



# **MINUTES**

## **Ordinary Council Meeting Thursday, 20 June 2024**

**Date: Thursday, 20 June 2024**

**Time: 5:00pm**

**Location: Council Chambers  
Cnr Camp & Weddin Streets  
GRENFELL NSW 2810**

**ORDER OF BUSINESS**

|           |  |           |
|-----------|--|-----------|
| <b>1</b>  | <b>OPENING</b> .....   | <b>4</b>  |
| <b>2</b>  | <b>ACKNOWLEDGEMENT OF COUNTRY</b> .....  | <b>4</b>  |
| <b>3</b>  | <b>ACKNOWLEDGEMENT OF SERVICE</b> .....  | <b>4</b>  |
| <b>4</b>  | <b>ATTENDANCE AND APPLICATIONS FOR LEAVE</b> .....   | <b>4</b>  |
| <b>5</b>  | <b>CONFIRMATION OF MINUTES</b> .....   | <b>5</b>  |
| <b>6</b>  | <b>DISCLOSURES OF INTEREST</b> .....   | <b>6</b>  |
| <b>7</b>  | <b>PUBLIC FORUM</b> .....  | <b>8</b>  |
| <b>8</b>  | <b>MAYORAL REPORTS/MINUTES</b> .....   | <b>8</b>  |
| 8.1       | MAYORAL MINUTE - COUNTRY MAYORS ASSOCIATION OF NSW -<br>GENERAL MEETING 10 MAY 2024.....                                 | 8         |
| 8.2       | MAYORAL MINUTE - GENERAL MANAGER ANNUAL<br>PERFORMANCE REVIEW.....   | 9         |
| <b>9</b>  | <b>MOTIONS/QUESTIONS WITH NOTICE</b> .....   | <b>10</b> |
| 9.1       | NOTICE OF MOTION - MAIN STREET RENEWAL PROJECT  <br>FUNDING SOURCES.....   | 10        |
| <b>10</b> | <b>GENERAL MANAGER REPORTS</b> .....   | <b>12</b> |
| 10.1      | SELF-INITIATED IMPROVEMENT MANAGEMENT PLAN UPDATE .....  | 12        |
| 10.2      | FEES FOR COUNCILLORS & MAYOR - 2024/2025 FINANCIAL YEAR .....  | 16        |
| 10.3      | RESOLUTION REGISTER .....  | 19        |
| <b>11</b> | <b>CORPORATE SERVICES REPORTS</b> .....  | <b>20</b> |
| 11.1      | STATEMENT OF BANK BALANCES AND APPLICATION UNDER S.<br>409 AND S. 410 TO THE MINISTER FOR LOCAL GOVERNMENT .....         | 20        |
| 11.2      | RATES AND CHARGES COLLECTION - MAY 2024.....   | 30        |
| 11.3      | OPERATIONAL PLAN 2024 - 2025.....  | 33        |
| <b>12</b> | <b>INFRASTRUCTURE SERVICES REPORTS</b> .....   | <b>42</b> |
| 12.1      | DRAFT GRENFELL SEWER CONTRIBUTIONS POLICY .....  | 42        |
| 12.2      | ROAD MAINTENANCE COUNCIL CONTRACT ( RMCC ) .....   | 45        |
| 12.3      | INFRASTRUCTURE SERVICES REPORT - JUNE 2024 .....   | 50        |
| <b>13</b> | <b>ENVIRONMENTAL SERVICES REPORTS</b> .....  | <b>65</b> |
| 13.1      | PROPOSED ALCOHOL-FREE ZONES .....  | 65        |
| 13.2      | DEVELOPMENT APPLICATION - 12/2024 - CHANGE OF USE OF<br>PART OF BUILDING TO DWELLING AND ALTERATIONS TO<br>BUILDING..... | 78        |
| 13.3      | DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES<br>AND COMPLYING DEVELOPMENT CERTIFICATES.....                       | 106       |
| 13.4      | DEVELOPMENT APPLICATION 1/2024 - PROPOSED TOURIST AND<br>VISITOR ACCOMMODATION DEVELOPMENT COMPRISING OF A               |           |

|           |   |            |
|-----------|---|------------|
|           | 20 ROOM MOTEL WITH ASSOCIATED RESTAURANT, MANAGERS<br>RESIDENCE AND CARPARK AREA.....   | 108        |
| 13.5      | DEVELOPMENT CONSENT 17/2022 - APPLICATION TO MODIFY<br>CONSENT TO CHANGE DESIGN OF AMENITIES BUILDING AT<br>GRENFELL CEMETERY.....                | 148        |
| 13.6      | KEEPING CATS SAFE AT HOME PROGRAM.....  | 166        |
| 13.7      | UPDATE ON STATUS OF QUANDIALLA AND CARAGABAL WASTE<br>FACILITIES.....   | 169        |
| <b>14</b> | <b>DELEGATE(S) REPORTS.....</b>   | <b>173</b> |
| <b>15</b> | <b>MINUTES OF COMMITTEE MEETINGS.....</b>   | <b>173</b> |
| 15.1      | COMMITTEE REPORT   RECEIVE AND NOTE   DRAFT MINUTES OF<br>THE WEDDIN SHIRE AUDIT, RISK AND IMPROVEMENT<br>COMMITTEE MEETING HELD 27 MAY 2024..... | 173        |
| 15.2      | COUNCIL COMMITTEE REPORT   REQUIRING ACTION - MINUTES<br>OF THE HERITAGE COMMITTEE MEETING HELD 5 JUNE 2024.....                                  | 174        |
| <b>16</b> | <b>CLOSED COUNCIL.....</b>  | <b>175</b> |
| 16.1      | ANNUAL LEAVE REQUEST, ACTING GENERAL MANAGER<br>ARRANGEMENTS & STANDING ACTING ARRANGEMENTS.....  | 175        |
| <b>17</b> | <b>RETURN TO OPEN COUNCIL.....</b>  | <b>176</b> |
| <b>18</b> | <b>REPORT ON CLOSED COUNCIL.....</b>  | <b>176</b> |
| <b>19</b> | <b>CLOSURE.....</b>   | <b>176</b> |

**MINUTES OF WEDDIN SHIRE COUNCIL  
ORDINARY MEETING  
HELD AT THE COUNCIL CHAMBERS, CNR CAMP & WEDDIN STREETS, GRENFELL  
NSW 2810  
ON THURSDAY, 20 JUNE 2024 AT 5:00PM**

## **1 OPENING**

In accordance with the WSC Code of Meeting Practice, this meeting will be recorded for the purposes of audio-visual livestreaming via Council's website and Facebook page. Those in attendance are asked to refrain from making any defamatory statements and comply with all relevant WSC codes, policies and procedures at all times.

## **2 ACKNOWLEDGEMENT OF COUNTRY**

Weddin Shire Council would like to acknowledge the Wiradjuri people who are the Traditional Custodians of the Land.

Weddin Shire Council would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Aboriginal Australians who are present.

## **3 ACKNOWLEDGEMENT OF SERVICE**

We honour our service personnel who have sacrificed their lives in the defence of our freedom, peace and prosperity. We acknowledge all of our frontline workers and volunteers who each day provide our essential and non-essential services, especially those within our Weddin Shire Local Government Area.

## **4 ATTENDANCE AND APPLICATIONS FOR LEAVE**

### **ATTENDANCE**

#### **PRESENT:**

Cr Craig Bembrick (Mayor), Cr Paul Best (Deputy Mayor), Cr Jason Kenah, Cr Michelle Cook, Cr Phillip Diprose, Cr Stuart McKellar, Cr Warwick Frame, Cr Jan Parlett

#### **IN ATTENDANCE:**

Ms Noreen Vu (General Manager), Mr John Thompson (Director Corporate Services), Mr Luke Sheehan (Director Environmental Services), Mr Anthony Prpic (A/g Director Infrastructure Services)

### **APOLOGIES**

Cr Glenda Howell

### **LEAVE OF ABSENCE / LEAVE OF ABSENCE APPLICATION**

#### **APOLOGY**

### **RECOMMENDATION**

That the apology received from Cr Howell be accepted and leave of absence granted.

