signs, hoardings and building materials.

"Footpath" means the area between the building alignment and the kerb or the edge of the road shoulder.

"Footway" means that part of a road as is set aside or formed as a path or way for pedestrian traffic (whether or not it may also be used by bicycle traffic).

"Footway Restaurant" means a restaurant the subject of an approval in force under Section 125 of the Roads Act 1993.

"Furniture" includes tables, chairs, umbrellas and other shade devices, litterbins, planter boxes and the like.

"Hotel" a commercial premises at which alcohol can be purchased and has an on/off license under the Liquor Act 2007.

"Restaurant" means premises in which food is regularly supplied on sale to the public for consumption on the premises.

"Road" includes:

(a) the air space above the surface of the road; and

(b) the soil beneath the surface on the road; and

(c) any bridge, tunnel, causeway, road-ferry, ford or other work or structure forming part of the road.

SECTION 125 – ROADS ACT 1993

Section 125 of the Roads Act 1993 establishes Council as the regulatory authority in respect to the use of a footway for restaurant purposes and states;

"S125: Approval to use footway for restaurant purposes

1. A Council may grant an approval that allows a person who conducts a restaurant adjacent to a footway of a public road (being a public road that is vested in fee simple in the Council) to use part of the footway for the purposes of the restaurant.
2. An approval may be granted on such conditions (including conditions as to payments in the nature of rent) as the Council determines.
3. An approval may not be granted in respect of a footway of a classified road except with the concurrence of the RMS.
4. The term of an approval is to be such period (not exceeding 7 years) as is specified in the approval.
5. An approval lapses at the end of its term or, if the part of the footway the subject of the approval ceases to be used for the purposes of a restaurant, when that use ceases.

GENERAL

- All persons intending to use the footpath for the display of goods, temporary signs (being signs that are not covered by SEPP 64 and/or

Exempt Development and Complying Development), and outdoor seating will be required to obtain a licence from Council. This licence is renewable annually on payment of the appropriate fees described below.

- All encroachments on the footpaths require Council approval and are subject to payment of the appropriate fees as set by Council. The fee is based on the area of footpath being utilised and the period of utilisation (eg annually, daily).
- An administration fee will also apply in addition to the fee mentioned above. The fees which are payable annually will apply from 1 July each year (contact Council's Customer Service Officer for Council's current schedule of fees).
- The applicant shall provide public liability insurance cover from a legally constituted insurance body of not less than \$20 (twenty) million which indemnifies Upper Lachlan Shire Council in respect of the activities carried out by the applicant on the footpath. A copy of the current insurance policy is to be provided to Council at the time of application and renewal on an annual basis.
- Development is to take place in accordance with the plans and documentation submitted with the application and subject to this policy to ensure the development is consistent with Council's consent. Council may request an application for modification of this Consent or a new application in the event that changes to the approved plans are subsequently made.
- To provide for the safe movement of pedestrians a 2m wide clear passage area along the footpath is to be maintained at all times.
- To minimise the potential for conflict between pedestrians, waiting staff and diners, all tables and chairs are to be located with a designated area adjacent to the business premises responsible for their operation.
- Any outdoor dining area is to operate in conjunction with an existing business premises and its operating hours.
- Any outdoor dining area is to operate in accordance with the requirements of the Food Act 2003 and associated Regulation to maintain appropriate health and safety standards.
- All tables and chairs to be kept clean and free of food scraps and litter.
- Toilet and wash basin facilities within the existing premises responsible for the operation of the outdoor dining area to comply with the Building Code of Australia in terms of seating capacity.

- Furniture for any outdoor dining area is to be sympathetic to the character of the surrounding buildings. Details to be submitted for approval prior to purchase and placement within the public area.
- All furniture is to be suitable for outdoor use. Details to be submitted for approval prior to purchase and placement within the public area.
- All outdoor furniture is to be stored within the business premises when the outdoor dining area is not in operation.
- Furniture to be maintained in a physically sound condition.
- No signs are to be displayed on the public footway or any external pedestrian areas, to maintain the visual amenity of the locality and to ensure public safety.

SPECIAL CONDITIONS

- Council may at any time cancel the approval or impose additional conditions if satisfied that the use of footpath by the applicant is causing unacceptable obstruction, and/or if the area is used for a non-approved purpose and/or any other problems relating to public safety or amenity as determined by Council.
- The applicant may use the specified area only for the approved purposes in conjunction with the subject premises and is required to ensure unobstructed public access over the remaining area of the footpath at least 2.0 metres wide. (See Figure 1)
- Where the footpath is not paved full width, the paved area shall remain unobstructed. Where deviations are sought Council will consider such applications on an individual basis.
- Where any other deviations are sought due to the nature of the footpath, Council will consider these applications on an individual basis and advise the applicant accordingly. These deviations will be recorded in the application.
- Compliance with this policy will be monitored and fines may be imposed in instances of non-compliance after a warning is first issued.
- Goods/Signs displayed in contravention of this policy shall be subject to impoundment. Fees apply for retrieval of impounded goods.

EXCLUSIONS

The following activities on public footpaths will not be approved by Council:

- (i) the serving and consumption of alcohol.

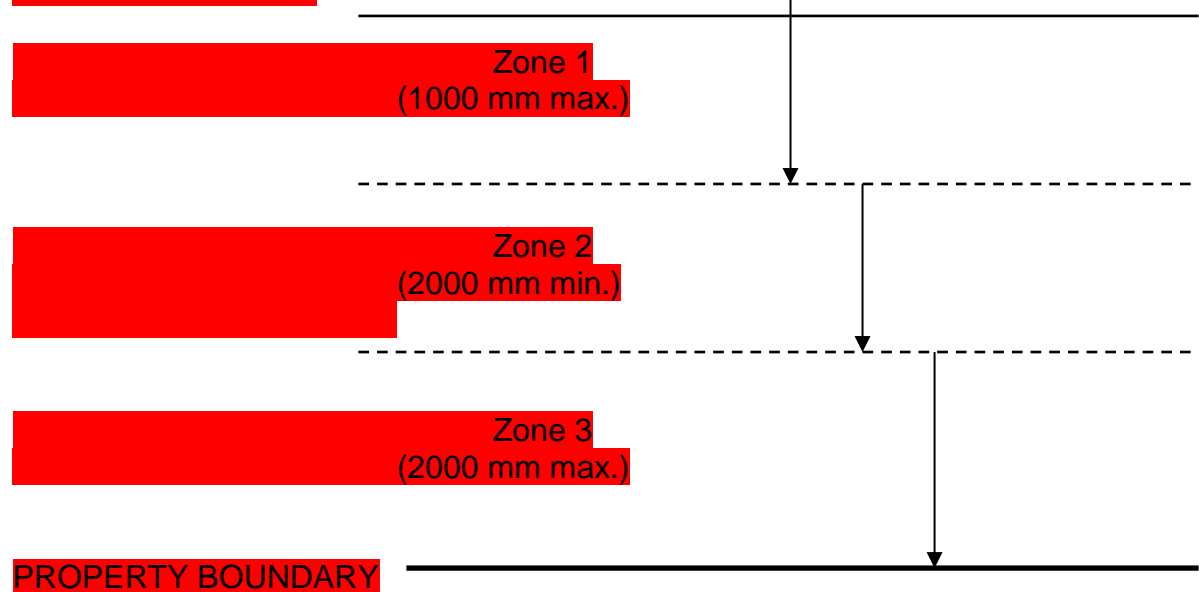
- (ii) the declaration of specific areas for the smoking of cigarettes.

GUIDELINES

- Display of goods on footpaths need to be stable so as to not cause a danger to the public from overturning, etc.
- A clear space of 2.0 metres unobstructed clear space shall be maintained for the comfortable movement of pedestrians, wheelchairs and prams.
- Table/chairs, temporary footpath ramps and display of goods shall have a maximum encroachment of 2 metres from the property boundary.
- In areas where there are awning posts and other street furniture which require a minimum space of 1 metre from the kerb and gutter in order to maintain the clear space, the space available to businesses may be less than 2 metres from the property boundary. This will depend on the total width of the footpath adjacent to the subject business.
- All signs, (not being signs requiring Development Consent under SEPP 64 and/or signs that constitute Complying or Exempt Development) and displays, etc. will be allowed only in front of the subject premises. These signs if attached to face of shop front shall not protrude more than 40 mm.
- Sandwich board signs to comply with the following:
 - Maximum size of 900 mm high and 750 mm wide,
 - Secured to wall or footpath with device approved by Council,
 - The encroachment to be no more than 1 metre from the wall, and
 - No more than one sign per entry door to be permitted.
- Access ramps and any other permanent structures will require specific development approval by Council and should be located within the space allocated for businesses (1.5 to 2.0 metres from the property boundary).
- Awning posts will require specific development approval by Council and should be located in the space allocated for awning posts (1 metre from the kerb and gutter).
- Street barriers used to demarcate seating areas on the footpath shall be stable and should not contain any fixtures that will cause any trip hazards.
- The total number of seating (indoor and outdoor) shall not exceed the number of seating approved in any development consent issued for the development adjacent to the footpath, inclusive of any car parking. This must be considered in the allocation of seats on the footpath.

TYPICAL DIMENSIONS FOR ALLOCATION OF SPACE IN FOOTPATH

KERB AND GUTTER



ZONE 1

This Zone is allocated for street furniture, lamp poles, awning posts, and stormwater drainage. Specifically:

- Lamp poles to be at a **minimum distance of 400 mm** from the kerb and gutter (Note this location will be different in new subdivisions).
- Awning posts to be at a **maximum distance of 1000 mm** from the kerb and gutter

ZONE 2

This Zone is a clear zone allocated for the movement of pedestrians and for buried utilities. It shall be left **unobstructed**.

ZONE 3

This Zone is space available for businesses.

NOTE: The space available for use by businesses may be less than 2.0 metres depending on total width of the footpath.

APPROVALS

Approvals are required under the:

- Roads Act 1993 – s125 Approval
- Upper Lachlan Local Environmental Plan 2010 – Development Consent

An approval for outdoor dining will be considered as an application under both pieces of legislation.

Under the Roads Act 1993 all approvals for outdoor dining within classified road reserves require the concurrence of the Roads and Maritime Services (RMS).

FEES

Outdoor dining involves the private business use of the public footpath space. On this basis that the private use limits the public accessibility this should be placed on a commercial footing.

Applicable fees are published by Council in the Operational Plan for the current financial year.

RELEVANT LEGISLATION AND COUNCIL POLICIES

The following legislation and Council policies that are relevant to this policy include:

- Roads Act 1993
- Upper Lachlan Local Environmental Plan 2010
- Upper Lachlan Development Control Plan 2010
- Liquor Act 2007
- Food Act 2003
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Act Regulations 2000
- Local Government Act 1993
- Local Government (General) Regulations 2005
- Council's Footpath Policy

VARIATION

Council reserves the right to vary or revoke this policy.

1. Title

1.1 Outdoor Dining Policy

2. Definition

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

3. Objectives of Policy

- 3.1. The objectives of the policy are:

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

4. Approval Requirements

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

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

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

4.5.1. Pedestrian circulation, continuous accessible path of travel (including for people with a mobility or visual impairment) and vehicular circulation;

4.5.2. The existing civic character, heritage, street qualities and function;

4.5.3. Available area for outdoor dining, including width of footpath and public spaces;

4.5.4. Proximity to associated approved food business and access points to nearby businesses;

4.5.5. Siting and design of any existing outdoor dining in the locality;

4.5.6. The interests and concerns of groups already using the street; and

4.5.7. Proximity to residential areas.

4.6 Making an Application

4.6.1 Applicants for an outdoor dining area must submit an Outdoor Dining Application Form, which is available from Council's Customer Service Centre and Council's website www.upperlachlan.nsw.gov.au.

4.6.2 Prior to lodging an application, applicants are advised to contact Council to ensure that necessary plans, details, fees and insurance certificates are satisfactory for submission to Council.

4.7 Permanent Structures

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

4.8 Roads and Maritime Services (RMS) Requirements

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

4.9 Liquor Licence

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

5. Location and Site Guidelines

5.1 Associated Premises

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

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

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

5.2 Site Requirements

5.2.1 An outdoor dining area is only appropriate where:

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

5.3 Neighbourhood Amenity

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

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

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

6. Placement Guidelines

6.1 Delineation of Outdoor Dining Areas

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

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

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

6.2 Access and Enclosure Requirements

6.2.1 An outdoor dining area should:

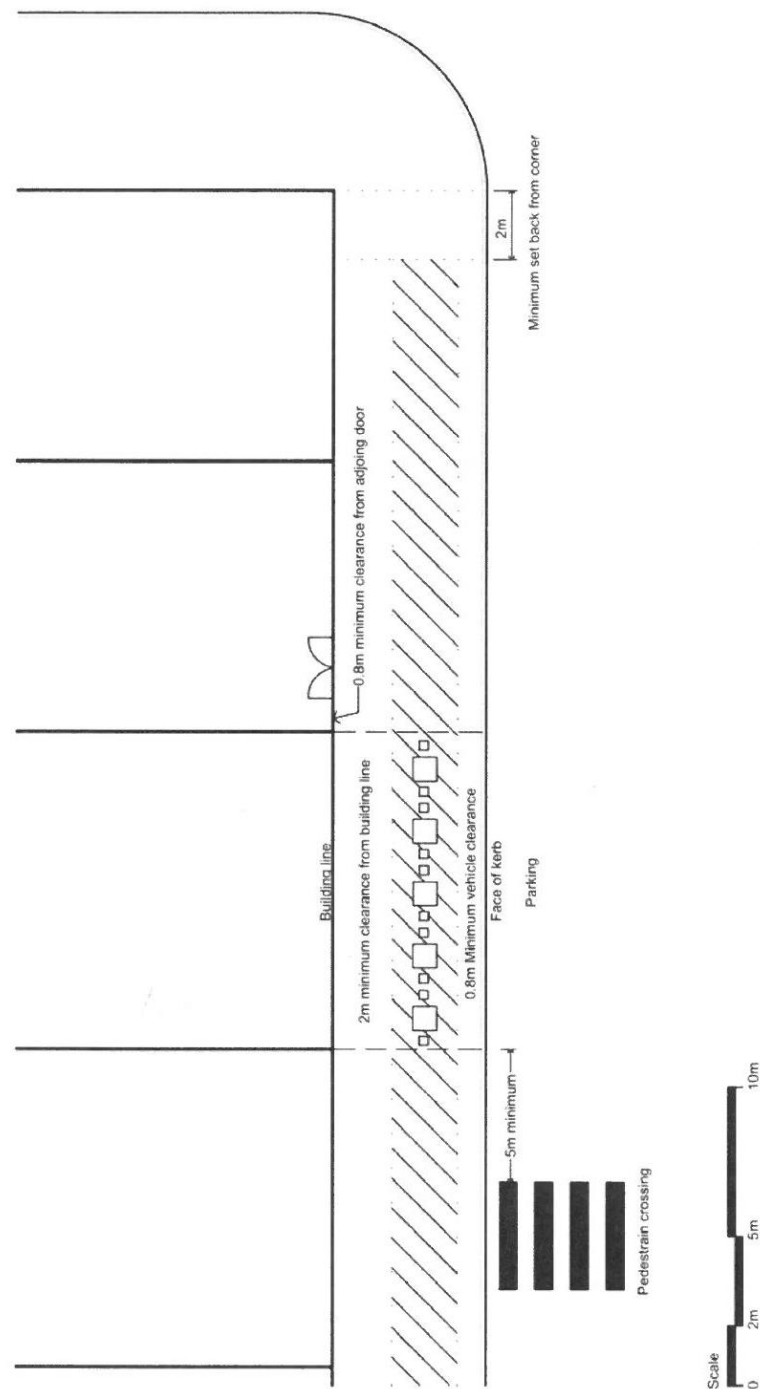
- a) provide an unobstructed pedestrian path of travel of at least 2 metres wide, generally adjacent to the building alignment, along the footway to ensure a continuous path of travel for those using the footpath;
- b) generally be located adjacent to the road kerb, to allow for continuous easy movement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

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

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

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

Plan of Preferred Site Layout



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

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

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

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

6.3 Consumption of Alcohol

6.3.1. The use of an outdoor dining area for the consumption of alcohol will be assessed on a case by case basis. The applicant will need to apply for the relevant liquor licence from the Office of Liquor, Gaming and Racing.

6.3.2 The consumption of alcohol will not be permitted within an area identified as an alcohol free zone under the provisions of the *Local Government Act 1993*.

6.3.3 If approved, alcohol shall not be served without a meal service.

6.4 Smoking

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

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

6.4.2 A “seated dining area” is:

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

7. Furniture Guidelines

7.1 Outdoor Furniture

7.1.1 Outdoor furniture must be safe, comfortable, of sturdy construction, hygienic and designed for outdoor use. Surface tops should be non-reflective and be of a design which inhibits the collection of food particles.

7.1.2 The design and colour should make a positive contribution to the street environment and complement the surrounding streetscape.

7.1.3 A single style and colour scheme must be selected for tables, chairs, umbrellas and edge furniture to provide consistency and identity.