**RESOLUTION 111/24**

Moved: Cr Best

Seconded: Cr Frame

That the apology received from Cr Howell be accepted and leave of absence granted.

**THE MOTION WAS CARRIED**

---

**5 CONFIRMATION OF MINUTES**

**RECOMMENDATION**

That Minutes of the Ordinary Council Meeting held 16 May 2024 be taken as read and CONFIRMED.

**RESOLUTION 112/24**

Moved: Cr McKellar

Seconded: Cr Kenah

That Minutes of the Ordinary Council Meeting held 16 May 2024 be taken as read and CONFIRMED.

**THE MOTION WAS CARRIED**

---

**6 DISCLOSURES OF INTEREST**

|                                |   |
|--------------------------------|---|
| <b>ITEM NUMBER &amp; TITLE</b> | <b>13.1 PROPOSED ALCOHOL FREE ZONES</b>   |
| <b>NAME</b>                    | MAYOR CRAIG BEMBRICK  |
| <b>TYPE OF INTEREST</b>        | PECUNIARY / SIGNIFICANT / LEAVING THE CHAMBER   |
| <b>INTEREST DESCRIPTION</b>    | OWNER OF PROPERTY IN THE MAIN STREET  |
| <b>ITEM NUMBER &amp; TITLE</b> | <b>13.1 PROPOSED ALCOHOL FREE ZONES</b>   |
| <b>NAME</b>                    | DEPUTY MAYOR PAUL BEST  |
| <b>TYPE OF INTEREST</b>        | PECUNIARY / SIGNIFICANT / LEAVING THE CHAMBER   |
| <b>INTEREST DESCRIPTION</b>    | OWNER OF PROPERTY IN THE MAIN STREET  |
| <b>ITEM NUMBER &amp; TITLE</b> | <b>13.2 DEVELOPMENT APPLICATION - 12/2024 - CHANGE OF USE OF PART OF BUILDING TO DWELLING AND ALTERATIONS TO BUILDING</b>   |
| <b>NAME</b>                    | DEPUTY MAYOR PAUL BEST  |
| <b>TYPE OF INTEREST</b>        | PECUNIARY / SIGNIFICANT / LEAVING THE CHAMBER   |
| <b>INTEREST DESCRIPTION</b>    | OWNER OF PROPERTY IN THE MAIN STREET OPPOSITE APPLICANT   |
| <b>ITEM NUMBER &amp; TITLE</b> | <b>13.1 PROPOSED ALCOHOL FREE ZONES</b>   |
| <b>NAME</b>                    | CR JAN PARLETT  |
| <b>TYPE OF INTEREST</b>        | PECUNIARY / SIGNIFICANT / LEAVING THE ROOM  |
| <b>INTEREST DESCRIPTION</b>    | OWNER OF PROPERTY IN THE MAIN STREET  |
| <b>ITEM NUMBER &amp; TITLE</b> | <b>13.4 DEVELOPMENT APPLICATION 1/2024 - PROPOSED TOURIST AND VISITOR ACCOMMODATION DEVELOPMENT COMPRISING OF A 20 ROOM MOTEL WITH ASSOCIATED RESTAURANT, MANAGERS RESIDENCE AND CARPARK AREA</b> |
| <b>NAME</b>                    | CR PHILLIP DIPROSE  |
| <b>TYPE OF INTEREST</b>        | PECUNIARY / SIGNIFICANT / LEAVING THE ROOM  |
| <b>INTEREST DESCRIPTION</b>    | TOURISM OPERATOR  |
| <b>ITEM NUMBER &amp; TITLE</b> | <b>16.1 LATE – REPORT   ANNUAL LEAVE REQUEST, ACTING GENERAL MANAGER &amp; STANIDNG LEAVE ARRANGEMENTS</b>  |
| <b>NAME</b>                    | NOREEN VU, GENERAL MANAGER  |
| <b>TYPE OF INTEREST</b>        | PECUNIARY / SIGNIFICANT / LEAVING THE ROOM  |
| <b>INTEREST DESCRIPTION</b>    | GENERAL MANAGER APPLICATION FOR LEAVE   |
| <b>ITEM NUMBER &amp; TITLE</b> | <b>8.2 LATE – REPORT   MAYORAL MINUTE - GENERAL MANAGER ANNUAL PERFORMANCE REVIEW</b>   |
| <b>NAME</b>                    | NOREEN VU, GENERAL MANAGER  |
| <b>TYPE OF INTEREST</b>        | PECUNIARY / SIGNIFICANT / LEAVING THE ROOM  |

**INTEREST DESCRIPTION**

GENERAL MANAGER PERFORMANCE REVIEW

**7 PUBLIC FORUM**

Nil

**8 MAYORAL REPORTS/MINUTES****8.1 MAYORAL MINUTE - COUNTRY MAYORS ASSOCIATION OF NSW - GENERAL MEETING 10 MAY 2024****File Number: C2.2.7****Attachments: 1. ATT 1 | Country Mayors Association of NSW | Communique | General Meeting 10 May 2024****CSP Objective: Shire assets and services delivered effectively and efficiently****Budget: \$523.32 | Mayoral Travel Vote****RECOMMENDATION**

That Council note the Mayoral Minute and attached Country Mayors Association Communique.

**RESOLUTION 113/24**

Moved: Cr McKellar

Seconded: Cr Parlett

That Council note the Mayoral Minute and attached Country Mayors Association Communique.

**THE MOTION WAS CARRIED UNANIMOUSLY**

The Country Mayors Association of NSW held the General Meeting in Sydney on 10 May 2024. The General Meeting was well attended with 142 representatives of Country NSW Councils and associated organisations. The General Manager and I both attended the meeting.

The focus was Financial Sustainability which is a hot topic with State and Federal inquiries on the issue currently underway.

The Hon Jenny Aitchison, Minister for Regional Transport and Roads was the first speaker, she committed to engaging and working with Country NSW Councils. The Minister



acknowledged the backlog on claims in the disaster recovery funding and updated that more resources will be allocated to reduce the backlog.

There were a number of key speakers, Cr Linda Scott, President of ALGA; the Chair of IPART Carmel Donnelly; Professor Joseph Drew, Local Government Economics, Institute for Regional Futures; Karen Taylor from the NSW Audit Office and an open panel discussion with key NSW Government departmental staff. The speakers were well received with a lot of Q&A sessions and informative discussions held.

The Country Mayors Association unanimously voted to welcome Upper Hunter Shire Council, the Deputy Mayor and General Manager were welcomed and presented with CMA badges.

Further information can be obtained in the attached Country Mayors Association of NSW Communique.

|   |
|---|
| <b>8.2 MAYORAL MINUTE - GENERAL MANAGER ANNUAL PERFORMANCE REVIEW</b> |
|---|

**File Number:** C2.2.7/P4.1.0093

**Attachments:** Nil

**CSP Objective:** Shire assets and services delivered effectively and efficiently

**Budget:** Nil

General Manager, Noreen Vu left the room at 5:05pm

General Manager, Noreen Vu entered the room at 5:07pm

### **RECOMMENDATION**

That Council accept the late report.

---

### **RESOLUTION 114/24**

Moved: Cr Frame

Seconded: Cr Parlett

That Council accept the late report.

**THE MOTION WAS CARRIED**

---

### **RECOMMENDATION**

That Council note this report.

**RESOLUTION 115/24**

Moved: Cr Frame

Seconded: Cr Parlett

That Council note this report.

**THE MOTION WAS CARRIED**

I have advised the General Manager that the annual review will take place on Friday 21 June 2024 commencing at 9:00am with correspondence sent to all Councillors on 27 May 2024.

The General Manager Review Committee will meet including myself (Mayor), Deputy Mayor Paul Best, Councillor Parlett (Councillor elected by Council) and Councillor Kenah (Councillor elected by employee). Council has contracted Mr Christian Morris (LG NSW) as the facilitator.

The Annual Performance Review Business Paper was circulated to all Councillors on 12 June 2024.

A further report once received will be submitted to the next Ordinary Council Meeting for consideration and adoption.