7.1.4 Outdoor furniture, including but not limited to tables, chairs, planter boxes and barriers must, at all times, be properly placed

and confined within the outdoor dining area and shall not impact upon the safety of other users.

7.1.5 Items placed in the outdoor dining area must not cause damage to the existing footway or other public infrastructure. The outdoor dining operator is responsible for any damage caused to third parties.

7.1.6 It is the responsibility of the food business operator and employees to ensure that patrons do not move furniture from within the boundaries of the outdoor dining area.

7.1.7 No outdoor furniture is to be permanently fastened to the footway.

7.1.8 All items must be removed from the outdoor dining area upon completion of trading each day and stored within the adjacent approved food business.

7.1.9 Outdoor dining areas on footways and public spaces to which vehicular traffic has access must be protected by approved barriers.

7.1.10 No outdoor furniture or other items, other than that approved by Council, is permitted within the outdoor dining area.

7.2 Umbrellas and Shade Structures

7.2.1 Umbrellas and shade structures must be anchored to ensure that they are secured to withstand the effects of wind. Fixtures that penetrate or damage Council's pavement will not be permitted.

7.2.2 The device used to anchor the umbrella must not present a trip hazard.

7.2.3 Umbrellas must not encroach on, or interfere with pedestrian or vehicular movement.

7.2.4 Umbrellas and shade structures must be at least 2.2 metres above the ground level at the lowest point and be contained wholly within the outdoor dining area.

7.2.5 Umbrellas and shade structures must be manufactured from fire retardant material if adjacent to a heating device.

7.2.6 Umbrellas must be removed or closed in extremely windy conditions and must be removed when the outdoor seating area is not in use.

7.2.7 Umbrellas must be maintained in sound and aesthetically acceptable condition to the Council's satisfaction.

7.2.8 Umbrellas and shade structures must not contain general advertising but may include business premises identification and advertising associated with the adjacent approved food premises (e.g. coffee brand).

7.3 Heating Devices

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

7.3.2 Heating devices must be contained wholly within the outdoor dining area.

7.3.3 Heating devices must be positioned and secured to ensure that they will not cause any injury. Outdoor dining operators are responsible for any damage caused.

7.3.4 Access to the gas mains and use of electrical extension cords are not permitted.

7.4 Advertising and Signage

7.4.1 The name of the associated food business or logo may be placed on outdoor umbrellas only and no other items of furniture (unless the written consent of Council has been obtained) and only if it:

- a) Identifies the café or advertises products which are a core part of the food business and are supplied by the business to the public;
- b) Involves only one product or business name being advertised;
- c) Is in the nature of a corporate logo or identification; and
- d) Is of a minor and integral element of the furniture design and does not have an excessive impact on the outdoor dining area or the streetscape.

7.5 Animals

7.5.1 Animals are permitted within the outdoor dining area under the *Companion Animals Act 1998*. All requirements of the *Companion Animals Act 1998* must be met including:

- a) The dog must be under effective control by way of chain, cord or leash;
- b) The person does not feed the dog or permit the dog to be fed; and
- c) The dog is kept on the ground.

7.5.2 The operator of the premises reserves the right to refuse animals within the approved area, except for Guide Dog's and Assistance Dog's.

8. Management issues

8.1 Approval Conditions

8.1.1 Council will charge a fee for the use of the footpath as an outdoor dining area. Application fees and annual rental fees are as set out in Council's Fees and Charges Schedule.

8.1.2 It is the responsibility of the outdoor dining operator to meet all the conditions of approval.

8.1.3 All requirements of the food safety standards adopted under NSW legislation are to be fully met.

- 8.1.4 The outdoor dining operator shall take all reasonable precautions to ensure the good conduct of employees and patrons of the outdoor dining area.
- 8.1.5 An approval may be granted for a period up to 7 years and shall conclude at the end of the approval period.
- 8.1.6 Expiration of the approval will require lodgement of a new application.
- 8.1.7 Council will not be responsible for any costs, expenses or losses if public infrastructure needs to be accessed.
- 8.1.8 Council may revoke an approval or amend the approved area due to footway layout being altered (e.g. road works or streetscaping works).
- 8.1.9 An approval lapses if the adjacent approved food business ceases to trade.
- 8.1.10 Approvals are transferable, provided Council is notified and proof of an acceptable current Public Liability Risk Insurance Certificate for the new proprietor is submitted to Council.
- 8.1.11 Despite any provisions of this Policy, Council may amend any approval to meet legislative requirements or altered circumstances at specific sites at any time.

8.2 Insurance Requirements

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

8.3 Cleanliness and Maintenance

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

8.3.5 The approval holder must have suitable arrangements for a commercial waste collection service for waste to be disposed of (not to street bins).

8.3.6 The approval holder is to bear the cost of all pavement repairs which have been caused by the outdoor dining activities. Such damage will be repaired by Council at the approval holder's cost.

8.4 Toilet Facilities

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

8.5 Non-compliance

8.5.1 The use of an outdoor dining area will be reviewed if the use is not in accordance with the approval conditions.

8.5.2 The use of an outdoor dining area without approval or not in accordance with an approval is an offence and may result in the issue of a warning notice or other enforcement action.

8.5.3 Authorised officers may provide a direction/order either verbally or in writing. Where possible, verbal notices will be followed up by a written notice.

8.5.4 The business owner, operator and persons employed by the business owner or operator must comply with any direction/order given by a Council authorised officer with respect to the outdoor dining area.

8.5.5 Authorised Officers of Council are empowered to issue a direction/order (verbally or in writing), revoke an approval, and remove furniture from an outdoor dining area in the case of a threat to health and safety or where the approval holder does not cease to use the site or does not remove the furniture and restore the site when requested (at the approval holder's expense).

8.5.6 An approval may be revoked by Council at any time for failure to comply with a direction/order given by an authorised officer of Council or for a failure to comply with any condition of approval or Policy.

8.5.7 Pedestrian movement patterns will be continuously monitored and may lead to a variation or revocation of an approval at any time should authorised officers consider it to be in the public interest to do so. In these circumstances, reasonable notice should be given to the approval holder and a reasonable period of time will be provided before the notice becomes effective. Generally, a reasonable period of notice will be 5 working days. This period of notice may however be shortened if the particular circumstances warrant the urgency. The provision of notice will

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

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

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

RELEVANT LEGISLATION AND COUNCIL POLICIES:

Roads Act 1993

Environmental Planning and Assessment Act 1979

Local Government Act 1993

Food Act 2003

Liquor Act 2007

Companion Animals Act 1998

Work Health and Safety Act 2011

Smoke Free Environment Act 2000

Impounding Act 1993

National Construction Code Series (Building Code of Australia)

Upper Lachlan Local Environmental Plan 2010

Upper Lachlan Development Control Plan 2010

VARIATION

Council reserves the right to vary or revoke this policy.

Environment and Planning - 19 October 2017

ITEM 9.6 **Keeping of Companion Animals Policy**

FILE REFERENCE **I17/570**

AUTHOR **Director of Environment and Planning**

ISSUE

Creation of a Draft Keeping of Companion Animals Policy.

RECOMMENDATION That -

1. Council places the Draft Keeping of Companion Animals Policy on public exhibition for a minimum period of 28 days to seek public comment / submissions.

BACKGROUND

Council has a responsibility to manage Companion Animals within its operational area.

REPORT

Whilst Companion Animals matters generally fall under the umbrella of the Companion Animals Act 1998, the ability of Council to regulate the numbers of Companion Animals that may be kept is limited without consideration of other Acts which Council may regulate.

Acts predominately utilised in conjunction to limit the permissible animals one may keep on their property are the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979.

The limiting of Companion Animals where circumstances are warranted upon a person's property will assist in Councils ability to regulate nuisance animal behaviour, planning provisions concerning animal breeding, boarding facilities and health concerns that may be generated through overcrowding and or unlawful practices.

The suggested Policy will provide Council with a guideline where consideration is being made to direct an individual to reduce the numbers of Companion Animals that they have housed at a property subject to complaint or regulatory action.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council places the Draft Keeping of Companion Animals Policy on public exhibition for a minimum period of 28 days to seek public comment / submissions.

ATTACHMENTS

1. 	DRAFT Keeping of Companion Animals Policy	Attachment
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POLICY:-	
Policy Title:	Keeping of Companion Animals Policy
File reference:	F13/77-09
Date Policy was adopted by Council initially:	
Resolution Number:	XX/2017
Other Review Dates:	
Resolution Number:	XX/2017
Current Policy adopted by Council:	XX/XX/XX
Resolution Number:	
Next Policy Review Date:	XX/2020

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

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

1. Introduction

This policy seeks to inform the Upper Lachlan Shire Council and its community of the powers concerning Councils regulatory approach to the keeping of dogs and or cats in the operational area of the Council.

It is not intended this policy will regulate the manner in which all animals should be kept. It is, however necessary that this policy should inform the reasonable limits (both statutory and advisory) which apply concerning the maximum number of animals and the circumstances under which they may be kept on premises.

2. Scope

This policy applies to animals kept for the purpose of being a companion, breeding of animals for fee and or reward, keeping of working dogs, dogs used for the purpose of hunting, boarding, grooming, treatment, training, exhibiting, trading, caring or subject to repeat complaints.

3. Objectives

The policy will address the community of the statutory restrictions and acceptable limits to apply to the keeping of animals within the operational area of Council.

To provide guidance and advice to persons making enquires as to the keeping of animals for domestic purposes.

To enable local standards, acceptable to the community for the keeping of animals in general.

To notify the circumstances that Council will consider in determining whether to serve an Order pursuant to the Local Government Act to prohibit, restrict in or some other way require things to be done regarding the keeping of animals.

4. Prescriptive Requirements

The number of animals that may be kept at a premises should not exceed the number shown appropriate to the kind of animal listed in this policy. This does not limit the ability of Councils Ranger or other authorised person to increase or decrease the permissible number of animals or not enforce this policy after taking into account all available information.

The responding Council officer will take into consideration the size of available yard area, distance to the nearest dwelling or other prescribed building, the purpose of keeping such animals and any other statutory requirements pertaining to the keeping of animals in such numbers and any verified compliance history.

Animals must not be kept in a manner which does not:

- a) Create unclean or unhealthy conditions for people or other animals.
- b) Create offensive noise or odours to be emitted from the property.
- c) Create drainage or dust issues.
- d) Create waste or pollution issues.
- e) Create an unreasonable annoyance to neighbouring residents or fear for safety.
- f) Contravene any animal welfare law, or code applicable to the state of New South Wales.

Animal Shelter/s should be provided for all animals.

Animal shelters must comply with the requirements of any applicable legislation. Please contact Councils Department of Planning to discuss individual circumstances.

Guidelines for the size, layout and construction of animal shelters are produced by various animal welfare organisations and the Department of Agriculture. These guidelines maybe adopted where required from time to time to supplement this policy.

5. Councils Ability to Control and Regulate the Keeping of Animals

Council's powers to control and regulate the keeping of animals is provided under Local Government Act 1993 and its Regulations.

Within the Act Council is empowered to issue an Order to the occupier or owner of a property to:

- Prohibit the keeping of various kinds of animals.
- Restrict the numbers of various kinds of animals to be kept at a premises.
- Require that animals be kept in a specific manner.

In addition the Council may also issue an Order requiring:

- Demolition of an animal shelters built without the approval where approval was or is required.
- The occupier / owner of a property to refrain from doing such things as specified so as to ensure that land or premises are placed or kept in a safe or healthy condition.

Where Council is required to exercise further controls over animals it is able to reply upon further Acts including:

- Companion Animals Act 1998
- The Protection of the Environment Operations Act 1997
- The Impounding Act 1993
- The Food Act 2003.

6. Issuing of Orders

Councils Ranger is predominately responsible for the investigation and enforcement of complaints concerning animals within Councils jurisdiction. In the event that Councils Ranger is not available to conduct an investigation into complaints relating to animals, Councils management may delegate another staff member to conduct such a role.

Upon receipt of a complaint an investigation of the complaints validity would be attempted to be established. In the event that a problem with the keeping of animals is identified and cannot be resolved by consultation or the identification of an animal breeding facility or a place that is connected to the supply of animals, including the sale of animals is established Council will issue a Notice of Intention to serve an order pursuant to section 124 order 18 of the Local Government Act 1998, to reduce to numbers of animals at the premises. This will not take place where approval has been granted by Council.

Council will consider any representations made against the Notice of Intention to serve an order.

Upon expiry of any timeframe for representations Council will issue an Order to reduce the number of animals in accordance with this policy. Any order issued in accordance with the Local Government Act 1998 is subject to appeal via the Land and Environment Court.

Council may also rely upon other legislative functions to enforce the keeping of animals.

In situations where urgency is required, an emergency order may be issued regarding the keeping of animals.

7. Table of Requirements

KIND OF ANIMAL	MAXIMUM NUMBERS	APPLICABLE REGULATION AND OTHER ADVISORY MATTERS
Dogs	4	The Companion Animals Act 1998 requires registration and effective control of dogs at all times. Adequate fencing is essential. The Council may approve requests to keep additional dogs were adequate yard size, proper care and desexing can be demonstrated, or the recommendation of the RSPCA is establish or the circumstances after consideration of Councils Ranger warrants the increase of numbers.
Dogs Used For Breeding	0	The Environment Planning and Assessment Act 1997 and or other resources will be relied

		upon to determine the requirement for Development Consent until such time no additional animals for the purpose of breeding will be permitted.
Cats	4	More than 4 cats will not be appropriate in many situations. Compliance with desexing, use of identity collars with multiple bells, proper care, and the restriction of access to outdoors at night will be relevant factors in determining whether more than 4 cats may be kept at the premises or the recommendation of the RSPCA.
Dogs Used For Breeding	0	The Environment Planning and Assessment Act 1997 and or other resources will be relied upon to determine the requirement for Development Consent until such time no additional animals for the purpose of breeding will be permitted
Cats Used For Breeding	0	The Environment Planning and Assessment Act 1997 and or other resources will be relied upon to determine the requirement for Development Consent until such time no additional animals for the purpose of breeding will be permitted

RELEVANT LEGISLATION AND COUNCIL POLICIES

The following legislation and Council policies that are relevant to this Policy include:

- Environmental Planning and Assessment Act 1979
- Local Government Act 1993
- Companion Animals Act 1998
- Food Act 2003
- Protection of the Environment Operations Act 1997
- Impounding Act 1993

VARIATION

Council reserves the right to vary or revoke this policy.

10 WORKS AND OPERATIONS

The following items are submitted for consideration -

10.1	Works In Progress - Construction & Maintenance	142
10.2	Part Lot 23 DP 754108 East Street Crookwell / Land known as Railway Street	146
10.3	Permanent Carparking Linemarking Goulburn Street Crookwell	161
10.4	Water Supply and Sewerage Services Update	164
10.5	Reclassification of Goulburn to Oberon Road	167

Works and Operations - 19 October 2017

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

FILE REFERENCE **I17/565**

AUTHOR **Manager of Works**

ISSUE

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

RECOMMENDATION That -

1. Council receive the report and note the information.

BACKGROUND

It is a routine report on the progress of ongoing capital and maintenance works.

REPORT

Council is recording customer requests including routine requests from Councillors into the Customer Request Management (CRM) system to ensure appropriate and timely allocation of resources. This is to ensure that a response is provided within 3 weeks as to when these requested works can be undertaken unless the requested works can be undertaken earlier, in accordance with the Council's Service Delivery Policy.

Council has received various road service requests for grading maintenance, pothole repairs, drainage maintenance and vegetation maintenance frequently. Works are being attended to in a priority order using the CRM system.

In addition to maintenance requests Council is undertaking various capital works projects.

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

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

Gravel placement on the second last 970m long stage 4 is well advanced and expected to be completed mid October 2017, and ready for sealing.

In addition to the above works, Council is undertaking crash barrier installations on stages 1 to 3 of the same project.

Once stage 4 is completed Council will then continue with stage 5, which is the final 950m on initial seal on Junction Point Road. Sealing of this section is

Works and Operations

WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE cont'd

scheduled for December 2017, weather permitting and ancillary items such as crash barrier and line marking scheduled for early in 2018.

2. MR256 Abercrombie Bridge Replacement Project

This timber bridge replacement project is co-funded by Infrastructure NSW Restart NSW programme and the Department of Infrastructure and Regional Development Bridges Renewal program.

Due to delays with finalising the REF and the approaching winter period Council's requested extension from both Infrastructure NSW Restart NSW programme and the Department of Infrastructure and Regional Development Bridges Renewal program have been approved to 30 June 2018.

Completion of the REF is now underway and shortly will be determined and approved by both Upper Lachlan Shire Council and Oberon Council.

Once the REF is approved Council staff will proceed with seeking quotations to complete the bridge replacement, however physical works within the Abercrombie River National Park on the northern approach to the bridge will not be able to commence until the revocation process is finalised.

3. MR52 "Devil's Elbow" Realignment

Vegetation clearing is completed, necessary drainage construction installed and topsoil stripped ready for cut/fill earthworks. There is a two weeks pause in works before resources become available. The heavy earthworks are scheduled to commence on 23 October 2017 weather permitting. The Devil's Elbow realignment project is co-funded by the Australian Government Black Spot Program, NSW Government Fixing Country Roads program, Australian Government Heavy Vehicle Safety and Productivity Program and Council.