**9 MOTIONS/QUESTIONS WITH NOTICE****9.1 NOTICE OF MOTION - MAIN STREET RENEWAL PROJECT | FUNDING SOURCES****File Number:****Mover:** Cr Phillip Diprose**Attachments:** 1. ATT 1 | Notice of Motion | Main Street Renewal Project - Funding Sources**CSP Objective:** Shire assets and services delivered effectively and efficiently**Budget:** Baseline Operations**MOTION**

I hereby give notice of the following motion for discussion at Council's next meeting:

'that the General Manager prepare a report outlining the amounts and sources of funding utilized for the Grenfell Main Street Renewal project together with the amounts spent on each of the major projects components to date, to the extent that this information is reasonably able to be obtained'

**RESOLUTION 116/24**

Moved: Cr Diprose

---

Seconded: Cr Frame

I hereby give notice of the following motion for discussion at Council's next meeting:

'that the General Manager prepare a report outlining the amounts and sources of funding utilized for the Grenfell Main Street Renewal project together with the amounts spent on each of the major projects components to date, to the extent that this information is reasonably able to be obtained'

**THE MOTION WAS CARRIED  
CR MCKELLAR - AGAINST**

---

### **SUPPORTING COMMENTS**

My understanding is that the Main Street Renewal Project is complete, with the exception of some signage and installation of the Festoon lighting. That being the case I feel that it is timely and of public interest that the above report be prepared and provided.

Given that the finance staff need to give priority to finalising the operational plan and preparing the 2023/24 financials' audit I have not suggested a time-line; but would like to think that the report would be forthcoming in the next couple of months.

Section 3.13 of Council's Code of Meeting Practice permits Councillors to seek information 'about the performance or operations of Council.'

### **STAFF COMMENTS**

Staff support the request and appreciate Cr Diprose' acknowledgement of current workloads. Staff will endeavour to have the breakdown of funding amounts spent on each of the major project components in the Main Street Renewal Project to the Ordinary Council Meeting in August 2024, however noting that a number of grants are nearing project completion phase and therefore Council will rely on the funding bodies to provide the acquittal and final financial information. For example, the LRCI funding for earlier phases requires the Audit Office sign off, which is not easily attainable by August 2024.

Council Officers will also require assistance from our Contracted Accountants to assist with the process to undertake this report for Cr Diprose. This is because the various Main Street grants and expenditure was put to the one work order as past practice by previous management, whereas current streamlined and improved processes now allocate individual work orders for each grant and project to allow for clearer transactions listings.

A number of grants had untied grant funding allocations which allowed for high level allocations against the grant. Analysis of each transaction against each grant will require assistance from the Contractor Accountant.

This will also require additional resourcing from the team from the Visitor Information staff to assist in the process. An approximate estimate to provide to the Council would be an additional \$20,000 to \$30,000 in contractors costs and staff wages to assist in the exercise.

**10 GENERAL MANAGER REPORTS****10.1 SELF-INITIATED IMPROVEMENT MANAGEMENT PLAN UPDATE****File Number:****Author:** Arts and Tourism Officer**Authoriser:** Director Corporate Services**Attachments:** 1. SELF INITIATED IMPROVEMENT PLAN**CSP Objective:** Shire assets and services delivered effectively and efficiently**Precis:** To report the summary of actions, due dates and progress from the endorsed Self- Initiated Improvement Plan.**Budget:** NIL**RECOMMENDATION**

That the Council note and receive the report including the update of actions.

**RESOLUTION 117/24****Moved:** Cr Frame**Seconded:** Cr Best

That the Council note and receive the report including the update of actions.

**THE MOTION WAS CARRIED**

**PURPOSE**

To continue to monitor the progress of the Self-Initiated Improvement Management Plan ('the Plan'). The Plan provides an operational and strategic program of works that improves the financial sustainability for Weddin Shire Council and address the governance, administrative, compliance and organisational matters identified during the 2022-23 Financial Statement preparation. An action update is provided as of May 2024 and tabled to the Audit, Risk and Improvement Committee and now presented to Council.

**BACKGROUND**

At the 28 September 2023 Ordinary Meeting, Council identified a range of issues and challenges relating to our financial sustainability and resourcing. A number of these issues were found during the preparation of the Draft Annual Financial Statements for the 2022-2023 period. Other observations of issues and challenges are noted following a change in management.

The Audited Financial Statements found that the three biggest factors that concerns Council includes:

1. The restricted cash amount and breach as at 30 June 2023.
2. The amount of debtors and accruals at 30 June 2023.
3. The amount of grant liabilities at 30 June 2023.

During the Audit process, further issues around contract management and accruals were identified. The Plan has been consulted with the Audit, Risk and Improvement Committee, the Council and staff and now reflect those discussions.

**ISSUES AND COMMENTS**

Council endorsed the Self-Initiated Improvement Management Plan at its December Ordinary Meeting (Resolution 279/23).

The plan provides:

- Background information to explain why we have initiated this plan.
- The objective focusing on improving the financial sustainability and addressing the immediate issues identified.
- Aims to allow staff, the Council, stakeholders and community to focus on.
- The plan includes short term, medium term and strategic performance for business improvement focus and goals have been provided. They are broken up into each section. The actions have been expanded with supporting information.
- The tables provide information on what the performance improvement objective is and why we are doing it. The quick summary allows readers to be across the issue. The table includes a number of required outcomes under each objective, which are followed by actions to help achieve the action and objective. The ‘how to’ part. The table outlines the support and systems needed to help achieve these actions. It also outlines who is responsible and the support staff. An indicative timeline is provided. Each table is wrapped up with a consequence statement. By achieving the objective/outcome, there will be a good consequence for the organisation.

**Updates**

An action update was provided to the ARIC as of 16 May 2024 and now to Council. The changes are in yellow highlight for ease of reference.

Similar to the Report Card, the Status provides simple words to the ARIC and Council to monitor issues requiring attention.

| Key                        | Explanation  |
|----------------------------|--|
| <b>Completed</b>           | The action is completed.                                     |
| <b>Needs Attention</b>     | Requires the ARIC/Council’s focus, possible ongoing concern. |
| <b>Does Need Attention</b> | Generally considered as in progress and on track.            |

The following provides an overview of actions and their status updates:

|                   | Completed | Does not need attention | Needs attention          | Total     |
|-------------------|-----------|-------------------------|--------------------------|-----------|
| <b>Short term</b> | 1         | 12                      | 4* (3.3, 5.1, 5.2 & 5.3) | <b>17</b> |

|                  |   |   |         |          |
|------------------|---|---|---------|----------|
| <b>Mid Term</b>  | 0 | 2 | 1 (6.1) | <b>3</b> |
| <b>Strategic</b> | 0 | 5 | 1 (8.2) | <b>6</b> |

Council is to note that one action from short term has moved into needs attention from last meeting. There was also a reporting error in strategic which reported 3 actions however in total there are 6.

The actions identified as requiring attention includes:

| Action Requiring Attention   | Why  |
|--|--|
| 3.3 Review of natural disaster claims process and improve internal function of documenting and submitting in claims. | Needs attention. Council to sign tripartite agreement following a briefing from TfNSW. Mayor and General Manager met with Minister for Regional Roads on 10 May 2024 to discuss cash flow issues and claims process. This continues to be a discussion to flag the issues relating to Council’s cashflow..                                 |
| 5.1 All procurement purchases are supported with relevant quotes and or tenders.                                     | Ongoing. Draft Procurement Policy and Draft Sale and Disposal of Assets Policy tabled to Council at May meeting. WHS Purchasing requirements consulted with staff at Safety Toolbox Talk on 24 April 2024. Staff are continuing to improve on their knowledge on procurement and we acknowledge it is something to continually improve on. |
| 5.2 All contract management is streamlined and uniformed   | Draft Contract Management Policy at May meeting. Staff are continuing to improve on their knowledge on contract management and we acknowledge it is something to continually improve on. Now that there is a draft standalone policy it allows further consultation with staff.  |
| 5.3 All contracts are executed and Contracts Register updated  | Order of Services Form developed for panel contracts provide a level of accountability on budgets and contract management. Transition for staff involved. Forms have been utilised and reviewed with process improvement amongst all involved.   |
| 6.1 Council adopts a Strategic Risk Management Framework   | Council continues to lack strategic frameworks like the strategic risk management framework.<br>To commence as per timeframe and allocation of resources.  |
| 8.2 Adoption of new Long Term Financial Plan (LTFP)  | Now that Council is resourced with key financial management positions, this will need to be a key focus moving into the next lot of reports for the IP&R following the September elections.  |

**POLICY/LEGAL IMPLICATIONS**

There are no direct policy or legal implications arising from this report.