Works are scheduled to finish by March 2018 at an estimated cost of \$1,079,080 and this is being closely monitored as works progress.

Routine Grading Maintenance

Council is receiving regular service requests for maintenance grading. The condition of unsealed roads change. Council's staff are reviewing the conditions of the unsealed road network and as such this program is subject to change depending on road conditions and weather at a point in time.

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

Works in Progress

1. Julong Road;
2. Kangaloolah Road;
3. Pejar Area;
4. MR241 – Rye Park Road, including Cooks Hill Road;
5. Mt Rae Area.

Works and Operations

WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE cont'd

Scheduled Works

1. Bigga Area including Grabine and Reid's Flat;
2. Side roads off the Bigga Road;
3. Cuddyong Road;
4. Gorhams Lane;
5. Pomeroy and Bannister Area;
6. Redground and Redground Heights area;
7. Golspie Area.

Other Construction and Maintenance Works

Other Works in Progress / scheduled

1. Pavement rehabilitation on Bevendale Road, near Clarevale Road;
2. Pavement rehabilitation on Golspie Road, Taralga end near Stonequarry and Scabben Flat Roads;
3. Commencement of local, regional and urban reseal program;
4. Colyer Street Kerb and Gutter minor repairs;
5. Laggan Road to Oram Street drainage improvements;
6. Replace the Clifton Park Cricket nets including renew the concrete wicket;
7. Establish disabled parking in front of Senior Citizens building in Spring Street, Crookwell Hospital and the Spring Street Bus stop;
8. Storm restoration works on MR54 at Wrens Nest Creek;
9. Heavy Patch repairs on Woodhouslee Road, north of works being undertaken by the Crookwell 2 Windfarm developments;
10. Roadside growth control by chemical or slashing on selected roads. These works are undertaken to restrict vegetation growth on rural roadsides and intersections;
11. Pavement rehabilitation of Woodhouselee Road (South) is continuing. These works involve full pavement strengthening and rehabilitation of selected sections, totalling 4.3km from the Goulburn Road intersection to the Crookwell 2 access. The works are being undertaken by Crookwell 2 Developments and they have engaged BMD contractors to complete the works. Council is monitoring these works to ensure compliance to Council's quality standards. There is no cost to Council for the construction works.

Works Completed

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

1. Gravel re-sheeting on Peelwood and Mt Costigan Roads;
2. Roadside drainage maintenance at selected locations on Woodhouslee Road;
3. Tree planting in Gunning Showground near the skate park and garden bed maintenance in front of Gunning Pool;

Works and Operations

WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE cont'd

4. Outdoor furniture maintenance in Barbour Park Gunning;
5. Establishment of disabled parking in front of Gunning Court House.

POLICY IMPACT

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

Additionally, all works requests are now being channelled through the CRM for timely finalisation and record keeping.

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Capital and Maintenance works are funded through the annual Operational Plan (Budget) and there is no need for additional funds.

RECOMMENDATION That -

1. Council receive the report and note the information.

ATTACHMENTS

Nil

Works and Operations - 19 October 2017

ITEM 10.2 **Part Lot 23 DP 754108 East Street Crookwell / Land known as Railway Street**

FILE REFERENCE **I17/539**

AUTHOR **Director of Works & Operations**

ISSUE

This reports proposes a strategy to respond to the requests from the owners of Lot 23 DP754108.

RECOMMENDATION That -

1. Council endorse the proposed strategy to respond to the current and future requests of Mrs Terry Chamberlain;
2. Council authorise Director of Works to take necessary steps to enact the proposed strategy.

BACKGROUND

Council has received numerous requests from Mrs Chamberlain to construct drainage improvement works within the vicinity of her property. Council staff had various meetings with Mrs Chamberlain. Council agreed on a scope of work based on these requests assuming the land known as Railway Street is a Council Public Road. A copy of correspondence is attached as Attachment 1 that describes the scope of work.

These works could not be carried out due to unavailability of physical access at the time. Council has since received information that suggests that the land known as Railway Street is not a public road. Evidence of this information is at Attachment 2. Subsequently the Director of Works and Operations met with Mrs Chamberlain on Friday, 8 September 2017 to discuss the progress of her request.

In summary, during the meeting, Mrs Chamberlain requested that Council construct drainage works in the vicinity of her property and take over the responsibility for the land known as Railway Street.

Previously, correspondence with Mrs Chamberlain indicates that part of her proposed construction works are located partially within the adjacent property. Mrs Chamberlain has indicated on the 8 September 2017 that the drainage discharge point is entirely inside her property and work should commence without delay.

Additionally, access is required for machinery to enter the proposed site before construction works could commence. This access is available primarily through the land known as Railway Street. In summary, Council must obtain approval from the impacted properties before commencement of construction works and in addition, find

Works and Operations

PART LOT 23 DP 754108 EAST STREET CROOKWELL / LAND KNOWN AS RAILWAY STREET cont'd

a viable access point for construction machinery. The location plan is shown as Attachment 3.

In relation to the ownership of Railway Street, Council has received legal advice that the land is not a public road. As there is no community benefit, Council will not pursue it as a public road. However, Council do require part of the land as drainage reserve.

It is in the interest of the community to pursue the ownership of the land known as Railway Street, before formal easement can be negotiated with the owners for the proposed drainage reserve. Mrs Chamberlain however, uses this land as an access to her property adjacent to the land.

Council must adopt a strategy in response to the evolving situation.

REPORT

It is proposed to consider the following as a strategy:

1. Drainage Pipe Works – Council undertake and fund the proposed drainage works subject to written permission being received from the property owners affected by these drainage works and subject to practical (not legal) access being granted and available. There are benefits to the community from drainage upgrades and it makes sense to undertake these works as soon as an agreement is reached with affected property owners in accordance with industry and applicable legislation and Council policies. Any additional works located within the land known as Railway Street must not be undertaken unless justified by a community benefit.
2. Status of the land known as Railway Street – Council pursue and establish the ownership of the land known as Railway Street and negotiate easement of the drainage required for the benefit of the community. As there is no direct community benefit to create a public road, it is difficult to justify and pursue compulsory acquisition.

Council, as a model citizen, must keep all its promises written or verbal provided they are legal, in line with the policies of the Upper Lachlan Shire Council and within the role of the local council as provided within the NSW Local Government Act 1993.

POLICY IMPACT

Council previously indicated to Mrs Chamberlain that Council will undertake certain works within the land known as Railway Street assuming that the land known as Railway Street is a public road. Council is now aware that this land is not a public road and therefore cannot exercise its role as a “Road Authority” within the provisions of the Roads Act 1993. A copy is attached as Attachment 3.

Additionally, Council must encourage neighbours to discuss and resolve neighbourly disputes themselves and Council must reduce involvement in the future.

Mrs Chamberlain has threatened Council staff with a code of conduct complaint. Copy of this email is attached as Attachment 4.

Works and Operations

PART LOT 23 DP 754108 EAST STREET CROOKWELL / LAND KNOWN AS RAILWAY STREET cont'd

OPTIONS

Council must consider this request and make a decision to enable a decisive action.

FINANCIAL IMPACT OF RECOMMENDATIONS

There are substantial costs in terms of Council staff time. There are expected to be over \$5,000 of legal costs in addition to staff time. Additionally the costs of construction are expected to be over \$20,000.

The above costs of \$25,000 are provided for within the Operational Plan 2017/18 so that the strategy can be put in place and implemented.

RECOMMENDATION That -

1. Council endorse the proposed strategy to respond to the current and future requests of Mrs Terry Chamberlain;
2. Council authorise Director of Works to take necessary steps to enact the proposed strategy.

ATTACHMENTS

1. ↓	Terry Chamberlain - Response to E-mail Correspondence Received 24 January 2017	Attachment
2. ↓	Search report status of Railway Street Crookwell - not a public road	Attachment
3. ↓	Location Plan showing proposed drainage reserves and the land known as Railway Street	Attachment
4. ↓	Email String describing requests from Mrs Chamberlain	Attachment
5. ↓	Outgoing Response to Terry Chamberlain - East Street - Drainage Pipes - Inaccurate Easement Map	Attachment



ABN 81 011 241 552

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.local-e.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@ceinternet.com.au

Our Ref:F11/124-05

21 February 2017

Ms T Chamberlain
10 Prospect Street
CROOKWELL NSW 2583

Dear Ms Chamberlain

RE: EMAIL CORRESPONDENCE RECEIVED 24 JANUARY 2017

Further to your email correspondence received by Council on 24 January 2017 the following details are supplied for your information:

1. Council has completed the construction works on the turning bay in Prospect Street and Council has rectified any damage to your Prospect Street access entrance as reiterated in my earlier correspondence on 19 December 2016.
2. Council totally refutes that it has breached its Code of Conduct in its dealings with you.
3. Council has not trespassed upon your lands – Council's Officers have appropriate compliance and inspection powers and authorities under the various Act of Parliament and are required to carry out inspections for various purposes, be they engineering, health and building, noxious weeds etc.
4. You appear to have an ongoing neighbour dispute with the Veterinary Clinic – that is not a dispute that Council will become involved in. If you have a civil matter with the Veterinary Clinic then you need to seek legal support and pursue the matters through the court process.
5. Your assertion that Council was working with CMA in the removal of willows is incorrect. The Federal Government provided a Caring for our Country Grant to the Kiamma Creek Landcare Group for their Community Education of Riparian Restoration through Willow Removal in Crookwell Project.

The Development Application determination notice for the Veterinary Clinic is a public document and can be viewed at Council upon request.

Further to your request Council will provide you with rock (approximately 150mm diameter), Council can provide you with a load of rock that will be around 5 tonne. Can you please advise if the rock size is suitable and where you wish the rock to be deposited.

Council had previously extended a 300mm pipe across East Street to the stormwater channel and has no further plans to undertake any drainage work in the area.

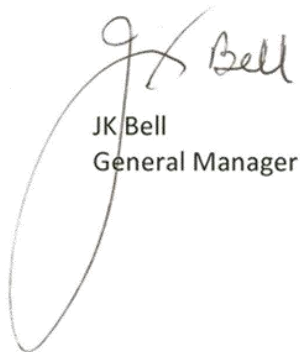
Please note, Council has no involvement in your purported soil removal issue and as such will not be supplying any soil.

The area between Lots 1 and 3 is a public road. Should you wish to purchase the road you will need to make an application to the Department of Primary Industry NSW – Lands.

Kiamma Creek Landcare Group managed the project and would be the appropriate body to help you with suitable tree replacements.

Trusting that these details are of assistance

Yours faithfully



JK Bell
General Manager

SEARCH REPORT

LPI

RECORDS BRANCH

16th August 2017

Re: Upper Lachlan Shire Council – Road titles Rectification

Property: Railway Street, Crookwell

We refer to letter dated 27th July 2017 enquiring as to the status of part of Railway Street, Crookwell.

Enclosed are copies of the following:

- (1) LPI Survey charting plans
- (2) DP1849
- (3) Cert. of Title Vol. 2059 Fol. 164

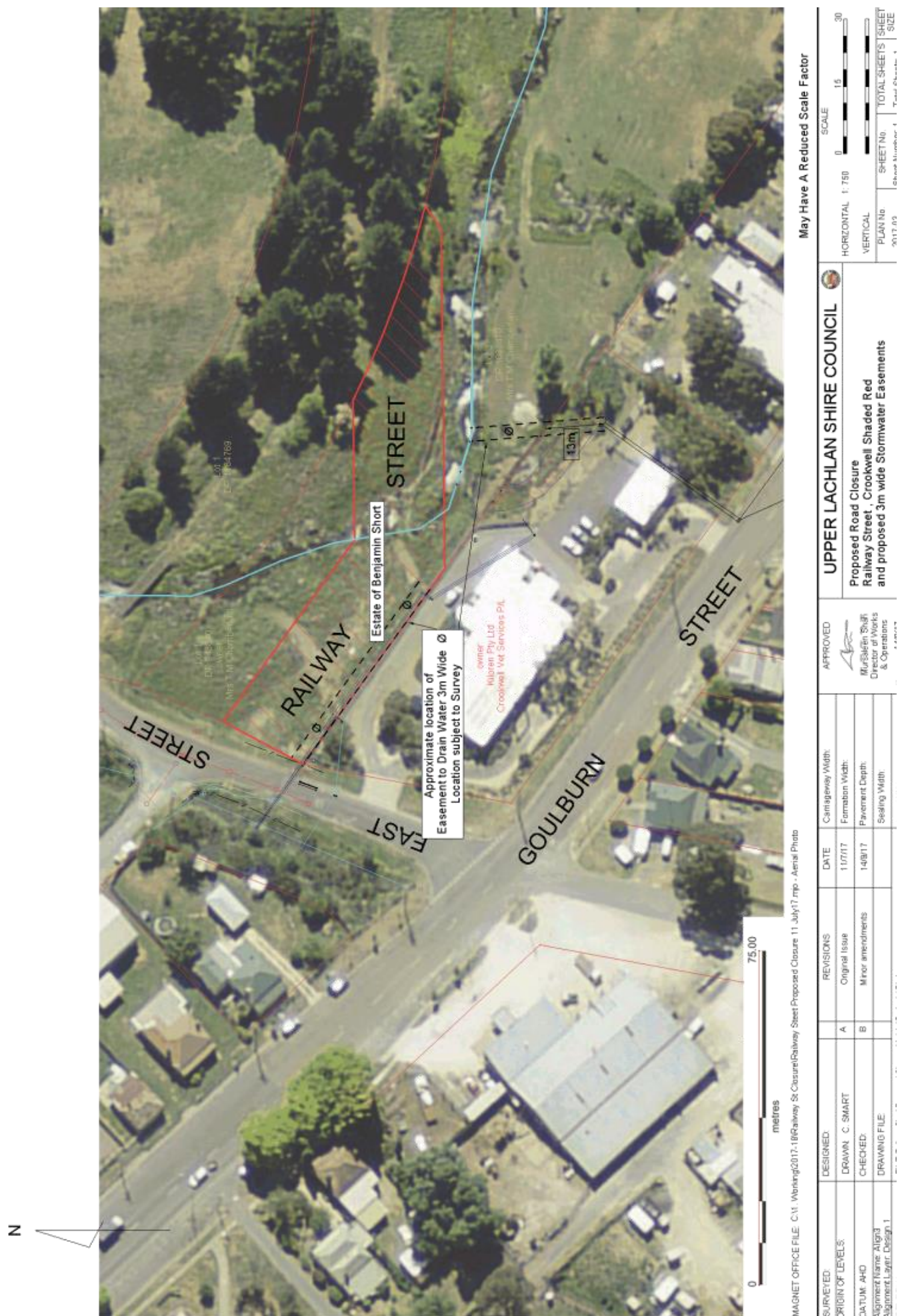
Railway Street was originally created in DP1849.

The title to the part of Railway Street remains in Cert. of Title Vol. 2059 Fol. 164 and stands in the names of Benjamin Short & William Nelson Short subject to Caveat A21359. There is no evidence of any dedication of the part of Railway Street as public road.

Note: The records of the LPI are not conclusive as to the status of roads, lanes etc. created in subdivisions prior to 1920 (as in this case). Such status may be affected by use by the public or the expenditure thereon of public moneys.

M J Armstrong & Co

per *R. Williamson*



Mursaleen Shah

From: Mursaleen Shah
Sent: Friday, 15 September 2017 2:41 PM
To: 'terry'
Cc: John Bell; pamkensit@gmail.com; 'A Cummins'; 'Bronwyn Haynes'; jmwheelwright@hotmail.com; john_thesanctuary@bigpond.com; wallaroypastoralco@gmail.com
Subject: RE: East Street

Dear Terry

Thank you for your email. Council will send you a letter providing you further advice. You are requested to send your future email correspondence to the Council's email address council@upperlachlan.nsw.gov.au instead of individual Council staff. Community members are encouraged to use Council's email address for appropriate record keeping, and timely responses.

Regards

Mursaleen

From: terry [mailto:info@pinncottage.com.au]
Sent: Friday, 15 September 2017 2:34 PM
To: Mursaleen Shah <MShah@upperlachlan.nsw.gov.au>
Cc: John Bell <JBell@upperlachlan.nsw.gov.au>; pamkensit@gmail.com; 'A Cummins' <roancummins@optusnet.com.au>; 'Bronwyn Haynes' <bronwyn.haynes@fairfaxmedia.com.au>; jmwheelwright@hotmail.com; john_thesanctuary@bigpond.com; wallaroypastoralco@gmail.com
Subject: FW: East Street

Ref: F11/124-05

13/9/17

Re: Onsite inspection at Railway Street.

Dear Mursaleen,

1. I would like thank you and Craig Smart for the onsite meeting at on the 8/9/17 at East Street where we considered the best position for the drain to enter the creek and viewed the extent of the damages to Railway street and my Property lot 1 DP 943840 and lot 3 DP1088470 from works and delayed repairs.