**FINANCIAL/RESOURCE IMPLICATIONS**

The matters raised in the update relate to financial and resource implications of concern for Council. Those requiring attention are highlighted as an ongoing concern for staff.

**INTERNAL/EXTERNAL CONSULTATION**

Council endorsed that the General Manager add or amend the plan as required and actions and amendments are reported to the ARIC and then to Council (Resolution 279/23). At this stage, following consultation with staff, no additional actions have been added onto the plan.

The Draft Policies mentioned in the update were also provided to the ARIC under separate cover for the Committee's reference.

**CONCLUSION**

The Self-Initiated Improvement Management Plan is an opportunity for Council Officers to address a number of issues found during the preparation of the Annual Financial Statements for the 2022-2023 period. It allows an opportunity to address weaknesses within the business system, improve procedures and process and increase our reporting and accountability through the number of objectives, outcomes and actions proposed.

**10.2 FEES FOR COUNCILLORS & MAYOR - 2024/2025 FINANCIAL YEAR**

|                       |  |
|-----------------------|--|
| <b>File Number:</b>   | <b>C2.2.3</b>  |
| <b>Author:</b>        | <b>Executive Assistant to the General Manager</b>  |
| <b>Authoriser:</b>    | <b>General Manager</b>   |
| <b>Attachments:</b>   | <b>1. ATT 1   Local Government Remuneration Tribunal Determination 2024</b>  |
| <b>CSP Objective:</b> | <b>Shire assets and services delivered effectively and efficiently</b>   |
| <b>Precis:</b>        | <b>Local Government Remuneration Tribunal 29 April 2024</b>  |
| <b>Budget:</b>        | <b>\$ Amount equivalent to the maximum increase in the current Mayoral and Councillors remuneration has been included in the 2024/2025 budget.</b> |

**RECOMMENDATION**

That Council:

1. Note the report on Fees for Councillors and Mayor 2024/25 Financial Year.
2. Note the Local Government Remuneration Tribunal's determination for a 3.75% increase in Mayoral and Councillor fees for the 2024/25 financial year.
3. Set the annual Councillor fee for the period 1 July 2024 to 30 June 2025 at \$13,520 in accordance with the provisions of Section 248 of the Local Government Act 1993.
4. Set the annual Mayoral Fee for the period 1 July 2024 to 30 June 2025 at \$29,500 in accordance with the provisions of Section 249 of the Local Government Act 1993.
5. Approve to pay the Deputy Mayor the proportion of the Mayoral fee for such time as the Deputy Mayor acts in the office of the Mayor, which is to be deducted from the Mayor's annual fee, following a Council resolution at the time.
6. Approve to amend the Councillor Expenses and Facilities Policy under s. 253(3) of the Local Government Act 1993 to update the Councillor fees.

**RESOLUTION 118/24**

Moved: Cr Diprose

Seconded: Cr Kenah

That Council:

1. Note the report on Fees for Councillors and Mayor 2024/25 Financial Year.
2. Note the Local Government Remuneration Tribunal's determination for a 3.75% increase in Mayoral and Councillor fees for the 2024/25 financial year.
3. Set the annual Councillor fee for the period 1 July 2024 to 30 June 2025 at \$13,520 in accordance with the provisions of Section 248 of the Local Government Act 1993.
4. Set the annual Mayoral Fee for the period 1 July 2024 to 30 June 2025 at \$29,500 in accordance with the provisions of Section 249 of the Local Government Act 1993.



5. Approve to pay the Deputy Mayor the proportion of the Mayoral fee for such time as the Deputy Mayor acts in the office of the Mayor, which is to be deducted from the Mayor’s annual fee, following a Council resolution at the time.
6. Approve to amend the Councillor Expenses and Facilities Policy under s. 253(3) of the Local Government Act 1993 to update the Councillor fees.

**THE MOTION WAS CARRIED**  
**CR MCKELLAR - AGAINST**

**PURPOSE**

The purpose of this report is to advise Council on the annual determination of the Local Government Remuneration Tribunal issued on 29 April 2024. A copy of that report is included as an attachment.

**BACKGROUND**

The Determination of the Tribunal has been released, setting the scale for fees payable to elected representatives for all Councils in NSW under Sections 239 and 241 of the *Local Government Act 1993* (the LG Act).

**ISSUES AND COMMENTS**

Section 239 of the LG Act provides for the Tribunal to determine the categories of Councils and Mayoral offices and allocates each Council and Mayoral office into one of those categories. The categories are to be determined at least once every 3 years.

Section 241 of the LG Act provides for the Tribunal to determine, not later than 1 May in each year, for each of the categories determined under Section 239, the maximum and minimum amount of fees to be paid to Mayors and Councillors.

The Tribunal has determined that there will be a 3.75% increase in Mayoral or Councillor Fees for the 2024/25 financial year.

In 2017, the Tribunal made revisions of the categorisation of Councils following the Statewide amalgamation process. In 2023, the Tribunal received ‘a significant number of submissions’ commenting on the remuneration structure (p. 11). The summaries of the submissions are provided in the attachment.

Weddin Shire Council as a General Purpose Council is classified under the “Non Metropolitan - Rural” category. Both Mayor and Councillor fees are paid at the maximum rate for every year of this current Council term.

Pursuant to Section 241 of the *Local Government Act 1993*, the Tribunal’s 2024 annual determination has set the annual fees to be paid in each of the categories to Mayors and Councillors effective from 1 July 2024.

The LG Act states that if Council does not fix the fees for the Mayor and Councillors by resolution, the minimum rate is automatically applied.

The Tribunal has determined that the range of annual fees payable to Councillors and Mayors, for the 2024/25 financial year in the “Non Metropolitan – Rural” category is as follows:

| Councillor Annual Fee |         |         | Mayor Additional Fee* |         |         |
|-----------------------|---------|---------|-----------------------|---------|---------|
| Minimum               | Maximum | 3.75%** | Minimum               | Maximum | 3.75%** |

|          |          |             |          |          |             |
|----------|----------|-------------|----------|----------|-------------|
| \$10,220 | \$13,520 | (\$13,027)  | \$10,880 | \$29,500 | (\$28,428)  |
|          |          | \$13,515.50 |          |          | \$29,494.05 |

\*The Mayoral fee must be paid in addition to the fee paid to the Mayor as a Councillor in accordance with Section 249(2) of the Local Government Act.

\*\*The application of the 3.75% is to the current Councillor and Mayoral fees for the 2023/2024 financial year.

This report recommends that Council adopt the maximum annual fees set by the Tribunal on the following basis:

- The substantial geographic size of the Local Government Area
- The responsibilities associated with the Delivery Plan, the Long Term Financial Plan, annual Operation Plan and budget.
- The large variety and level of services delivered by Council.
- The increased commitment of time required for the Mayor and Councillors to fulfil their civic duties effectively.
- The 3.75% increase versus the maximum increase is immaterial of \$4.50 per month per councillor and \$5.95 per month for the Mayor. Therefore, it is recommended to adopt the maximum for the Rural Council range.

Adopting the report recommendations will ensure the remuneration of the Weddin Shire Council elected officials appropriately reflects the responsibilities and time commitment required to undertake their civic duties.

Additionally, Section 249(5) of the Act states that:

- (5) A Council may pay the Deputy Mayor (if there is one) a fee determined by the Council for such time as the Deputy Mayor acts in the Office of the Mayor. The amount of the fee so paid must be deducted from the Mayor’s annual fee.

This report recommends that Council continues to approve payment from the Mayoral annual fee for any time that the Deputy Mayor acts in the Office of the Mayor.