2. I thank you for your assurance that council is proceeding with the easement and promised works over lot 1 and lot 3 and look forward to see the works progress to completion without further delays.

I anticipate a genuine effort to ensure the works are suitably completed to prevent further ongoing damage and that Council is continuing to honour its commitment to reinstating Railway Street by raising the lowered levelled as described by council on the 1/4/17 in point 4 and having been assured by The Department of Lands - Roads the area remains under council authority and any decisions on its future and use is for council to make.

3 I appreciate your invitation to engage with council information to expedite Councils progress in the future of Railway St and suggest Council Consider

a. What rates have been paid on the area of Railway St over the last 100 + years?

b. Its historical use.

c. The obvious logical use.

d. The damages to the area and the thousands of hours of my time, labour and resources, dedicated to protecting and stabilising the area along with restoring and stabilising the area of my property, while waiting on delays and interferences to Councils promised repairs from Councils works, work failures and negligence.

e. Honouring its assurances and agreements.

f. Making the reasonable decision or find an equal and suitable solution.

Sincerely

Therese Chamberlain

From: Susan Ducksbury [<mailto:SDucksbury@upperlachlan.nsw.gov.au>] **On Behalf Of** Mursaleen Shah
Sent: Tuesday, 5 September 2017 3:23 PM
To: terry
Subject: RE: East Street

Dear Terry

This time 11am Friday 8th September has been booked into my diary

I look forward to meeting with you then.

Regards

Mursaleen Shah

Director Works & Operations

Upper Lachlan Shire Council

M: PO Box 42, Gunning, NSW, 2581

P: (02) 4830 1053

F: (02) 4832 1055

E: mshah@upperlachlan.nsw.gov.au

www.upperlachlan.nsw.gov.au



From: terry [<mailto:info@pinncottage.com.au>]

Sent: Tuesday, 5 September 2017 11:48 AM

To: Mursaleen Shah <MShah@upperlachlan.nsw.gov.au>
Cc: John Bell <JBell@upperlachlan.nsw.gov.au>; pamkensit@gmail.com; 'A Cummins' <roancummins@optusnet.com.au>; wallaroypastoralco@gmail.com; john_thesanctuary@bigpond.com; jmwheelwright@hotmail.com; 'Bronwyn Haynes' <bronwyn.haynes@fairfaxmedia.com.au>
Subject: RE: East Street

Dear Mursaleen

Thank you, 11am Friday 8th will be fine, if not suitable any time after 11am on Friday .

Sincerely

Terry

From: Mursaleen Shah [mailto:MShah@upperlachlan.nsw.gov.au]
Sent: Tuesday, 5 September 2017 8:08 AM
To: terry
Cc: John Bell; pamkensit@gmail.com; 'A Cummins'; wallaroypastoralco@gmail.com; john_thesanctuary@bigpond.com; jmwheelwright@hotmail.com; 'Bronwyn Haynes'
Subject: RE: East Street

Hi Terry

Thank you for your email. Council staff is more than happy to meet you and better understand your position.

Can you please nominate a suitable time to discuss? Council staff have made several calls within the last fortnight, however, could not speak with you, and appreciate your advice on a suitable time.

Regards

Mursaleen

From: terry [mailto:info@pinncottage.com.au]
Sent: Monday, 4 September 2017 8:42 PM
To: Mursaleen Shah <MShah@upperlachlan.nsw.gov.au>
Cc: John Bell <JBell@upperlachlan.nsw.gov.au>; pamkensit@gmail.com; 'A Cummins' <roancummins@optusnet.com.au>; wallaroypastoralco@gmail.com; john_thesanctuary@bigpond.com; jmwheelwright@hotmail.com; 'Bronwyn Haynes' <bronwyn.haynes@fairfaxmedia.com.au>
Subject: RE: East Street

Ref: F11/124-05

4/9/17

Mursaleen Shah, Director of works Upper Lachlan Shire Council.

Dear Mursaleen,

Re: 1. Councils Promised repairs 1st May 2017.

2. The status of Railway St.

Thank you for providing me the covering letter of the inconclusive search report for the area of Railway Street. I have in turn for your convenience attached a copy of Council's agreement.

1. Councils Promised repairs: The status of Railway St has no bearing or impact on Council's promised repairs to lots 1 DP943840 and lot 3 DP1088470 and allow no excuse for further delays to the extension of the 3 meter drain and restoration of the area. As made clear in my previous email I and my husband Mark Chamberlain are the land owners for lots 1 DP943840 and lot 3 DP1088470 and have been for the last 30 years.

2. The status of Railway St: The records are correct. Railway St has not been a public road, the area having been disregarded, remaining an unformed road area, historically and currently under the authority of Council as per Crown Lands Records.

The LPI notes the status of Railway Street as inconclusive, subjected or affected by its use by the public. The area having been the primary access to our property, lots 1 DP 943840 and lot DP 1088470, therefore simplifying Council's ability to honour its logical promise to provide the area as compensation for inconvenience incurred from Council's works failures and as more conclusive record searches through the Department of Lands should take no longer than 6 weeks I should expect the matter be resolved shortly.

With respect, I suggest to better understand the matter and the expected works required it would only be reasonable to organise a time to meet with me on site.

Sincerely

Therese Chamberlain

From: Mursaleen Shah [<mailto:MS Shah@upperlachlan.nsw.gov.au>]

Sent: Wednesday, 30 August 2017 4:10 PM

To: terry

Cc: John Bell; Craig Smart; mail@rjmac.com.au; pamkensit@gmail.com; 'A Cummins'; wallaroypastoralco@gmail.com; 'Bronwyn Haynes'; john_thesanctuary@bigpond.com; jmwheelwright@hotmail.com

Subject: RE: East Street

Hi Terry

Please find copy of the records from our lawyers which led to the email below. The search records suggest, railway street is not a public road. Should you require further assistance, please do not hesitate to contact myself at the Council.

Regards

Mursaleen

From: terry [<mailto:info@pinncottage.com.au>]

Sent: Wednesday, 30 August 2017 9:41 AM

To: Mursaleen Shah <MShah@upperlachlan.nsw.gov.au>
Cc: John Bell <JBell@upperlachlan.nsw.gov.au>; Craig Smart <CSmart@upperlachlan.nsw.gov.au>;
 mail@rjmac.com.au; pamkensit@gmail.com; 'A Cummins' <roancummins@optusnet.com.au>;
 wallaroypastoralco@gmail.com; 'Bronwyn Haynes' <bronwyn.haynes@fairfaxmedia.com.au>;
 john_thesanctuary@bigpond.com; jmwheelwright@hotmail.com
Subject: RE: East Street

30/8/17

Re: East St

Dear Mursaleen Shah,

Thank you for your email yesterday afternoon 28/8/17 regarding

1. **The Proposed Road Closure and Transfer** After I received the above attached letter a month ago from Councils Acting Director of works, Mr Rodney Wallace I contacted The Department of Primary Industries- Lands, who after investigating the matter assured me

a. That the unformed road, or road reserve, or the area of land known as Railway St, having been the primary access to lots 1DP943840 and lot3 DP1088470 is historically and currently under the Authority of Council and any decisions regarding the area is for Council.

b. That neither Mr Churchill or his legal rep have contacted them and if they were to, they would only be issued a status report and that they the DPL would not be entering into any negotiations as described in the attached letter.

c. That Council should continue with the process in order to submit the required application forms for the road closure and transfer.

If it is required I can request they The Department of Lands inform you in writing.

2. **Regarding the proposed Stormwater Easement:** Councils Proposed Easement on lot 3 DP 1088470, is to assist Council works with the extension of the 3m wide drain to facilitate the towns water to enter the general flow of the creek and bring an end to the erosion. The current owners area lot 3 DP 1088470 are myself and my husband Mark Chamberlain and we are already in agreement with councils proposed drainage works and easement.

It would be helpful if you could provide any evidence to the contrary so I can have a better understanding of the ongoing delays and interferences to Councils necessary promised repairs.

sincerely

Terry Chamberlain

From: Mursaleen Shah [mailto:MShah@upperlachlan.nsw.gov.au]
Sent: Tuesday, 29 August 2017 5:29 PM
To: terry; Upper Lachlan Shire Council
Cc: mail@rjmac.com.au; Craig Smart
Subject: RE: East Street

Hi Terry

Thank you for your email to the Council regarding Railway Street. Railway Street as indicated in your email below is not a Council public road. As such, Council is not in a position to undertake a drainage survey of the area until an agreement is reached with land owners of the land.

Council's above opinion is based on evidence presented to Council and search undertaken by Council's lawyers. If you have written evidence to the contrary, please do not hesitate send us a copy for consideration and review.

Should you require further assistance, please do not hesitate to contact myself.

Regards

Mursaleen

From: terry [mailto:info@pinncottage.com.au]
Sent: Monday, 14 August 2017 10:07 AM
To: Upper Lachlan Shire Council <council@upperlachlan.nsw.gov.au>
Cc: mail@rjmac.com.au
Subject: East Street

Your Reference F13/252-07

Reference :SD 2017/306

14/8/17

Rodney Wallace

Acting Director of Works and Operations

Upper Lachlan Shire Council

Re: East St Crookwell/ Railway Street

Dear Mr Wallace,

I spoke last week with Tim from McCarthy and Co after receiving their letter and attached map advising on council's process in the road transfer of the unformed road off East Street, known as Railway Street between situated between lots Lot 1DP943840 and lot3 DP1088470.

The map indicates the 3m wide drain entering into the area of an erosion hole, I indicated the drain will need to extend a short distance into the general flow of the creek.

After discussing Mr Churchill's challenge from council's maintenance, I contacted The Department of Primary Industries – lands.

The Department informed me the area comes under Councils authority and any decisions made in regards to the transfer is for Council to make.

You are welcome at any time to call and arrange a time to survey the area regarding the 3m wide drain and easement.

In the mean time I look forward to being further advised.

Sincerely

Terry Chamberlain

0421457135

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From: [Mursaleen Shah](#)
To: [terry](#)
Cc: [Upper Lachlan Shire Council](#)
Subject: RE: East Street
Date: Tuesday, 19 September 2017 9:05:29 AM

Dear Terry

Thank you for your email. Your request for the construction of drainage pipes and determination of the status of the land known as Railway Street has been referred to the Council for consideration. It is anticipated that a report will go to the Council meeting on 19 October 2017. You will be advised soon after Council makes its decision.

Additionally, you are requested to send your future email correspondence to the Council's email address council@upperlachlan.nsw.gov.au instead of individual Council staff. Community members are encouraged to use Council's email address for appropriate record keeping, and timely responses.

Please do not hesitate to contact Council should you require further assistance.

Regards

Mursaleen

From: terry [mailto:info@pinncottage.com.au]
Sent: Monday, 18 September 2017 5:22 PM
To: Mursaleen Shah <MS Shah@upperlachlan.nsw.gov.au>
Cc: Upper Lachlan Shire Council <council@upperlachlan.nsw.gov.au>
Subject: East Street

Dear Mursaleen

I received your attached letter and updated map today. The matter of the drainage pipes have already been dealt with and if you continue to wilfully stall it will be the subject of a code of conduct complaint.

The map provided for the easement after the matter was dealt with was inaccurate and required altering for accuracy, the creek marked incorrectly and the easement requiring to be extended.

The updated map has made no required alterations instead highlighted the status of Mr Churchill's property, for what purpose.

Sincerely

Therese Chamberlain

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For more information please visit <http://www.symanteccloud.com>

Works and Operations - 19 October 2017

ITEM 10.3 **Permanent Carparking Linemarking Goulburn Street Crookwell**

FILE REFERENCE **I17/543**

AUTHOR **Maintenance Support Officer**

ISSUE

Remarking of the parking bays in Crookwell's main street.

RECOMMENDATION That -

1. Council approve the remarking of the existing car parking within the Goulburn Street located between Spring Street and Roberts Street.

BACKGROUND

The current line marking aimed at regulating the car parking are not clearly visible and require maintenance.

REPORT

Line marking is known to increase the efficiency of space utilisation. While the works under streetscape are yet to be designed, it is important to consider maintenance of the existing measures.

The parking bay lines in Crookwell's main street need remarking, should Council wish to maintain it. Alternatively, Council can chose to remove the marking in order to reduce confusion.

The quoted cost for the line marking in the main street alone is \$1649.34. The scope works includes 46 parking bays, lines around 8 trees and 3 disabled parking bays. This work can be completed within two weeks after receiving confirmation to proceed with the work.

POLICY IMPACT

Assist with any enforcement of the car parking and potentially increase efficiency of utilisation.

There is no need for referral to the Local Traffic Committee as it is a maintenance activity.

Works and Operations

PERMANENT CARPARKING LINEMARKING GOULBURN STREET CROOKWELL cont'd

OPTIONS

Council may choose to remove the existing marking until a decision is made about the streetscape.


FINANCIAL IMPACT OF RECOMMENDATIONS

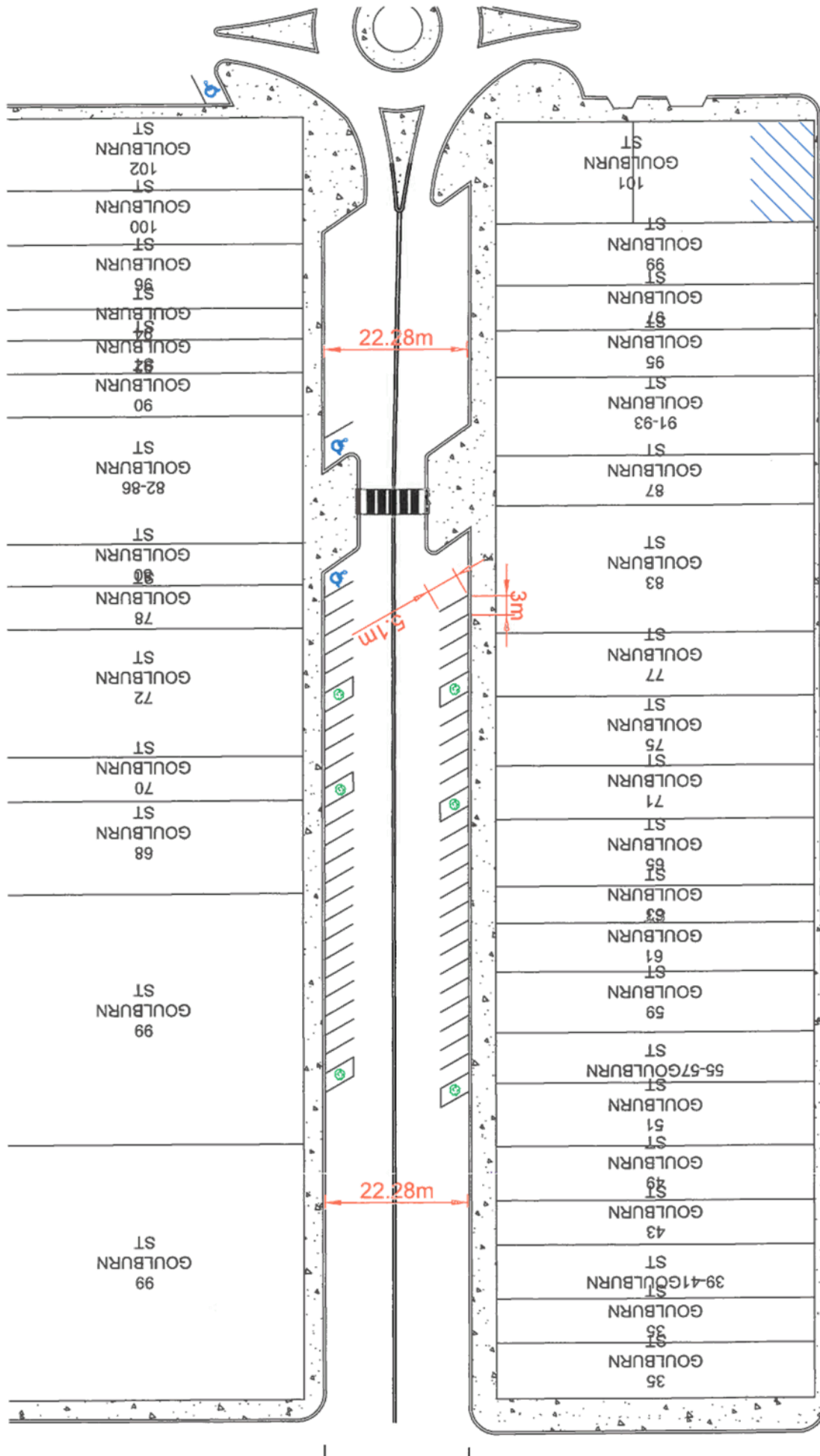
These funds included in the Regional Roads grants and provided for within the existing Operational Plan 2017/18 and there is no need for any additional funds.

RECOMMENDATION That -

1. Council approve the remarking of the existing car parking within the Goulburn Street located between Spring Street and Roberts Street.

ATTACHMENTS

1. 	Plan of Goulburn Street Crookwell Parking	Attachment
--	---	------------



GOLBURN STREET PARKING

Works and Operations - 19 October 2017

ITEM 10.4 **Water Supply and Sewerage Services Update**

FILE REFERENCE I17/589

AUTHOR **Manager of Operations**

ISSUE

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

RECOMMENDATION That -

1. Council receive the report and note the information.

BACKGROUND

Water supply and sewerage services update.