**POLICY/LEGAL IMPLICATIONS**

Section 248 of the *Local Government Act 1993* require Councils to fix and pay an annual fee based on the Tribunal’s determination for a 3.75% increase for the 2024/25 financial year to Councillors. However, given that the difference between the 3.75% increase and the maximum is immaterial, it is recommended that Council endorses the maximum fees for both Mayor and Councillors.

The Councillors Expenses and Facilities Policy will be amended to include the updated Councillor fees. In accordance with section 253 (3) of the LG Act, a council does not need to give public notice of a proposed amendment to the policy if it is the opinion that the Council that the proposed amendment is not substantial. The minor amendment is not substantial and in line with section 248 of the LG Act.

**FINANCIAL/RESOURCE IMPLICATIONS**

Council currently pays the maximum for both the Mayor and Councillors and should continue to pay the maximum threshold for rural councils and increase of those amounts have been included in next year’s budget.

**10.3 RESOLUTION REGISTER**

**File Number:** C2.3.3  
**Author:** Executive Assistant to the General Manager  
**Authoriser:** General Manager  
**Attachments:** 1. ATT 1 | Resolution Register as at 12 June 2024  
**CSP Objective:** Shire assets and services delivered effectively and efficiently  
**Precis:** To provide Council with the current outstanding action items  
**Budget:** NIL

**RECOMMENDATION**

That Council note the attached Resolution Register as at 12 June 2024.

**RESOLUTION 119/24**

Moved: Cr Frame

Seconded: Cr Best

That Council note the attached Resolution Register as at 12 June 2024.

**THE MOTION WAS CARRIED**

**PURPOSE**

To provide Council with an update on the current outstanding action on the Resolution Register as at 12 June 2024.

**BACKGROUND**

A Councillor Workshop was held on 13 May 2024 to go through the resolution register line by line to provide Councillors with a verbal update on the outstanding items.

At the Councillor Workshop, it was raised that a Notice of Motion was put forward relating to the Councillor Roadshow. This related to the Mayoral Minute and not a Notice of Motion. Resolution 249/23 relating to the Mayoral Minute on the Councillor Roadshow was “*to develop an action register from the Council Roadshow Days*”. One customer service request form was completed during the Roadshow relating to properties in Greenethorpe. An inspection has been undertaken with relevant letters sent by Council Officers to the relevant property owners.

It is noted that the Council Mobile Hub operated by Council staff, we received a number of customer service request forms that provided factual information and have compiled a register. The information provided to Council Officers are an operational matter. It is noted that at the Roadshow, verbal broad issues were raised around potholes, drainage, roads and the tips. Residents are encouraged to fill out the Customer Service Request forms at future Roadshows to allow for factual information to be captured and addressed.

The format of the resolution register has been amended to now include the full resolution.

**CONCLUSION**

That Council note the current outstanding actions on the resolution register.

**11 CORPORATE SERVICES REPORTS****11.1 STATEMENT OF BANK BALANCES AND APPLICATION UNDER S. 409 AND S. 410 TO THE MINISTER FOR LOCAL GOVERNMENT**

**File Number:** 11.4  
**Author:** Rates Clerk  
**Authoriser:** Director Corporate Services  
**Attachments:** Nil  
**CSP Objective:** Shire assets and services delivered effectively and efficiently  
**Precis:** Statement of Bank Balances as at 31/05/2024  
**Budget:** NIL

**RECOMMENDATION**

That Council:

- 1) Note and receive the information provided.
- 2) Delegate for the General Manager to apply to the Minister for Local Government under s. 409 and s. 410 of the Local Government Act 1993 for an alternative use of money raised by special rate or charges.
- 3) Delegate the General Manager to apply for the money from the Sewer Fund of up to \$724,000.00 that is not yet required for the purpose for which has been received may be lent (by way of internal loan) for use by the Council for any other purpose to the Minister for Local Government under s. 410(3) of the Local Government Act.
- 4) Delegate the General Manager to withdraw the application in the event that the Financial Assistance Grant is paid in advance before the end of the financial year.
- 5) That Council endorse an application for a temporary overdraft of up to \$1million with a time limit to 31 August 2024.

**RESOLUTION 120/24**

Moved: Cr Best

Seconded: Cr Frame

That Council:

- 1) Note and receive the information provided.
- 2) Delegate for the General Manager to apply to the Minister for Local Government under s. 409 and s. 410 of the Local Government Act 1993 for an alternative use of money raised by special rate or charges.

- 3) Delegate the General Manager to apply for the money from the Sewer Fund of up to \$724,000.00 that is not yet required for the purpose for which has been received may be lent (by way of internal loan) for use by the Council for any other purpose to the Minister for Local Government under s. 410(3) of the Local Government Act.
- 4) Delegate the General Manager to withdraw the application in the event that the Financial Assistance Grant is paid in advance before the end of the financial year.
- 5) That Council endorse an application for a temporary overdraft of up to \$1million with a time limit to 31 August 2024.

**THE MOTION WAS CARRIED**

**CR DIPROSE, CR COOK, CR PARLETT - AGAINST**

---

## **RECOMMENDATION**

That Council:

- 1) Note and receive the information provided.
- 2) Delegate for the General Manager to apply to the Minister for Local Government under s. 409 and s. 410 of the Local Government Act 1993 for an alternative use of money raised by special rate or charges.
- 3) Delegate the General Manager to apply for the money from the Developer Contributions – Sewer Fund of \$102,000.00; Sewer Fund of \$724,000.00; and Cash Balance Specific Purpose Unexpended Grants of \$1,000,000 that is not yet required for the purpose for which has been received may be lent (by way of internal loan) for use by the Council for any other purpose to the Minister for Local Government under s. 410(3) of the Local Government Act.
- 4) Delegate the General Manager to withdraw the application in the event that the Financial Assistance Grant is paid in advance before the end of the financial year.

## **COMMITTEE OF THE WHOLE**

### **MOTION**

Moved: Cr Cook

Seconded: Cr Diprose

Council move into a Committee of the Whole to Consider the matter.

**DEFEATED**

---

## **AMENDMENT**

That Council:

- 1) Note and receive the information provided.

- 2) Delegate for the General Manager to apply to the Minister for Local Government under s. 409 and s. 410 of the Local Government Act 1993 for an alternative use of money raised by special rate or charges.
  - 3) Delegate the General Manager to apply for the money from the Sewer Fund of up to \$724,000.00 that is not yet required for the purpose for which has been received may be lent (by way of internal loan) for use by the Council for any other purpose to the Minister for Local Government under s. 410(3) of the Local Government Act.
  - 4) Delegate the General Manager to withdraw the application in the event that the Financial Assistance Grant is paid in advance before the end of the financial year.
  - 5) That Council endorse an application as a priority as the first funding source for a temporary overdraft of up to \$1.8million with a time limit to 31 August 2024.
- 

## **MOTION**

Moved: Cr Parlett

Seconded: Cr McKellar

That Council:

- 1) Note and receive the information provided.
- 2) Delegate for the General Manager to apply to the Minister for Local Government under s. 409 and s. 410 of the Local Government Act 1993 for an alternative use of money raised by special rate or charges.
- 3) Delegate the General Manager to apply for the money from the Sewer Fund of up to \$724,000.00 that is not yet required for the purpose for which has been received may be lent (by way of internal loan) for use by the Council for any other purpose to the Minister for Local Government under s. 410(3) of the Local Government Act.
- 4) Delegate the General Manager to withdraw the application in the event that the Financial Assistance Grant is paid in advance before the end of the financial year.
- 5) That Council endorse an application as a priority as the first funding source for a temporary overdraft of up to \$1.8million with a time limit to 31 August 2024.

**THE AMENDMENT WAS PUT AND LOST**

---

## **AMENDMENT**

That Council:

- 1) Note and receive the information provided.
  - 2) Delegate for the General Manager to apply to the Minister for Local Government under s. 409 and s. 410 of the Local Government Act 1993 for an alternative use of money raised by special rate or charges.
  - 3) Delegate the General Manager to apply for the money from the Sewer Fund of up to \$724,000.00 that is not yet required for the purpose for which has been received may be
-

lent (by way of internal loan) for use by the Council for any other purpose to the Minister for Local Government under s. 410(3) of the Local Government Act.