REPORT

Water Treatment and Consumption

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

Table 1 Water Usage

August 2017

Town	Total Usage (ML)	Average Daily Usage (kL/day)	Trend (kL/day)	Storage Capacity %
Crookwell	24.7	797	+45	100
Gunning	11.5	371	+16	100
Dalton	2.0	65	+4	100
Taralga	5.1	165	+7	100

September 2017

Town	Total Usage (ML)	Average Daily Usage (kL/day)	Trend (kL/day)	Storage Capacity %
Crookwell	23.0	766	-31	100
Gunning	11.6	386	+15	100
Dalton	2.0	66	+1	100
Taralga	5.2	173	+8	100

Water consumption remains steady, consistent with the season conditions. All water storages remain full to capacity.

Works and Operations

WATER SUPPLY AND SEWERAGE SERVICES UPDATE cont'd

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

Water systems in the respective towns are operating well.

Wastewater Treatment and Production

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

Table 2 Wastewater Production

August 2017

Towns	Total Flow (ML)	Average Daily Production kL/day	Trend kL/day
Crookwell	37.6	1213	+515
Gunning	4.1	132	+6
Taralga	3.6	116	+6

September 2017

Towns	Total Flow (ML)	Average Daily Production kL/day	Trend kL/day
Crookwell	27.0	898	-315
Gunning	3.9	130	-2
Taralga	3.4	113	-3

Flows remain low on account of the dry conditions.

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

Maintenance Activities

Maintenance tasks undertaken include mains flushing, the repair of leaking water services and maintaining and servicing treatment and pumping equipment. The September water meter read has now been completed.

Capital Projects

Crookwell Water Supply Upgrade

Construction of the Crookwell Water Treatment Plant has been completed with final equipment testing and staff training underway. The new system will come-on line following compliance checks and independent laboratory tests of water quality performance. This is expected to occur during October 2017. No interruptions to service are anticipated.

The project remains within budget and in accordance with the project and funding programs. Council staff are currently negotiating with infrastructure NSW seeking an

Works and Operations

WATER SUPPLY AND SEWERAGE SERVICES UPDATE cont'd

extension in scope of the project to utilise surplus funds which have resulted from costs savings in the project.

An official opening is proposed for November 2017, date to be confirmed subject to infrastructure NSW availability.

These works are part of the \$7M Crookwell Water Supply Upgrade Project, funded by Council's Water Fund reserve and the NSW Governments Restart NSW Fund Water Security for Regions Program.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

In accordance with the 2017/2018 Operational Plan.

RECOMMENDATION That -

1. Council receive the report and note the information.

ATTACHMENTS

Nil

Works and Operations - 19 October 2017

ITEM 10.5 **Reclassification of Goulburn to Oberon Road**

FILE REFERENCE **I17/544**

AUTHOR **Director of Works & Operations**

ISSUE

Providing details to Council around requesting the NSW State Government to reclassify Goulburn to Oberon Road (MR 256) as a State Highway.

RECOMMENDATION That –

1. Council requests the NSW State Government to reclassify the Goulburn to Oberon Road as a State Highway;
2. Council authorise Director of Works and Operations to undertake necessary steps to implement Council resolution.

BACKGROUND

Council has received a request from the Oberon Council requesting support for the reclassification of Goulburn to Oberon Road as a State Highway.

REPORT

Goulburn to Oberon Road passes through Taralga and is currently classified as a Regional Road. Reclassification is likely to increase funding for the road and this increase is likely to offset part of the Regional Road block grant.

Earlier, Council requested support from Goulburn Mulwaree Council, however, they have indicated that it is not a priority for them to support this reclassification.

POLICY IMPACT

Change of classification will change the road authority from Upper Lachlan Shire Council to Roads and Maritime Services. Any future works on the road will require agreement from Roads and Maritime Services.

This change will also impact on land use as land use change will need to be referred to the NSW State Government.

However, on balance, the proposed change if approved, could bring substantial investments into these road at no cost or risk to the Council.

Works and Operations

RECLASSIFICATION OF GOULBURN TO OBERON ROAD cont'd

OPTIONS

Council can chose to support or not support the proposal.

FINANCIAL IMPACT OF RECOMMENDATIONS

Council will lose part of the block grant proportional to the reduced length of road. However, it will increase overall investment in the road.

Subject to further negotiation with the NSW State Government, the change if approved, could also increase the financial commitment of Road Maintenance Council Contract (RMCC) for the Council.

RECOMMENDATION That –

1. Council requests the NSW State Government to reclassify the Goulburn to Oberon Road as a State Highway;
2. Council authorise Director of Works and Operations to undertake necessary steps to implement Council resolution.

ATTACHMENTS

Nil

11 FINANCE AND ADMINISTRATION

The following items are submitted for consideration -

11.1	Investments for the month of September 2017	170
11.2	Bank Balance and Reconciliation - 30 September 2017	174
11.3	Rates and Charges Outstanding at 30 September 2017	176
11.4	Rates and Charges Hardship Assistance Policy	178
11.5	2016/2017 Financial Statements and Independent Auditor's Reports Presentation	193

Finance and Administration - 19 October 2017

ITEM 11.1 **Investments for the month of September 2017**

FILE REFERENCE **I17/563**

AUTHOR **Manager of Finance and Administration**

ISSUE

Council Investment Portfolio Register as at 30 September 2017.

RECOMMENDATION That -

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

BACKGROUND

A schedule of the investment portfolio register and summary of available cash by fund as at 30 September 2017 is provided as information to Council.

REPORT

Investments to 30 September 2017

Investment Institution	Type	Investment Face Value	Interest Rate	Term Days	Maturity Date	Interest Due
CBA	Call	\$100,000	1.45%	N/A	30-09-17	\$1,074.59
Bank of Qld	TD	\$900,000	2.65%	215	18-10-17	\$14,048.63
Bank of Qld	TD	\$1,000,000	2.65%	229	25-10-17	\$16,626.03
Bank of Qld	TD	\$800,000	2.35%	121	20-12-17	\$6,232.33
Bank of Qld	TD	\$600,000	2.55%	154	03-01-18	\$6,455.34
Bank of Qld	TD	\$1,000,000	2.75%	364	31-01-18	\$27,424.66
Bank of Qld	TD	\$1,200,000	2.45%	154	07-02-18	\$12,404.38
Bankwest	TD	\$800,000	2.41%	84	04-10-17	\$4,437.04
Bankwest	TD	\$800,000	2.40%	119	15-11-17	\$6,259.73
Bankwest	TD	\$900,000	2.45%	168	06-12-17	\$10,149.04
Bankwest	TD	\$1,500,000	2.40%	147	17-01-18	\$14,498.63
Bankwest	TD	\$500,000	2.60%	364	26-09-18	\$12,964.38
Bendigo Bank	TD	\$600,000	2.50%	189	01-11-17	\$7,767.12
Bendigo Bank	TD	\$500,000	2.70%	364	29-11-17	\$13,463.01

Finance and Administration**INVESTMENTS FOR THE MONTH OF SEPTEMBER 2017 cont'd**

Bendigo Bank	TD	\$1,000,000	2.40%	175	14-02-18	\$11,506.85
Bendigo Bank	TD	\$800,000	2.40%	154	21-02-18	\$8,100.82
Bendigo Bank	TD	\$700,000	2.50%	273	30-05-18	\$13,089.04
Bendigo Bank	TD	\$1,200,000	2.55%	364	15-08-18	\$30,516.16
CBA	TD	\$1,000,000	2.48%	181	21-03-18	\$12,298.08
CBA	TD	\$1,000,000	2.52%	245	02-05-18	\$16,915.07
CBA	TD	\$1,000,000	2.53%	307	06-06-18	\$21,279.73
CBA	TD	\$1,000,000	2.62%	362	12-09-18	\$25,984.66
IMB	TD	\$1,000,000	2.50%	126	08-11-17	\$8,630.14
IMB	TD	\$900,000	2.40%	91	13-12-17	\$5,385.21
IMB	TD	\$1,000,000	2.40%	133	10-01-18	\$8,745.21
IMB	TD	\$1,300,000	2.40%	154	24-01-18	\$13,163.84
NAB	TD	\$800,000	2.59%	182	11-10-17	\$10,331.62
NAB	TD	\$500,000	2.80%	366	10-11-17	\$14,038.36
NAB	TD	\$1,100,000	2.80%	364	22-11-17	\$30,715.62
NAB	TD	\$1,400,000	2.45%	126	13-12-17	\$11,840.55
NAB	TD	\$1,500,000	2.53%	362	06-06-18	\$37,638.08
NAB	TD	\$500,000	2.53%	364	27-06-18	\$12,615.34
Westpac	TD	\$500,000	2.51%	365	27-04-18	\$12,550.00
Westpac	TD	\$400,000	2.35%	367	21-08-18	\$9,451.51
		\$29,800,000				\$468,600.80

COUNCIL INVESTMENT PERFORMANCE: -**BUDGET COMPARISON TO 30 SEPTEMBER 2017**

Interest on Investments Received YTD	\$171,086
Annual budgeted amount for all funds	\$581,500
Percentage of Interest Received YTD	29.42%
Percentage of Year Elapsed	25.21%

BBSW COMPARISON TO 30 SEPTEMBER 2017

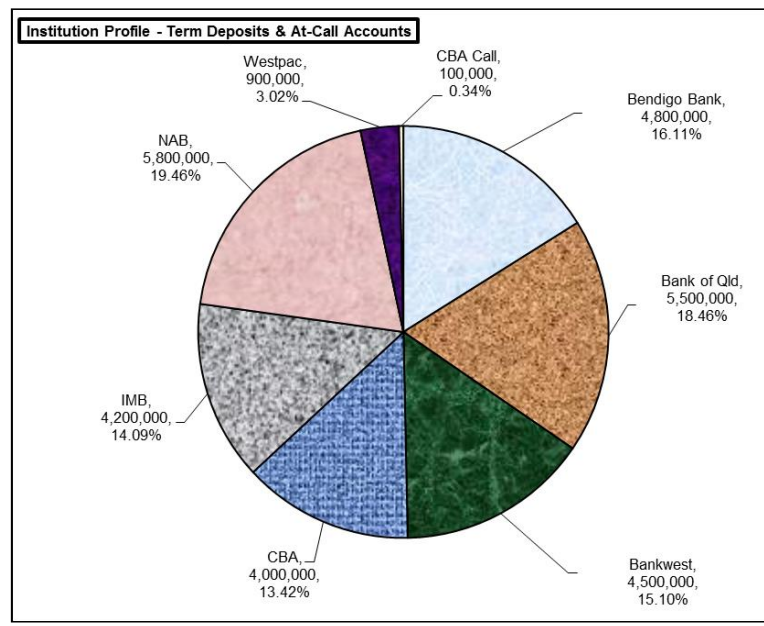
Average market interest rate (90 day BBSW)	1.74%
Average return on all investments	2.40%

The above investments have been made in accordance with Section 625, of the Local Government Act 1993, the Local Government Regulations, the Ministerial Investment Order and the Council's Investment Policy.

INVESTMENTS FINANCIAL INSTITUTION PROFILE AS AT 30 SEPTEMBER 2017

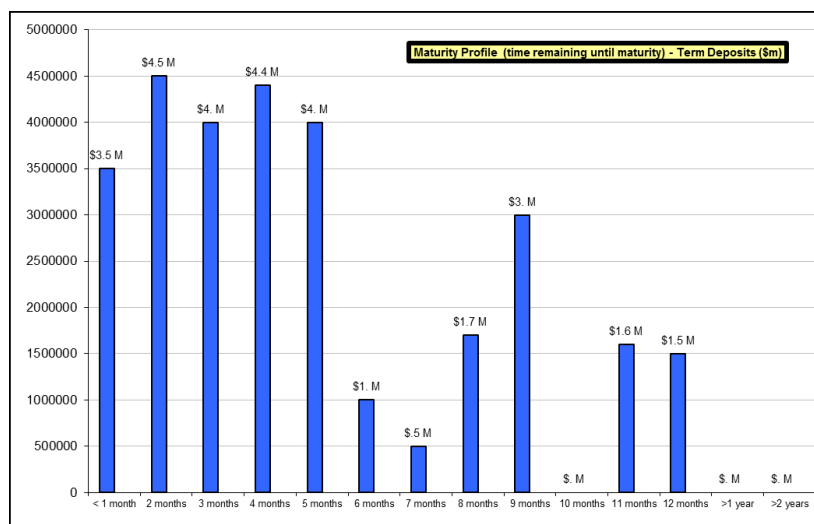
The following chart shows the current distribution of Council's investment portfolio between the authorised financial institutions used. The current distribution of funds between institutions complies with Council's Investment Policy which states:-

"The maximum percentage that may be held in term deposits with any one financial institution is 25% of the portfolio, and the maximum to be held in at-call accounts be no more than 15%."



INVESTMENTS - MATURITY PROFILE AS AT 30 SEPTEMBER 2017

The following chart illustrates the maturity profile of Council's investment portfolio showing the amount of time remaining until current term deposits mature. This demonstrates that Council's investing activities should meet future cash flow requirements.



SUMMARY OF AVAILABLE CASH AT 30 SEPTEMBER 2017

TOTAL INVESTMENTS: - \$ 29,800,000.00

INVESTMENTS BY FUND (INCLUDES RESTRICTED AND UNRESTRICTED CASH): -

General Fund Reserves	\$ 21,729,519.98
Water Supply Fund Reserves	\$ 1,915,725.13
Sewerage Fund Reserves	\$ 4,139,910.38
Domestic Waste Management Fund Reserves	\$ 2,006,071.17
Trust Fund Reserves	\$ 8,773.34

POLICY IMPACT

Investments are in accordance with Council's Investment Policy and Strategy.

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

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

ATTACHMENTS

Nil

Finance and Administration - 19 October 2017

ITEM 11.2 **Bank Balance and Reconciliation - 30 September 2017**

FILE REFERENCE I17/562

AUTHOR **Director of Finance and Administration**

ISSUE

Statement of Bank Balance and Reconciliation – 30 September 2017.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

Nil

REPORT

30 September 2017

<u>STATEMENT OF BANK BALANCE & RECONCILIATION</u>	\$
General Ledger balance brought forward 31 August 2017	1,002,870.16
Add: Receipts for September 2017	3,291,943.73
	<u>4,294,813.89</u>
Deduct: Payments for September 2017	3,878,976.30
Balance as at 30 September 2017	<u>415,837.59</u>
Balance as per Bank Statement 30 September 2017	428,502.51
Add: Outstanding Deposits	1,642.79
	<u>430,145.30</u>
Deduct: Unpresented Cheques / EFTs	14,307.71
Balance as at 30 September 2017	<u>415,837.59</u>

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

Finance and Administration

BANK BALANCE AND RECONCILIATION - 30 SEPTEMBER 2017 cont'd

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

Nil

Finance and Administration - 19 October 2017

ITEM 11.3 **Rates and Charges Outstanding at 30 September 2017**

FILE REFERENCE I17/561

AUTHOR **Director of Finance and Administration**

ISSUE

Rates and Charges 2017/2018 Outstanding Report as at 30 September 2017.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

Summary report of Rates and Charges outstanding at 30 September 2017 is detailed.

REPORT

The 2017/2018 financial year comparison to previous financial years for the rates and charges outstanding is highlighted in the below table as at 30 September 2017:-

Description	30/09/2017	30/09/2016	30/09/2015
Total % Rates and Charges Outstanding	60.03%	60.25%	60.14%
Total \$ Amount Rates and Charges Outstanding	\$6,907,134	\$6,546,463	\$6,366,097

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

1. ↓	Rate Collection by Year - October 2017	Attachment
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Rate Collection 2018 Year

Rating Categories	Levy Raised to date	Rates Received to 30 September 2017	Rates Outstanding to 30 September 2017	% Rates Outstanding 30 September 2017
Farmland	4,779,010.12	1,880,635.54	2,898,374.58	60.65%
Residential	1,175,251.12	440,041.42	735,209.70	62.56%
Rural Residential	637,148.69	280,168.79	356,979.90	56.03%
Business	515,292.00	227,860.90	287,431.10	55.78%
Mining	1,767.10	1,767.10	-	0.00%
Water	867,725.82	342,849.67	524,876.15	60.49%
Sewerage	1,386,513.17	534,036.09	852,477.08	61.48%
Domestic & Comm Waste	1,104,070.66	440,955.85	663,114.81	60.06%
Rural Waste	596,343.00	235,306.84	361,036.16	60.54%
Storm Water	46,071.30	30,802.49	15,268.81	33.14%
** Arrears	397,399.09	185,032.62	212,366.47	53.44%
Overall Total Rates	11,506,592.07	4,599,457.31	6,907,134.76	60.03%

Prepared by

P Cronley

Date

31/10/17

Authorised by

159/pta

Date

6/10/17

I:\2017-2018\Rates\Recs\%outst_September 30 -2017

Finance and Administration - 19 October 2017

ITEM 11.4 **Rates and Charges Hardship Assistance Policy**

FILE REFERENCE **I17/571**

AUTHOR **Director of Finance and Administration**

ISSUE

Review of Council's Rates and Charges Hardship Assistance Policy.

RECOMMENDATION That -

1. Council adopts the reviewed Rates and Charges Hardship Assistance Policy.

BACKGROUND

The Rates and Charges Hardship Assistance Policy was last reviewed on 18 September 2014.

REPORT

Changes to the reviewed Rates and Charges Hardship Assistance Policy are highlighted as follows:

- Red – proposed deletion.
- Yellow – proposed update.

POLICY IMPACT

Review of an existing Council policy.

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council adopts the reviewed Rates and Charges Hardship Assistance Policy.

ATTACHMENTS

1. ↓	Rates and Charges Hardship Assistance Policy - Date Adopted 18 September 2014 - Resolution 287/14 - Review 2017	Attachment
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POLICY:-	
Policy Title:	Rates and Charges Hardship Assistance Policy
File Reference:	F10/618-04
Date Policy was adopted by Council initially:	22 September 2005
Resolution Number:	277/05
Other Review Dates:	20 August 2009, 15 September 2011 and 18 September 2014
Resolution Number:	331/09, 360/11 and 287/14
Current Policy adopted by Council:	19 October 2017
Resolution Number:	XXX/17
Next Policy Review Date:	2020

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

RESPONSIBILITY:-	
Draft Policy developed by:	Director of Finance and Administration
Committee/s (if any) consulted in the development of this Policy:	N/A
Responsibility for implementation:	Director of Finance and Administration
Responsibility for review of Policy:	Director of Finance and Administration

OBJECTIVES

1. To provide assistance to ratepayers and other debtors, experiencing genuine financial hardship, with the payment of their rates and annual charges;
2. Be sympathetic and empathetic to the welfare of ratepayers and residents of the Shire experiencing genuine financial hardship;
3. To assist in the protection of a ratepayer's place of residency;
4. To provide an administrative process to determine hardship applications; and
5. Fulfil the statutory requirements of the Local Government Act 1993 with respect to hardship applications.

POLICY

Any ratepayer who cannot pay their rates or charges for reason of genuine financial hardship can apply to Council for assistance at any time. Each individual case will be considered on its merits.

The criteria used to determine eligibility is the following:-

- In the context of financial hardship, consideration will be given to personal and family circumstances including age, physical or mental disability, injury and illness of the resident ratepayer or family members living with him/her;
- The ratepayer is to provide reasons and reasonable proof of financial hardship;
- The ratepayer must own the property and also occupy the property as their principal place of residence;
- The ratepayer will suffer financial hardship if required to pay rates and charges when they fall due;
- The amount of rates levied compared to the average rate of the rate category;
- The amount of any rate increase when compared to the average rate increase for the rate category;
- The ratepayer is required to provide Council with details of their income and expenses from all sources, with supporting evidence as required by Council;
- Provide current bank account statements; and
- Provide estimated value of ownership of property, investments and all asset classes.

The assistance provided will be determined under the legal requirements of the Local Government Act 1993.

BACKGROUND

Council recognises that due to exceptional circumstances certain ratepayers do encounter difficulty in paying their rates and charges. The Local Government Act 1993 allows Council to provide a range of measures to assist those ratepayers in cases of genuine financial hardship.

HARDSHIP PROVISIONS

The Local Government Act 1993 provides Council with two options for providing assistance to ratepayers who are finding it difficult to pay their rates and charges because of financial hardship. A summary of the options is as follows:-

Section 601, of the Local Government Act 1993

Any ratepayer who incurs a rate increase in the first year following a revaluation of land can apply to Council for rate relief if the increase in the amount of rates payable would cause them substantial hardship.

Council has the discretion to waive, reduce or defer the payment of the whole or any part of the increase in the amount of the rate payable.

Council set the period of time for when ratepayer applications can be made under this Section be limited to within three months of receipt of the their first instalment notice.

Sections 564 and 567, of the Local Government Act 1993

Council can enter into payment agreements with ratepayers, who cannot meet their instalment payments and may write off interest charges.

STATEMENT OF PROCEDURES

- Council requires a signed written application for the purpose of applying for financial hardship assistance.
- Council senior management shall interview the applicant.
- The financial hardship application and senior management recommendation will be referred to the General Manager who is delegated the authority to make the determination.
- The ratepayer will be informed of the General Manager's decision and advised that if they are not satisfied with the outcome they may request their application be tabled to Council for reconsideration.
- After the Council reconsiders the application and makes a decision the ratepayer has no further right to appeal.
- A ratepayer can enter into payment agreements with delegated officers of Council under Sections 564 and 567, of the Local Government Act 1993.

- In cases where severe financial hardship is established Council may waive interest charges for a period of time.

Once Council determination is made of rate relief following assessment of the above information, the maximum assistance to be granted to the ratepayer is to be a repayments scheme over a three-year period with no interest charges applied.

CONFIDENTIALITY OF APPLICATION

Council shall ensure that all data collected in the application for hardship relief process will be dealt with by way of the Council's Privacy Management Plan. Council will at all times adhere to privacy and confidentiality laws and legislation.

RELATED LEGISLATION AND COUNCIL POLICY AND PROCEDURES

Reference should be made to the following legislation, guidelines and policy documents when reading this policy:-

- Local Government Act 1993 (as amended);
- Local Government (General) Regulations 2005;
- Office of Local Government Rating and Revenue Raising Manual;
- **Local Government Shires Association Guidelines for a Council Rates Hardship Policy 2011;**
- Independent Commission against Corruption Act (ICAC) 1988;
- Anti Discrimination Act 1977;
- NSW State Records Act 1998;
- Government Information (Public Access) Act 2009;
- Privacy and Personal Information Protection Act 1998;
- Council's Debt Recovery Policy;
- Council's Pensioner Concession Policy;
- Council's Fraud and Corruption Prevention Policy;
- Council's Code of Business Practice;
- Council's Complaints Management Policy;
- Council's Privacy Management Plan;
- Council's Code of Conduct;
- Council's Delegations of Authority Policy; and
- Council's instrument of delegations from the General Manager to Council staff.

VARIATION

Council reserves the right to vary the terms and conditions of this policy.

Please answer all questions relevant to you using block letters and ticking appropriate boxes

COUNCIL RATES:

RATE ASSESSMENT NUMBER: REFERENCE NUMBER:

I

.....
(full name in block letters)

of:

.....
(current address)

Telephone No: ()

apply for hardship rate relief

For the purposes of this application, I state the following information which I believe to be correct.

PERSONAL DETAILS

D.O.B:

Are you:

☐ Single

☐ Married

☐ De Facto

Postal Address:

.....

Telephone Number: ()

Time at above address:

.....

Do you propose to change residence?

☐ Yes

☐ No

EMPLOYMENT DETAILS

Employers Name:

.....

Address:

.....

Telephone No: ()

Job Title:

.....

SPOUSE DETAILS

Partner's Full Name:

.....

of

Partner's Employment:

.....

(Name and Address Details)

DEPENDANTS

Number of dependants: Age/s:

PENSION/BENEFIT DETAILS

Do you receive any pensions or benefits? ☐ Yes ☐ No

If **YES**, state the pension or benefit and how much received per week:

..... \$

..... \$

..... \$

Do you have a current Pensioner Concession Card? ☐ Yes ☐ No

If **YES**, state Card Number:

Date of Grant of card:

OWNERSHIP OR RESIDENCE DETAILS

Is this property your sole or principal place of living? (i) ☐ Yes ☐ No

Do you rent the property? (ii) ☐ Yes ☐ No

Do you own the property: (iii)

by yourself? ☐ Yes ☐ No

with a spouse? ☐ Yes ☐ No

with other person/persons? ☐ Yes ☐ No

If answers at items (ii) and/or (iii) is **YES**, state name(s) and address(es) of other owner(s) and the proportion of ownership held by each person.

.....

.....

.....

(Please attach evidence of joint ownership)

Is the property owned as shares in a company title? ☐ Yes ☐ No

How many people live at the property? **Indicate by ticking below**

☐ Self ☐ Spouse ☐ children (state ages)

.....

Others – insert number boarders..... relatives.....other (please specify)

Do you own or have an interest in any other land or buildings? ☐ Yes ☐ No

If **YES** state Address (es):

.....

.....

INCOME

State gross weekly amount received in dollars and cents

	Self	Spouse
Net wage	\$.....	\$.....
How much do you receive in pensions and benefits?	\$.....	\$.....
How much do you receive in compensation, superannuation, insurance or retirement benefits?	\$.....	\$.....
State income derived from any other member of the family or other person residing at the property?	\$.....	\$.....
Other sources of your income (i.e. full/casual/ part-time employment etc):	\$.....	\$.....
Family allowance:	\$.....	\$.....
State name and current balance of any bank, building society, credit union, savings accounts, etc:		
.....	\$.....	\$.....
.....	\$.....	\$.....
.....	\$.....	\$.....
(Please attach evidence of account balances)		
Interest from banks, credit unions, building societies, investments, etc.:	\$.....	\$.....

ASSETS

Please indicate:

Asset	Age	\$ Value	\$ Loan Amount
Your Property	\$.....	\$.....

Car	.....	\$.....	\$.....
Caravan	.....	\$.....	\$.....
Boat	.....	\$.....	\$.....
Household goods	.....	\$.....	\$.....
Furniture & Household effects	.....	\$.....	\$.....
Electrical	.....	\$.....	\$.....
Antiques/Art	.....	\$.....	\$.....
Coins/Stamps	.....	\$.....	\$.....
Other motor vehicle	.....	\$.....	\$.....
Shares/Investments	.....	\$.....	\$.....

OTHER DETAILS

What is the cause of financial hardship?

.....

How long have you experienced hardship?

.....

OUTGOING EXPENSES

State weekly amount spent in dollars and cents

Rent, board or home loan:

..... \$
 (address of property)

Second and other mortgages:

..... \$
 (address of property)

Personal Loans/Hire Purchase (not credit cards or charge cards):

..... \$

Health costs (where there is serious illness):

..... \$

Council rates and charges (amount now due):

..... \$

Home insurance:

..... \$

Do you have leased business premises? ☐ Yes ☐ No

OUTGOING EXPENSES continued

Financial summary of regular expenses:

Rates-Council/Water	\$	Strata Levies	\$
Gas/Electricity	\$	Telephone	\$
Fares/Transport	\$	Petrol	\$
School Expenses	\$	Insurance contents	\$
Medical/Health	\$		

Living Expenses:

Clothing	\$	Personal	\$
Cash	\$	Entertainment	\$
Insurance/Other	\$	Car Maintenance	\$
Registration	\$	Food	\$
Superannuation	\$	Subscriptions	\$

Credit Cards/Personal Loans:

Credit Cards:

Visa/MasterCard/Amex/Bankcard

With

Card No:

Balance on card: \$

Personal Loans:

Personal Loan/Car Loan

With

Loan No:

Balance on loan: \$

Other relevant information (to be completed if you feel it will assist your application)

.....

.....

(attach a separate page if insufficient space)

AUTHORITY FOR INFORMATION TO CONFIRM ELIGIBILITY

I authorise the Council to receive, and Centrelink and/or the Department of Veterans' Affairs to give to the Council, the information which is necessary for the Council to decide whether I am eligible for a hardship rate relief in relation to the property, which I have given as my address.

.....SignedDate

PRIVACY AND PERSONAL INFORMATION PROTECTION ACT, 1998

Compliance with Section 10

The information contained in this application form and any information requested for the purpose of assessing eligibility for a pensioner concession is required under the *Local Government Act 1993* and the *Local Government (General) Regulations 2005*. This information is required before your application for hardship rate relief can be processed.

The information in your application and any information the Council obtains for the purpose of assessing this application is private and confidential. The Council will hold this information.

The Council must not disclose your personal information to any person or body if it is not directly related to the purpose for which the information was collected.

If you have a complaint about the use of your personal information, please contact the Council's Director of Finance and Administration.

The information contained or referred to in this application form may be amended and updated by you, by contacting the Council.

You should now submit this application form to the Council for consideration. The Council will advise you of its decision as soon as practicable.

Each individual case will be considered on its merits in accordance with Council's Rates and Charges Hardship Assistance Policy.

If you make a false statement in an application you may be guilty of an offence and fined up to \$2,200.

For Council Use Only

APPLICATION IS / IS NOT APPROVED UNDER SECTION 601 of the Local Government Act 1993 (hardship resulting from valuation change).

Total average weekly income \$.....

Total Assets \$.....

Current Year's General Purpose Rating Category
.....

Current Year's General Purpose Rates \$.....

Previous Year's General Purpose Rates \$.....

Increase in General Purpose Rates% \$.....

Average Annual General Purpose Rates
in the above category \$.....

Average Annual Increase in General
Purpose Rates in the above category% \$.....

APPLICATION IS / IS NOT APPROVED UNDER SECTION 564 of the Local Government Act 1993 (agreement for periodical payment of rates and charges).

Complete the attached "Arrangement for the regular payment of Rates & Charges" form.

APPLICATION IS / IS NOT APPROVED UNDER SECTION 567 of the Local Government Act 1993 (writing off accrued interest on rates & charges).

Is the writing off of interest charges conditional on regular payments of Rates and Charges?

☐ Yes ☐ No

If Yes, complete the attached "Arrangement for the regular payment of Rates and Charges" form.

Interest free period to commence (Date)

Other arrangement

Interest free period to cease (Date)

Other arrangement

Applicant advised (Date)

UPPER LACHLAN SHIRE COUNCIL

Arrangement for the regular payment of Rates and Charges

(In accordance with Section 564, of the Local Government Act 1993)

Assessment No:

Ratepayer/s:

Address:

Daytime Telephone No.

Property Description: (Lot & DP)

Total Amount Owning
 As At

Interest currently accruing at:
.....% per annum

Agreed Payment Details

Frequency:

Amount:

Payments to commence:

I/We undertake to make the regular payments detailed above until such time as all Rates and Charges on the above mentioned assessment are paid in full, and acknowledge that failure to make the payments as agreed will result in forfeiture of this agreement and that Council may then initiate Legal Action for the recovery of outstanding Rates and Charges. Any relief from interest charges granted under the Hardship Rate Relief Provisions may be retrospectively withdrawn upon failure to comply with this agreement.

Ratepayer/s: Council Officer/Witness:

Date:

Finance and Administration - 19 October 2017

ITEM 11.5 **2016/2017 Financial Statements and Independent Auditor's Reports Presentation**

FILE REFERENCE I17/555

AUTHOR **Director of Finance and Administration**

ISSUE

Upper Lachlan Shire Council's 2016/2017 Financial Statements and Independent Auditor's Report presentation to the public.

RECOMMENDATION That -

1. Council endorses the Audit Office of NSW external Independent Auditor's Report and Independent Report on the Conduct of the Audit for the 2016/2017 Financial Statements.

BACKGROUND

In accordance with Section 418 (1) (b), of the Local Government Act 1993, Council fixed the date and gave public notice of the presentation of the Financial Statements and external Independent Auditor's Report at the Ordinary Council Meeting on 19 October 2017.

REPORT

Audit Office of NSW, through appointed contractor Intentus Chartered Accountants completed the Independent Auditor's Reports with respect to Council's annual General Purpose Financial Statements, Special Purchase Financial Statements, Permissible General Income and Conduct of the Audit. The audit visitation on site of Council's 2016/2017 Financial Statements was completed on 4-6 September 2017.

Leanne Smith, a Director of Intentus Chartered Accountants, will attend the Ordinary Council Meeting on the 19 October 2017, and deliver a presentation of the Auditor's Report with respect to the Financial Statements for the period ending 30 June 2017.

A complete copy of the audited Independent Auditor's Reports are attached to this report and the Financial Statements are available on the Councillors iPads as an Appendix to this report.

Section 420 (2), of the Local Government Act 1993, provides that submissions to the Financial Statements must be in writing and submissions close seven days after the Financial Statements are presented at the public meeting. Any submissions received will be referred to Council's auditors for comment and/or action as necessary.

Finance and Administration

2016/2017 FINANCIAL STATEMENTS AND INDEPENDENT AUDITOR'S REPORTS PRESENTATION cont'd

The 2016/2017 Financial Statements have been prepared in compliance with:-

- The Local Government Act 1993 (as amended) and Regulations made there under;
- The Local Government Code 24 of Accounting Practice and Financial Reporting Guidelines; and
- The Australian Accounting Standards and professional pronouncements.

To the best of my knowledge and belief these Financial Statements:-

- Present fairly the Council's operating result and financial position for the year; and
- Accords with Council's accounting and other records.

Financial Performance

The result of Upper Lachlan Shire Council's operations in the Income Statement for the year ended 30 June 2017 is summarised as follows: - the Net Operating Result from all Council Activities totals \$11.768 million surplus. The Net Operating Result for the year, before capital grants and contributions, totals a \$5.221 million operating surplus. Council had originally budgeted for an operational budget surplus of \$2.101 million.