4) Delegate the General Manager to withdraw the application in the event that the Financial Assistance Grant is paid in advance before the end of the financial year.

5) That Council endorse a temporary overdraft of \$1.8 million.

---

## **MOTION**

Moved: Cr Cook

That Council:

1) Note and receive the information provided.

2) Delegate for the General Manager to apply to the Minister for Local Government under s. 409 and s. 410 of the Local Government Act 1993 for an alternative use of money raised by special rate or charges.

3) Delegate the General Manager to apply for the money from the Sewer Fund of up to \$724,000.00 that is not yet required for the purpose for which has been received may be lent (by way of internal loan) for use by the Council for any other purpose to the Minister for Local Government under s. 410(3) of the Local Government Act.

4) Delegate the General Manager to withdraw the application in the event that the Financial Assistance Grant is paid in advance before the end of the financial year.

5) That Council endorse a temporary overdraft of \$1.8 million.

**AMENDMENT WAS LOST**

---

## **AMENDMENT**

That Council:

1) Note and receive the information provided.

2) Delegate for the General Manager to apply to the Minister for Local Government under s. 409 and s. 410 of the Local Government Act 1993 for an alternative use of money raised by special rate or charges.

3) Delegate the General Manager to apply for the money from the Sewer Fund of up to \$724,000.00 that is not yet required for the purpose for which has been received may be lent (by way of internal loan) for use by the Council for any other purpose to the Minister for Local Government under s. 410(3) of the Local Government Act.

4) Delegate the General Manager to withdraw the application in the event that the Financial Assistance Grant is paid in advance before the end of the financial year.

5) That Council endorse an application for a temporary overdraft of up to \$1 million with a time limit to 31 August 2024.

---

## **MOTION**

Moved: Cr Best

Seconded: Cr Frame

---

That Council:

- 1) Note and receive the information provided.
- 2) Delegate for the General Manager to apply to the Minister for Local Government under s. 409 and s. 410 of the Local Government Act 1993 for an alternative use of money raised by special rate or charges.
- 3) Delegate the General Manager to apply for the money from the Sewer Fund of up to \$724,000.00 that is not yet required for the purpose for which has been received may be lent (by way of internal loan) for use by the Council for any other purpose to the Minister for Local Government under s. 410(3) of the Local Government Act.
- 4) Delegate the General Manager to withdraw the application in the event that the Financial Assistance Grant is paid in advance before the end of the financial year.
- 5) That Council endorse an application for a temporary overdraft of up to \$1million with a time limit to 31 August 2024.

**THE AMENDMENT WAS PUT AND CARRIED  
THE AMENDMENT BECOMES THE MOTION**

**BANK BALANCES AS AT 31 MAY 2024.**

|                           |                       |
|---------------------------|-----------------------|
| Bank Account              |                       |
| Westpac Operating Account | \$2,656,996.90        |
| Short Term Deposits       |                       |
| CBA                       | <u>\$7,000,000.00</u> |
| Total                     | <u>\$9,656,996.90</u> |



Restricted cash as at 31 May 2024:

|  |                       |
|--|-----------------------|
| Restricted cash balance specific purpose Unexpended grants | \$8,825,379.36        |
| Developer Contributions – Sewer Fund                       | \$ 102,000.00         |
| Sewer Fund   | <u>\$ 724,000.00</u>  |
| <b>Total Restricted cash</b>                               | <b>\$9,651,379.36</b> |

**Unrestricted cash available is** **\$ 5,617.24**

**BACKGROUND**

Council was in breach of s. 410 of the Local Government Act 1993 for the 2022-2023 financial year. Council acknowledged it had used the following funds for purposes other than their intended use during the year ended 30 June 2023:

- externally restricted funds (non-compliance with s.409 of the LG Act)
- special rates and charges funds (non-compliance with s.410 of the LG Act).

This report provides information of Council’s cash flow as at 31 May 2024. The purpose of this report is to request a Council resolution to request approval from the Minister under s. 410(3) of the Local Government Act 1993 to apply for the money from the Developer Contributions – Sewer Fund of \$102,000.00; Sewer Fund of \$724,000.00 and \$1,000,000 from the Restricted Cash Balance Specific Purpose Unexpended Grants that is not yet required for the purpose for which has been received may be lent (by way of internal loan) for use by the Council for any other purpose to the Minister for Local Government under s. 410(3) of the Local Government Act 1993 to provide unrestricted funds at 30 June 2024.

**ISSUES AND COMMENTS**

**Unexpended grant income**

Council has been impacted by a number of issues within the current operating financial year which has impacted our ability to put in milestone claims or acquit a number of our projects. A handful of examples are provided for your consideration.

- Final milestone payments and acquittals have been delayed by the funding bodies, for example we have not received correspondence seeking a transfer of funds from our Stronger Country Communities Fund Round 3 from one project (SCCF3-0685 Bogolong Dam to SCCFR3-0740 Grenfell Main Street). Noting that we had originally put in a scope variation for SCCF-0685 however were met with questions and no further responses to our answers. Noting the timing delay, we then sought a transfer of funds to the Grenfell Main Street Project to assist in acquitting the grant. This has not been responded to.
- Final acquittals of projects have been deferred into next financial year due to inclement weather conditions. For example, our Bridge Renewal Program Round 5 at Heathcote Lane has now an extended project completion date to allow for sealing of the shoulders.
- Project commencement on some of our projects have also been deferred by variation due to inclement weather conditions and staffing resources. For example, Fixing Local Roads Round 4 Nowlans Road.

- The Road Maintenance Council Contract (RMCC) works to 30 June 2024, will not be claimed until the new financial year.
- Reconstruction works for our natural disaster packages have commenced. However, Council has submitted six packages, with an initial value of \$32 million. The value of the packages has been in dispute with Transport for NSW with the funding decreased and disputed over contractor’s tendered rates. The timing of the approvals of two of the packages and commencement of works compounded by recent wet weather will mean that claims and payments will not occur into the new financial year.
- The tripartite agreement funds will be considered restricted unexpended grant income until Council submits its packages and is approved by TfNSW. Although it is expected to receive approximately \$4.5 million before the end of the financial year, year to date works and costs carried out will need to be acquitted to un-restrict the funds.

**Consultation with Office of Local Government**

The Office of Local Government have advised that they require a council resolution to approve an internal loan application before proceeding with assessing and approving the internal loan. Due to the timing, OLG requested that a pre-application letter be sent to the Minister for Local Government to allow resources to be allocated to the request. At the time of writing this report, a meeting was scheduled with the OLG on Monday 17 June 2024.

**Expected cash on 30 June 2024**

| Expected scenario                          | Amount         |
|--|----------------|
| Expected cash                              | \$8,296,560.00 |
| Total restricted cash                      | \$9,651,379.00 |
| Total suggested new internal loan          | \$1,826,000.00 |
| Suggested restricted new cash              | \$7,285,379.00 |
| Suggested new surplus in unrestricted cash | \$471,181.00   |

An application will need to be made immediately after the resolution of Council to avoid a breach with the Local Government Act 1993 under s. 410. The application will apply for money from the:

- 1) Developer Contributions – Sewer Fund: \$102,000.00
- 2) Sewer Fund: \$724,000.00
- 3) Restricted Cash Balance Specific Purpose Unexpended Grants: \$1,000,000

A total of **\$1,826,000.00**. The money is not yet required for the purpose for which has been received may be lent (by way of internal loan) for use by the Council for any other purpose as per s. 410(3) of the Local Government Act 1993.

In discussions with the OLG, they were processing a number of council applications under s. 410 of the Local Government Act 1993.

**Financial Assistance Grant**

Council Officer have assumed that the Financial Assistance Grant will not be brought forward before the end of this financial year. It is noted that the Financial Assistance Grant for 2023-2024 was brought forward and paid on the 26 June 2023. However there has been no formal announcement if this will occur for the 2024-2025 financial year. In the event that the Financial Assistance Grant is brought forward and paid in advance to the amount that is required by way of internal loan, then this application will be withdrawn, and the matter is resolved.