It should not be interpreted that Council had a cash surplus of \$11.768 million. Capital grants and contributions income of \$6.547 million are restricted for the purposes of specific capital works projects for which the grant funds were provided. Also of note, is that \$2.2 million of the 2017/2018 Financial Assistance Grants were paid in advance in 2016/2017 and favourably increases or distorts the operating result by that amount.

Details of the material variations, of greater than 10%, to the original budget estimate for both revenues and expenses are outlined in Note 16 to the Financial Statements.

Financial Position

Upper Lachlan Shire Council is at present in a sound financial position to meet all provisions and liabilities. Note 13 Statement of Performance Measurement to the Financial Statements and Special Schedule 7 Report on Infrastructure Assets provides further information which outline the financial management and sound financial position of Council and comparison to previous year's results.

Note 6 (c) to the Financial Statements details the cash, cash equivalents and investments totalling \$30.321 million. This note details external cash restrictions, i.e. restrictions for water supply, sewerage, Section 94 contributions, unexpended grants and domestic waste, totals \$11.617 million. The internal cash restrictions total \$13.036 million, i.e. employee leave entitlements, plant replacement, IT reserves, uncompleted carryover works, gravel pit and rubbish tip remediation and buildings and infrastructure reserves. There is \$5.668 million in unrestricted cash.

In the Financial Statements there was the revaluation of Water Supply and Sewerage asset classes "at fair value" as at 30 June 2017. The Office of Local Government specifies that the revaluation of Council individual asset classes is to be conducted at least once every five (5) years."

Finance and Administration**2016/2017 FINANCIAL STATEMENTS AND INDEPENDENT AUDITOR'S REPORTS
PRESENTATION cont'd****Income Statement by Fund**

Note 21 to the Financial Statements provides the consolidated net operating result for the year compared to budget estimate, before capital grants and contributions, and the Special Purpose Financial Statements further divides the operations into net operating result by each individual fund as follows:-

Operating Result by Fund Budget (Before capital grants)	Actual (\$'000)	Budget (\$'000)	Material Variance to
General Fund payment advance	\$4,626	\$1,901	2017/18 FAG Increase Roads to Recovery
Water Supply Fund	\$ 143	\$ 35	Minor variations to budget
Sewerage Fund	\$ 214	\$ 165	Minor variations to budget
Domestic Waste Fund expenses	<u>\$ 238</u>	<u>\$ 0</u>	Lower operating
Total Consolidated Result	<u>\$5,221</u>	<u>\$2,101</u>	

<u>2016/2017 Financial Statements</u>		2017 Current (\$'000)	2016 Previous (\$'000)
INCOME STATEMENT:			
Total - Income from Continuing Operations		31,024	29,268
Total - Expenses from Continuing Operations		25,803	25,443
Net Operating Result before Grants and Contributions			
provided for capital purposes		5,221	3,825
Total - Income from Capital Grants and Contributions		6,547	1,895
NET OPERATING RESULT FOR THE YEAR		11,768	5,720
STATEMENT OF FINANCIAL POSITION:			
Total - Current Assets		33,642	27,550
Total - Current Liabilities		(7,721)	(6,137)
Net - Current Assets		25,921	21,413
Total - Non-Current Assets		392,422	385,859
Total - Non-Current Liabilities		(2,707)	(2,904)
Net - Non-Current Assets		389,715	382,955
TOTAL EQUITY		415,636	404,368
OTHER FINANCIAL INFORMATION:			
Unrestricted Current Ratio	Ratio	5.14	6.40
Debt Service Cover Ratio	Ratio	25.52	22.37
Operating Performance Ratio	Percentage	16.47%	13.01%
Rates and Annual Charges Outstanding Ratio	Percentage	3.35%	2.36%
Infrastructure Renewals Ratio	Percentage	136.54%	148.04%

Fit for the Future OLG Benchmarks

Measure/Benchmark – General Fund *(Ratio is an average over 3 years)	2016/2017 Result	2015/2016 Result
Operating Performance Ratio*	✓	✓
Own Source Operating Revenue Ratio*	✓	✓
Infrastructure Asset Renewals Ratio*	✓	✓
Infrastructure Backlog Ratio (one year)	✗	✓
Asset Maintenance Ratio*	✓	✓
Debt Service Cover Ratio*	✓	✓
Real Operating Expenditure Per Capita	✓	✓

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

The Financial Statements show the financial performance and financial position of Upper Lachlan Shire Council as at 30 June 2017.

RECOMMENDATION That -

1. Council endorses the Audit Office of NSW external Independent Auditor's Report and Independent Report on the Conduct of the Audit for the 2016/2017 Financial Statements.

ATTACHMENTS

1. ↓	Audit Office of NSW - Independent Auditor's Reports 2016/2017 Financial Statements	Attachment
2. ⇒	Upper Lachlan Shire Council - Financial Statements 2016/2017 - Final Audited Copy	Appendix

Our insights inform and challenge government to improve outcomes for citizens



The Mayor
Councillor Brian McCormack
c/- Upper Lachlan Shire Council
PO Box 42
GUNNING NSW 2581

Contact: Karen Taylor
Phone no: (02) 92757311
Our ref: D1725213/1797

10 October 2017

Dear Mr Mayor

Report on the Conduct of the Audit for the year ended 30 June 2017 Upper Lachlan Shire Council

I have audited the general purpose financial statements of the Upper Lachlan Shire Council (the Council) for the year ended 30 June 2017 as required by s415 of the *Local Government Act 1993* (the Act).

I expressed an unmodified opinion on the Council's general purpose financial statements.

This Report on the Conduct of the Audit (the Report) for the Council for the year ended 30 June 2017 is issued in accordance with section 417 of the Act. This Report should be read in conjunction with my audit opinion on the general purpose financial statements issued under section 417(2) of the Act.

INCOME STATEMENT

Operating result

	2017 \$m	2016 \$m	Variance %
Rates and annual charges revenue	9.9	9.7	2.1 ↑
Grants and contributions revenue	17.9	10.8	65.7 ↑
Operating result for the year	11.8	5.7	107.0 ↑
Net operating result before capital amounts	5.2	3.8	36.8 ↑

The growth in rates and annual charges is consistent with the rate pegging of 1.5 per cent, combined with increases in annual charges, consistent with Council's operational plan.

User charges and fees decreased in 2017 with less work undertaken on State Roads on behalf of the Roads and Maritime Services and lower quarry operations revenue.

Our insights inform and challenge government to improve outcomes for citizens



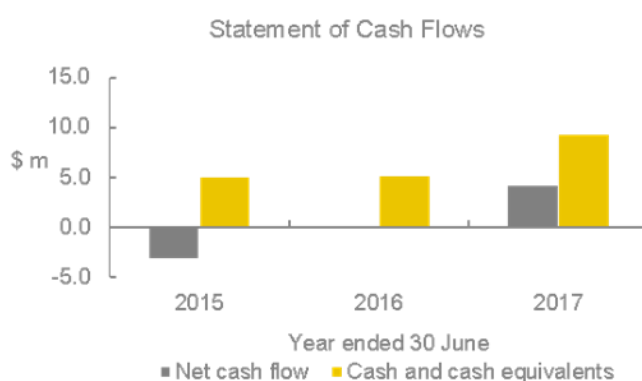
Operating grants and contributions were higher at \$11.4 million (\$8.9 million in 2016), mainly due to the \$2.3 million advance payment of the Financial Assistance Grant for 2018, received in 2017. Council also received \$0.8 million in natural disaster funding to repair damaged road infrastructure.

Capital grants and contributions increased from Council received \$4.4 million in capital grant funding for the new Crookwell Water Treatment plant, which will become operational in the 2017-2018 financial year.

The General, Water and Sewer Funds all contributed positively to the operating result (see Note 21).

STATEMENT OF CASH FLOWS

The net cash inflow for 2017 was \$4.2 million (inflow of \$0.2 million in 2016), due mostly to the increased level of grants and contributions, including advanced financial assistance grants, compared to 2016.



FINANCIAL POSITION

Cash and Investments

Restricted Cash and Investments	2017	2016	Commentary
	\$m	\$m	
External restrictions	11.6	10.5	Externally restricted balances include unexpended developer contributions, water, sewer and domestic waste management charges.
Internal restrictions	13.0	9.4	
Unrestricted	5.7	5.4	Balances are internally restricted due to Council policy or decisions for forward plans including works program. Unrestricted balances provide liquidity for day-to-day operations.
Cash and investments	30.3	25.3	

Our insights inform and challenge government to improve outcomes for citizens



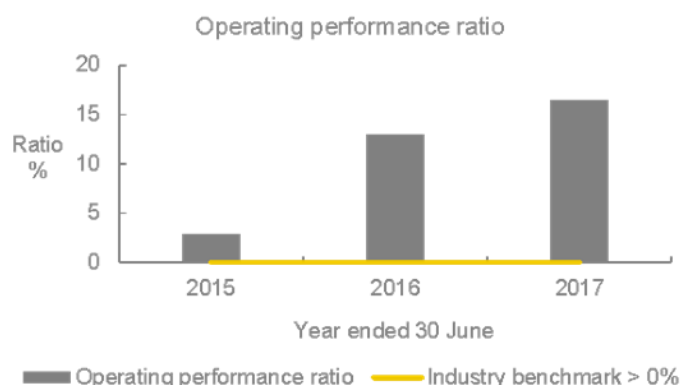
PERFORMANCE RATIOS

The definition of each ratio analysed below (except for the 'building and infrastructure renewals ratio') is included in Note 13 of the Council's audited general purpose financial statements. The 'building and infrastructure renewals ratio' is defined in Council's unaudited Special Schedule 7.

Operating performance ratio

The council, has proactively managed its budget to exceed the benchmark.

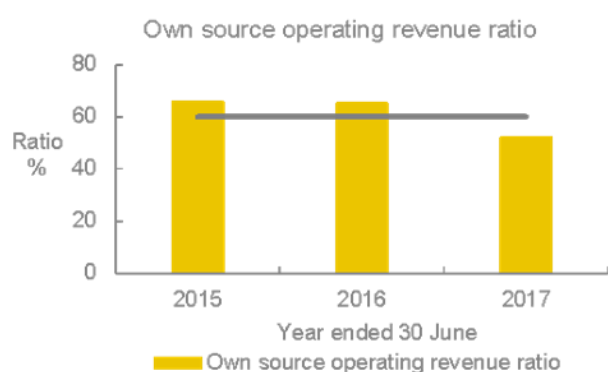
The 'operating performances ratio' measures how well council contained operating expenditure within operating revenue (excluding capital grants and contributions, fair value adjustments, and reversal of revaluation decrements). The benchmark set by the Office of Local Government (OLG) is greater than zero per cent.



Own source operating revenue ratio

The increased level of operating and capital grants and contributions has the effect of decreasing council's own source revenue ratio.

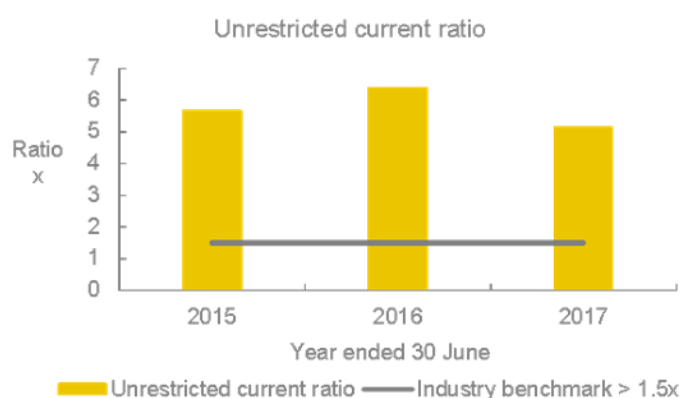
The 'own source operating revenue ratio' measures council's fiscal flexibility and the degree to which it relies on external funding sources such as operating grants and contributions. The benchmark set by OLG is greater than 60 per cent.



Unrestricted current ratio

Council effectively manages its liquidity to consistently exceed the benchmark of 1.5 times. However, this ratio is inflated by high levels of gravel stocks, which whilst current, are not as liquid as other current assets. Short term obligations remain low.

The 'unrestricted current ratio' is specific to local government and represents council's ability to meet its short-term obligations as they fall due. The benchmark set by OLG is greater than 1.5 times.



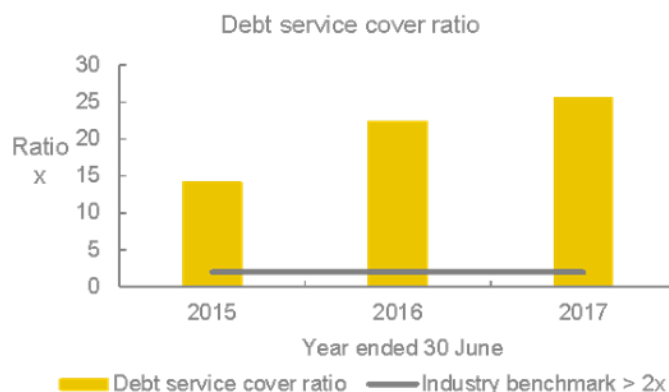
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Debt service cover ratio

This ratio has improved and is well above the benchmark as Council continues to repay existing loans and not draw down additional funds.

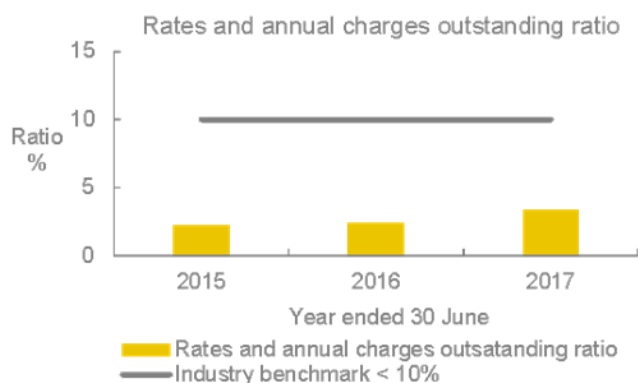
The 'debt service cover ratio' measures the operating cash to service debt including interest, principal and lease payments. The benchmark set by OLG is greater than two times.



Rates and annual charges outstanding ratio

A sustained effort to effectively manage recovery has seen Council consistently outperform the benchmark for rural councils.

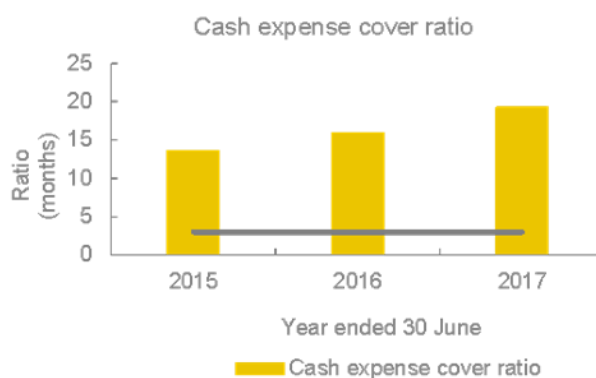
The 'rates and annual charges outstanding ratio' assesses the impact of uncollected rates and annual charges on council's liquidity and the adequacy of debt recovery efforts. The benchmark set by OLG is greater than 10 per cent for rural councils.



Cash expense cover ratio

Council comfortably exceeded this benchmark, as it has done for many years. However, a high percentage of cash and investments are restricted.

This liquidity ratio indicates the number of months the council can continue paying for its immediate expenses without additional cash inflow. The benchmark set by OLG is greater than three months.



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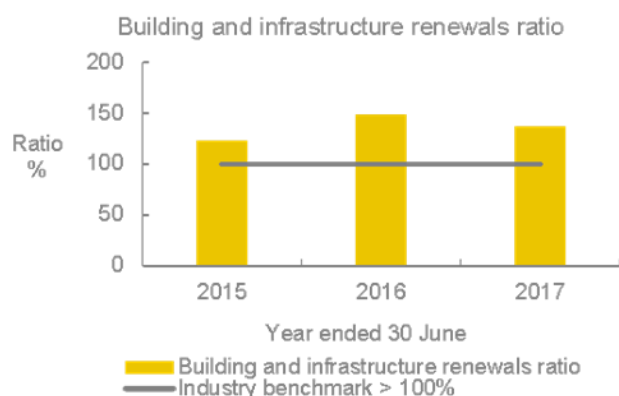


Building and infrastructure renewals ratio

Council's has focussed on renewing its assets, bringing them up to an acceptable standard and thereby reducing the maintenance backlog. Most of Council's renewal work over the last two years has been to its roads network.

The 'building and infrastructure renewals ratio assesses the rate at which these assets are being renewed against the rate at which they are depreciating. The benchmark set by OLG is greater than 100 per cent.

This ratio is sourced from council's Special Schedule 7 which has not been audited.



OTHER MATTERS

Council entities

I did not audit council entities listed below:

- Central NSW Councils Weight of Loads
- Southern Tablelands Library Co-operative
- South East Regional Organisation of Councils.

The Auditor-General's obligations with respect to auditing council entities are satisfied through performing those audit procedures necessary to form an opinion on the Council's consolidated general purpose financial reports.

New accounting standards implemented

AASB 124 'Related Party Disclosures'

Effective for annual reporting periods beginning on or 1 July 2016

AASB 2015-6 extended the scope of AASB 124 to not-for-profit public sector entities. Council's financial statements disclosed the:

- compensation paid to their key management personnel
- nature of related party relationships
- amount and nature of related party transactions, outstanding balances and commitments and outstanding balances (including commitments).

Our insights inform and challenge government to improve outcomes for citizens



Legislative compliance

My audit procedures did not identify any instances of non-compliance with legislative requirements or a material deficiency in the Council's accounting records or financial reports. The Council's:

- accounting records were maintained in a manner and form to allow the general purpose financial statements to be prepared and effectively audited
- staff provided all accounting records and information relevant to the audit.

A handwritten signature in green ink that reads 'Karen Taylor'.

Karen Taylor

Director, Financial Audit Services

10 October
SYDNEY



INDEPENDENT AUDITOR'S REPORT

Report on the general purpose financial statements

Upper Lachlan Shire Council

To the Councillors of the Upper Lachlan Shire Council

Opinion

I have audited the accompanying financial statements of Upper Lachlan Shire Council (the Council), which comprise the statement of financial position as at 30 June 2017, the income statement, the statement of comprehensive income, statement of changes in equity and statement of cash flows for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the Statement by Councillors and Management.

In my opinion,

- the Council's accounting records have been kept in accordance with the requirements of the *Local Government Act 1993*, Chapter 13, Part 3, Division 2 (the Division)
- the financial statements:
 - have been presented, in all material respects, in accordance with the requirements of this Division
 - are consistent with the Council's accounting records
 - present fairly, in all material respects, the financial position of the Council as at 30 June 2017, and of its financial performance and its cash flows for the year then ended in accordance with Australian Accounting Standards
- all information relevant to the conduct of the audit has been obtained
- no material deficiencies in the accounting records or financial statements have come to light during the audit.

My opinion should be read in conjunction with the rest of this report.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Parliament promotes independence by ensuring the Auditor-General and the Audit Office of New South Wales are not compromised in their roles by:

- providing that only Parliament, and not the executive government, can remove an Auditor-General
- mandating the Auditor-General as auditor of councils
- precluding the Auditor-General from providing non-audit services.

I believe the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Other Matter

The financial statements of the Council for the year ended 30 June 2016 were audited by another auditor who expressed an unmodified opinion on that financial statement on 7 October 2016.

The Councillors' Responsibility for the Financial Statements

The Councillors are responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the *Local Government Act 1993*, and for such internal control as the Councillors determine is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Councillors must assess the Council's ability to continue as a going concern except where the Council will be dissolved or amalgamated by an Act of Parliament. The assessment must disclose, as applicable, matters related to going concern and the appropriateness of using the going concern basis of accounting.

Auditor's Responsibility for the Audit of the Financial Statements

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at: www.auasb.gov.au/auditors_responsibilities/ar3.pdf. The description forms part of my auditor's report.

My opinion does *not* provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- on the Original Budget information included in the Income Statement, Statement of Cash Flows, Note 2(a) and Note 16 budget variation explanations
- on the attached Special Schedules
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.



Karen Taylor
Director, Financial Audit Services

10 October 2017
SYDNEY



INDEPENDENT AUDITOR'S REPORT
Report on the special purpose financial statement
Upper Lachlan Shire Council

To the Councillors of the Upper Lachlan Shire Council

Opinion

I have audited the accompanying special purpose financial statements (the financial statements) of Upper Lachlan Shire Council's (the Council) Declared Business Activities, which comprise the statement of financial position of each Declared Business Activity as at 30 June 2017, the income statement of each Declared Business Activity for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information for the Business Activities declared by Council, and the Statement by Councillors and Management.

The Declared Business Activities of the Council are:

- Water Supply
- Sewerage
- Domestic Waste Management.

In my opinion, the financial statements present fairly, in all material respects, the financial position of the Council's declared Business Activities as at 30 June 2017, and their financial performance for the year then ended, in accordance with the Australian Accounting Standards described in Note 1 and the Local Government Code of Accounting Practice and Financial Reporting (LG Code).

My opinion should be read in conjunction with the rest of this report and in particular, the Emphasis of Matter referring to the basis of accounting.

Basis for Opinion

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under the standards are described in the 'Auditor's Responsibilities for the Audit of the Financial Statements' section of my report.

I am independent of the Council in accordance with the requirements of the:

- Australian Auditing Standards
- Accounting Professional and Ethical Standards Board's APES 110 'Code of Ethics for Professional Accountants' (APES 110).

I have fulfilled my other ethical responsibilities in accordance with APES 110.

Emphasis of Matter - Basis of Accounting

Without modifying my opinion, I draw attention to Note (1) to the financial statements which describes the basis of accounting. The financial statements have been prepared for the purpose of fulfilling Council's financial reporting responsibilities under the LG Code. As a result, the financial statements may not be suitable for another purpose.

Other Matter

The financial statements of the Council for the year ended 30 June 2016 were audited by another auditor who expressed an unmodified opinion on that financial statement on 7 October 2016.

The Councillors' Responsibility for the Financial Statements

The Councillors are responsible for the preparation and fair presentation of the financial statements and for determining that the accounting policies, described in Note 1 to the financial statements, are appropriate to meet the requirements in the LG Code. The Councillors' responsibility also includes such internal control as the Councillors determine is necessary to enable the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the Councillors must assess the Council's ability to continue as a going concern except where the Council will be dissolved or amalgamated by an Act of Parliament. The assessment must disclose, as applicable, matters related to going concern and the appropriateness of using the going concern basis of accounting, as it affects the Council's Declared Business Activities.

Auditor's Responsibility for the Audit of the Financial Statements

My objectives are to:

- obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error
- issue an Independent Auditor's Report including my opinion.

Reasonable assurance is a high level of assurance, but does not guarantee an audit conducted in accordance with Australian Auditing Standards will always detect material misstatements. Misstatements can arise from fraud or error. Misstatements are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions users take based on the financial statements.

A description of my responsibilities for the audit of the financial statements is located at the Auditing and Assurance Standards Board website at:

http://www.auasb.gov.au/auditors_responsibilities/ar4.pdf.

The description forms part of my auditor's report.

My opinion does not provide assurance:

- that the Council carried out its activities effectively, efficiently and economically
- about the security and controls over the electronic publication of the audited financial statements on any website where they may be presented
- about any other information which may have been hyperlinked to/from the financial statements.



Karen Taylor
Director, Financial Audit Services

10 October 2017
SYDNEY

12 GENERAL MANAGER

The following items are submitted for consideration -

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12.2	Staff Christmas Function & Christmas Closure	211
12.3	WHS Committee Minutes	213
12.4	Action Summary - Council Decisions	216

General Manager - 19 October 2017

ITEM 12.1 **Staffing Matters**

FILE REFERENCE I17/559

AUTHOR **General Manager**

ISSUE

Providing details in relation to current staffing matters for Councillors' information.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

Providing information to Councillors in relation to current staffing matters, including recent resignations and appointments.

REPORT

Council have engaged the services of Ralph Tambasco, from Building and Environmental Services Today (BEST), as a contracted Senior Health and Building Inspector for 3 days per week, he commenced duties on Monday, 25 September 2017.

Performance reviews for all staff members for 2016/2017 have commenced with 97% of staff completed as at 6 October 2017.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

Nil

General Manager - 19 October 2017

ITEM 12.2 **Staff Christmas Function & Christmas Closure**

FILE REFERENCE **I17/575**

AUTHOR **General Manager**

ISSUE

Providing details in relation to the Upper Lachlan Council staff Christmas function and the dates for the Christmas Closure as per Council policy.

RECOMMENDATION That -

1. Council resolve that the staff Christmas function be held on Friday, 22 December 2017 commencing at 12.30pm at the Crookwell Golf Club and finishing at 3.30pm.

BACKGROUND

Council holds an annual staff Christmas function and further, the dates for the Christmas Closure are advised as per Council policy.

REPORT

With respect to arrangements for the Christmas/New Year period, and as per Council policy, the Works Depots and Administration Offices will be closed from midday on Friday, 22 December 2017 and will reopen on Tuesday, 2 January 2018.

It is Council's policy to grant staff a half-day off to hold the Council Christmas party and to provide some refreshments for the party. This year, that day falls on Friday, 22 December 2017.

A combined staff function will be held at the Crookwell Golf Club on Friday, 22 December 2017 commencing at 12.30pm and finishing at 3.30pm.

A coach will be utilised to transfer staff from Gunning to the function and return afterwards.

Arrangements have been put in place to ensure that in the event of emergency situations arising over the Christmas/New Year period, nominated staff will be available to work as required to rectify any emergency situation that may arise.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council resolve that the staff Christmas function be held on Friday, 22 December 2017 commencing at 12.30pm at the Crookwell Golf Club and finishing at 3.30pm.

ATTACHMENTS

Nil

General Manager - 19 October 2017

ITEM 12.3 **WHS Committee Minutes**

FILE REFERENCE **I17/576**

AUTHOR **General Manager**

ISSUE

Minutes from the October meeting of the WHS Committee.

RECOMMENDATION That -

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

BACKGROUND

The minutes from the WHS Committee meeting that was held on 3 October 2017 are attached including any recommendations that have been put forward by the Committee, to Council, for adoption.

REPORT

Attached for Councillors information are the Minutes from the WHS Committee meeting that was held on 3 October 2017.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

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

ATTACHMENTS

1. Download	Work Health and Safety Committee - 2017-10-03 - Minutes - Attachments	Attachment
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PRESENT: Mr S Bill, Mr S Poidevin, Mr T Besley, Mr S Roberts, Mr B Churchill, Mr J Bell (General Manager), Mr T Trounce (Works Superintendent), Mr K Kara (Human Resources Coordinator), Mrs H Peterson (Executive Assistant), Clr R Cummins (**Observer Status only**)

THE CHAIRMAN DECLARED THE MEETING OPEN AT 9.35am

In the absence of the Chairman Mr M Wilson the role of Acting Chairman was undertaken by Mr S Bill.

SECTION 1: APOLOGIES & LEAVE OF ABSENCE

Apologies were received for the absence of S Hassett, P Cramp, M Wilson and G Anable.

RESOLVED by J Bell and S Roberts that the apologies be received and leave of absence granted.

- CARRIED

SECTION 2: DECLARATIONS OF INTEREST

Nil

SECTION 3: CONFIRMATION OF MINUTES

ITEM 3.1 **RESOLVED** by Mr Besley and Mr Churchill

That the minutes of the Work Health and Safety Committee Meeting held on 7 August 2017 be adopted.

- CARRIED

SECTION 4: REPORTS

ITEM 4.1 CORRESPONDENCE

RESOLVED by Mr Roberts and Mr Besley

1. The correspondence detailed in the report is received and noted.

- CARRIED

ITEM 4.2 INCIDENT REPORT

RESOLVED by Mr Churchill and Mr Roberts

1. Mitigating actions/suggestions be discussed by the Committee, and be passed onto senior management for consideration; and
2. Committee members discuss/review current work practices within their work group/s to ensure that reasonable, practicable controls are in place to prevent / minimise the risk of these incidents from re-occurring.

- CARRIED

ITEM 4.3 ACTION LIST

RESOLVED by Mr Churchill and Mr Besley

1. The Committee receive and note the report as information.

- CARRIED

SECTION 5: ITEMS FOR DISCUSSION

Nil

THE MEETING CLOSED AT 10.10am

Minutes confirmed 4 DECEMBER 2017

.....
Mayor

General Manager - 19 October 2017

ITEM 12.4 Action Summary - Council Decisions

FILE REFERENCE I17/560

AUTHOR General Manager

ISSUE

Details are provided of action taken with respect to Council decisions.

RECOMMENDATION That -

1. Council receive and note the report as information.

BACKGROUND

Details are provided of action taken with respect to Council decisions.

REPORT

Summary sheet from the:-

Council Meeting: 18 May 2017

153/17	Council offers for sale, at the current market valuation, approximately 0.8 of a hectare of the available land that abuts the Crookwell Airstrip (being part Lot 421 DP 257517) to Icarus Air International Pty Ltd.	GM	Email correspondence received on 2 August 2017.
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Council Meeting: 17 August 2017

264/17	Council engages the services of a consultant who can prepare a business and economic development strategic plan specifically for the Upper Lachlan LGA and has the necessary contacts in both State and Federal Governments to be able to lobby on Councils behalf with a budget of approximately \$50,000.	DEP	Awaiting the release by the NSW Government, of the Regional Economic Development Strategy (REDS), for the Functional Economic Region (FER), which includes the Goulburn-Mulwaree, Yass Valley and Upper Lachlan LGA's.
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General Manager
ACTION SUMMARY - COUNCIL DECISIONS cont'd

Council Meeting: 21 September 2017

276/17	Council amend the confirmed minutes of the Ordinary Meeting held 20 July 2017 under Resolution No 230/17 to show that Cllr McCormack abstained from voting on the composition of the Building Review Section 355 Committee.	GM	Minutes amended in accordance with the resolution on 22 September 2017.
280/17	Council supports the official opening of the pedestrian access ramp and the "Music in the Park" event, as proposed to be held on 18 November 2017 with the attendance of the Mayor and any other interested Councillors.	GM	Correspondence forwarded on 28 September 2017.
281/17	Council gives its approval for the proposed project of providing murals on both sides of the pedestrian access ramp as detailed by the Kiamma Creek Landcare Group, at no cost to Council.	GM	Correspondence forwarded on 28 September 2017.
285/17	Council does not adopt the Draft Plan of Management – Roberts Street Carpark, Crookwell and that alternate locations be investigated by the Upper Lachlan Tourist Association.	DFA	Correspondence forwarded on 28 September 2017.
288/17	The Director of Works and Operations prepares a report for the 19 October 2017 Council Meeting, on the scope of the works for the Streetscape Plan.	DOW	Report placed before Council at the Council Meeting held on 19 October 2017.
293/17	Council authorise the Director Works and Operation to consult with adjacent landowners regarding the Crookwell Landfill upgrade project.	DOW	Consultation scheduled at concept, preliminary and detailed design stages of the project.
296/17	Council place on public exhibition the proposed new engineering plan checking fees for 28 days and Council adopt the new fees if no public submissions are received within the advertising period.	DOW	Advertisement placed in local newspapers and on Council's website commencing 6 October 2017.

General Manager**ACTION SUMMARY - COUNCIL DECISIONS** cont'd

298/17	Crookwell Landfill Upgrade - Request for Compensation: following further consultation between senior management and the two adjoining landowners, a report to be brought back to Council on the outcome of that consultation.	DOW	Report to be placed before Council at the Council Meeting held on 23 November 2017.
303/17	Council adopts the reviewed Disposal of Council Assets Policy.	EA	Placed in Policy Register and on the Website on 13 October 2017.
304/17	Council adopts the reviewed Disposal of Council Real Estate Policy.	EA	Placed in Policy Register and on the Website on 13 October 2017.
307/17	Council adopts Schedule B as being appropriate for the various Committee structures, current Committee memberships and appointment of representations/delegates.	GM	Correspondence forwarded to Committees and Councillor representatives on 29 September 2017.
309/17	The option for Council to use microphones or any other measure to improve audibility at Ordinary Council meetings be investigated.	GM	Available options being investigated by Information Systems Coordinator.
310/17	Council under s253 of the Local Government Act 1993, adopts the Payment of Expenses & Provision of Facilities Policy.	EA	Placed in Policy Register and on the Website on 13 October 2017.
312/17	The Mayor and Deputy Mayor present separate reports to Council on their experiences and involvement at the Annual Conference of LGNSW.	Mayor & Deputy Mayor	Reports to be presented to 15 February 2018 Council Meeting.
313/17	Council sets a date and time to hold a briefing/workshop to discuss future Council projects that might be applicable projects for submission to the Growing Local Economies Fund for 2017/2018.	GM	Councillor workshop scheduled for on 25 October 2017 commencing at 2.00pm.
317/17	The 2017/18 Upper Lachlan Tourism Strategic Plan be adopted.	EA	Placed in Policy Register and on the Website on 13 October 2017.

318/17	The Building Review Committee Charter be adopted.	EA	Placed in Policy Register and on the Website on 13 October 2017.
319/17	Further consultation be undertaken with the Gunning Shire Hall and Showground Committee and the broader community with regard to the alternatives to the notion of no camping at all at the showground.	DOW	Advertisement and media release issued seeking public comment on 10 October 2017.
322/17	Council offers Roadworx Surfacing Pty Ltd a 12 month extension on existing Contract WO 3.15 to 30 June 2018.	DOW	Correspondence forwarded on 12 October 2017.
324/17	Crookwell Landfill Upgrade Compensation - Council receive and consider the documents related to the request for compensation following further commercial consultation between senior management and the two adjoining landowners with a report to be brought back to Council on the outcome.	DOW	Report placed before Council at the Council Meeting held on 23 November 2017.

POLICY IMPACT

Nil

OPTIONS

Nil

FINANCIAL IMPACT OF RECOMMENDATIONS

Nil

RECOMMENDATION That -

1. Council receive and note the report as information.

ATTACHMENTS

Nil