**Proposed conditions imposed**

Under section 410(4) of the Local Government Act 1993, the Minister must impose a number of conditions. The following is proposed:

| <b>Condition</b> | <b>Information and details</b>   |
|------------------|--|
| Amount           | We request an internal loan of <b>\$1,826,000.00</b> . This is made up of:<br>1) Developer Contributions – Sewer Fund: \$102,000.00<br>2) Sewer Fund: \$724,000.00<br>3) Restricted Cash Balance Specific Purpose Unexpended Grants: \$1,000,000 |
| Interest         | Council does not have a policy which addresses interest and therefore will utilise the OLG guidelines relating to the application of interest.   |
| Connection       | The internal loan of \$1,826,000.00 will be internally transferred into General Purpose to allow for unrestricted cash.  |
| Timeframe*       | 31 August 2024   |

\*The timeframe imposed allows for the RMCC debtors, part claims for natural disasters and in the event that the Financial Assistance Grant is paid quarterly like previous years to be received.

**TERM DEPOSITS**

Below is a summary of Term Deposits **as at 31 May 2024** showing interest earned and interest rates of current investments

|                                      | <b>Invested Date</b> | <b>Maturity Date</b> | <b>Rate</b> | <b>Invested Amount</b> | <b>Interest earned</b> |
|--------------------------------------|----------------------|----------------------|-------------|------------------------|------------------------|
| <b>Commonwealth Bank</b>             | 05/03/2024           | 05/06/2024           | 4.74        | 1,000,000              |                        |
| <b>Commonwealth Bank</b>             | 05/03/2024           | 05/06/2024           | 4.74        | \$ 500,000             |                        |
| <b>Commonwealth Bank</b>             | 05/03/2024           | 05/06/2024           | 4.74        | \$ 500,000             |                        |
| <b>Commonwealth Bank</b>             | 10/04/2024           | 11/06/2024           | 4.54        | \$1,000,000            |                        |
| <b>Commonwealth Bank</b>             | 03/06/2024           | 03/07/2024           | 4.35        | \$1,000,000            |                        |
| <b>Commonwealth Bank</b>             | 13/05/2024           | 12/07/2024           | 4.54        | \$ 500,000             |                        |
| <b>Commonwealth Bank</b>             | 13/05/2024           | 12/07/2024           | 4.54        | \$2,000,000            |                        |
| <b>Commonwealth Bank</b>             | 29/05/2024           | 28/06/2024           | 4.35        | \$ 500,000             |                        |
| <b>Total Interest – Year to Date</b> |                      |                      |             | <b>\$7,000,000</b>     | <b>\$212,341.76</b>    |

**POLICY/LEGAL IMPLICATIONS**

Council will be following the correct process by making an application to the Minister for Local Government under s. 409 and 410 of the Local Government Act 1993 prior to 30 June 2024.

**FINANCIAL/RESOURCE IMPLICATIONS**

The assumption is made that the Financial Assistance Grant will not be brought forward and results in a need to apply to the Minister for an internal loan. The money 1) Developer Contributions – Sewer Fund: \$102,000.00; 2) Sewer Fund: \$724,000.00 and 3) Restricted Cash Balance Specific Purpose Unexpended Grants: \$1,000,000 is not yet required for the purpose for which has been received may be lent (by way of internal loan) for use by the Council for any other purpose as per s. 410(3) of the Local Government Act 1993. The OLG have received a number of applications similar to Council’s pending application. In the event that the Financial Assistance Grant is brought forward and paid in advance to the amount that is required by way of internal loan, then this application will be withdrawn and the matter is resolved.

## INTERNAL/EXTERNAL CONSULTATION

Council Officers have a meeting scheduled with the Performance team of OLG on Monday 17 June 2024. An email to Councillors relating to the issue was circulated on 13 June 2024.

## CONCLUSION

An application will need to be made prior to 30 June 2024 to avoid a breach with the Local Government Act 1993 under s. 410. The application will apply for money from the:

- 1) Developer Contributions – Sewer Fund: \$102,000.00
- 2) Sewer Fund: \$724,000.00
- 3) Restricted Cash Balance Specific Purpose Unexpended Grants: \$1,000,000

A total of **\$1,826,000.00**. The money is not yet required for the purpose for which has been received may be lent (by way of internal loan) for use by the Council for any other purpose as per s. 410(3) of the Local Government Act 1993. In the event that the Financial Assistance Grant is brought forward and paid in advance to the amount that is required by way of internal loan, then this application will be withdrawn, and the matter is resolved.

**11.2 RATES AND CHARGES COLLECTION - MAY 2024**

**File Number:** A3.R.3  
**Author:** Rates Clerk  
**Authoriser:** Director Corporate Services  
**Attachments:** Nil  
**CSP Objective:** Shire assets and services delivered effectively and efficiently  
**Precis:** May 2024, monthly report on the rates and charges collection.  
**Budget:** NIL

**RECOMMENDATION**

That Council note the information update on rates and charges collection for May 2024.

**RESOLUTION 121/24**

Moved: Cr Frame

Seconded: Cr Kenah

That Council note the information update on rates and charges collection for May 2024.

**THE MOTION WAS CARRIED**

**PURPOSE**

The purpose of this report is for Council to be updated with the most recent information pertaining to its rates and charges collections – as applicable to the month of May 2024.

**BACKGROUND**

The monthly report provides Council information on the rates and charges collection. It was noted in preparation of the Draft and Audited Annual Financial Statement for the 2022-2023 period that the rates and annual charges outstanding percentage was higher than the desired benchmark of <10%, being 10.51% at 30 June 2023. There were a number of reasons for the higher ratio in 2023, including a halt to outstanding rates collections during COVID-19.

Refer to the Financial/Resource Implications for the more recent commentary background with respect to collections for the current period to date as it relates to the above mentioned background on the 2023 rates as well as the current 2024 rates.

**ISSUES AND COMMENTS**

The annual rate charges are set out within Council's 2023/24 Operational Plan in its Revenue Policy.

The following provides a summary at 31 May 2024.

**Rates Collected:**

|   | 31 May 2023/24         | 30 April 2023/24       |
|---|------------------------|------------------------|
| Rates and Charges Collected to date <b>(May 2023/24 at C)</b> | \$ 3,903,958.29        | \$ 3,570,643.39        |
| <b>Total</b>  | <b>\$ 3,903,958.29</b> | <b>\$ 3,570,643.39</b> |

An additional \$333,314.90 was collected in the month of May 2024.

**Reconciliation: Rates/Charges Levied, Collections and to be Collected:**

|  | May 2024               | May 2023               |
|--|------------------------|------------------------|
| 2022/23 Rates/Charges in arrears as at 30 June 2023 <b>(A)</b>           | \$ 387,037.04          | \$ 368,537.15          |
| <b>2023/24:</b>  |                        |                        |
| Gross Rates/Charges levied & adjustments for 2023/24                     | \$ 4,524,387.46        | \$ 4,116,939.65        |
| <b>Less Pension Concession – Granted with Annual Levy</b>                | <b>(\$ 138,418.78)</b> | <b>(\$ 137,926.00)</b> |
| Net 2023/24 Amount Levied <b>(B)</b>                                     | \$ 4,385,968.68        | \$ 4,347,550.80        |
| <b>Total amount rates raised in 2023/24 plus 2022/23 arrears (A + B)</b> | <b>\$ 4,773,005.72</b> | <b>\$ 4,716,087.95</b> |
| Less: Total amount collected <b>(May 2023/24 at C)</b>                   | \$ 3,903,958.29        | \$ 4,048,954.98        |
| <b>Total rates still to be collected</b>                                 | <b>\$ 869,047.43</b>   | <b>\$ 667,132.97</b>   |

**POLICY/LEGAL IMPLICATIONS**

Council staff comply with the directions provided by Council’s suite of policies that govern this function of Council. The collection of rates does have an economic and social impact on the community. For this reason, Council is always willing to negotiate payment terms with outstanding debtors. Rate payers are afforded several opportunities to contact Council and make suitable arrangements regarding outstanding amounts.

**FINANCIAL/RESOURCE IMPLICATIONS**

Uncollected rates is cash flow that is not available to Council to use for normal operational matters.

Council has engaged the Council's Debt Recovery Agency and is currently monitoring 58 active files. These agency costs unfortunately come at a considerable collection cost to Council.

Council Officers sent out 241 letters in March 2024 regarding outstanding rates and encouraging our rate payers to make contact with Council. The Fourth instalment was sent which shows rates in arrears as well as outstanding amounts as a reminder.

However, it needs to be acknowledged that post Covid-19 along with the additional increase in the cost of living has impacted on Council's ability to collect rates and charges.

Council **2023/24 rates and annual charges outstanding** as at May 2024 is **\$482,010.39**. **As** a percentage of its 2023/24 rates charged this is approximately **11.0% in arrears** (which is just **above the OLG benchmark of <10%** of rates charged). We put this down to the general cost of living pressures experienced by our ratepayers in 2024.

We also note that \$387,037.04 of the 2022/23 rates remain uncollected. So if we cumulatively take into account the outstanding rates from both the prior year/s being \$869,047.43 (in the table above), this represents in percentage terms about 18.2% of the current year's rates in arrears (again noting the OLG benchmark of <10% of rates charged).

We put this collectively down to the cost of living pressures experienced by ratepayers in 2024 and COVID 19 financial pressures.

## **INTERNAL/EXTERNAL CONSULTATION**

This report is a monthly report to Council.

## **CONCLUSION**

Council is focused on the collection of outstanding rates in a timely fashion but that this will always be undertaken in a sensitive manner.



**11.3 OPERATIONAL PLAN 2024 - 2025**

**File Number:**

**Author:** Director Corporate Services

**Authoriser:** General Manager

**Attachments:**

1. ATT 1 | 2024-2025 Operational Plan
2. ATT 2a | Response to Cr Cook Submission
3. ATT 2b | Summary of 24-25 OP Submission with comment

**CSP Objective:** Shire assets and services delivered effectively and efficiently

**Precis:** This is a presentation of the Final Operational Plan 2024-2025

**Budget:** As per the Operational Plan 2024-2025

**RECOMMENDATION**

That Council:

1. Note the information contained in this report.
2. Endorses the Operational Plan 2024-25, and hereby makes, fixes and levies the expenditure amounts set out in the Operational Plan 2024-25 in accordance with provisions of Section 405 of the *Local Government Act 1993*.
3. Pursuant to sections 491, 495(1), 498, 514, 533, 536 and 537 of the *Local Government Act 1993*, make the following rates and charges for the 2023/2024 rating period as per table:
  - I. General Rates

| Rate Name                       | Ad Valorem Amount<br>Cents in \$ | Base Charge<br>\$ | Base Charge<br>% of Total<br>per category | Rate Yield<br>\$ |
|---------------------------------|----------------------------------|-------------------|---|------------------|
| <b>Grenfell Residential</b>     | 0.5713                           | 389               | 48.19%                                    | 842,358          |
| <b>Large Lot Residential</b>    | 0.3979                           | 385               | 38.08%                                    | 197,067          |
| <b>Main Street Business</b>     | 2.8858                           | 415               | 30.12%                                    | 99,221           |
| <b>Business</b>                 | 1.0957                           | 413               | 29.25%                                    | 101,653          |
| <b>Bimbi Residential</b>        | 0.6059                           | 73                | 44.13%                                    | 4,485            |
| <b>Caragabal Residential</b>    | 1.3160                           | 101               | 44.57%                                    | 13,415           |
| <b>Greenethorpe Residential</b> | 1.0258                           | 135               | 36.88%                                    | 40,926           |
| <b>Quandialla Residential</b>   | 1.0290                           | 119               | 46.96%                                    | 20,708           |
| <b>Farmland Rate</b>            | 0.1137                           | 332               | 15.98%                                    | 1,982,173        |
| <b>Mining</b>                   | 3.4826                           | 1131              | 14.28%                                    | 7,922            |
| <b>Total</b>                    |                                  |                   |   | <b>3,309,928</b> |

**II. Sewer Charges**

| Sewerage Charges   | Annual Charge \$ |
|--|------------------|
| Residential Connected  | 675              |
| Non-Residential Connected                                    | 775              |
| Residential Unconnected                                      | 415              |
| Non-Residential Unconnected                                  | 465              |
| Water Closet/Urinal – Non-Residential                        | 155              |
| Water Closet/Urinal – Religious Body*/Community Organisation | 115              |

**III. Waste Management Charges.**

| Waste Management Charge               | Annual Charge \$ |
|---------------------------------------|------------------|
| Grenfell Waste/Recycling Domestic     | 425              |
| Greenethorpe Waste/Recycling Domestic | 373              |
| Quandialla Waste/Recycling Domestic   | 373              |
| Caragabal Waste/Recycling Domestic    | 373              |
| Bimbi Waste/Recycling Domestic        | 373              |
| Caragabal Residential                 | 373              |
| Grenfell Commercial                   | 466              |
| Village Commercial                    | 373              |

**IV. Rural and Vacant Land Waste Charges**

| Garbage Charge                | Annual Charge \$ |
|-------------------------------|------------------|
| Farmland                      | 65               |
| Vacant Residential            | 65               |
| Vacant Land Charge - Villages | 65               |

**RESOLUTION 122/24**

Moved: Cr Best

Seconded: Cr McKellar

That Council:

1. Note the information contained in this report.
2. Endorses the Operational Plan 2024-25, and hereby makes, fixes and levies the expenditure amounts set out in the Operational Plan 2024-25 in accordance with provisions of Section 405 of the *Local Government Act 1993*.

3. Pursuant to sections 491, 495(1), 498, 514, 533, 536 and 537 of the *Local Government Act 1993*, make the following rates and charges for the 2023/2024 rating period as per table:

I. General Rates

| Rate Name                | Ad Valorem Amount Cents in \$ | Base Charge \$ | Base Charge % of Total per category | Rate Yield \$    |
|--------------------------|-------------------------------|----------------|-------------------------------------|------------------|
| Grenfell Residential     | 0.5713                        | 389            | 48.19%                              | 842,358          |
| Large Lot Residential    | 0.3979                        | 385            | 38.08%                              | 197,067          |
| Main Street Business     | 2.8858                        | 415            | 30.12%                              | 99,221           |
| Business                 | 1.0957                        | 413            | 29.25%                              | 101,653          |
| Bimbi Residential        | 0.6059                        | 73             | 44.13%                              | 4,485            |
| Caragabal Residential    | 1.3160                        | 101            | 44.57%                              | 13,415           |
| Greenethorpe Residential | 1.0258                        | 135            | 36.88%                              | 40,926           |
| Quandialla Residential   | 1.0290                        | 119            | 46.96%                              | 20,708           |
| Farmland Rate            | 0.1137                        | 332            | 15.98%                              | 1,982,173        |
| Mining                   | 3.4826                        | 1131           | 14.28%                              | 7,922            |
| <b>Total</b>             |                               |                |                                     | <b>3,309,928</b> |

II. Sewer Charges

| Sewerage Charges   | Annual Charge \$ |
|--|------------------|
| Residential Connected  | 675              |
| Non-Residential Connected                                    | 775              |
| Residential Unconnected                                      | 415              |
| Non-Residential Unconnected                                  | 465              |
| Water Closet/Urinal – Non-Residential                        | 155              |
| Water Closet/Urinal – Religious Body*/Community Organisation | 115              |

III. Waste Management Charges.

| Waste Management Charge               | Annual Charge \$ |
|---------------------------------------|------------------|
| Grenfell Waste/Recycling Domestic     | 425              |
| Greenethorpe Waste/Recycling Domestic | 373              |
| Quandialla Waste/Recycling Domestic   | 373              |
| Caragabal Waste/Recycling Domestic    | 373              |

|                                |     |
|--------------------------------|-----|
| Bimbi Waste/Recycling Domestic | 373 |
| Caragabal Residential          | 373 |
| Grenfell Commercial            | 466 |
| Village Commercial             | 373 |

IV. Rural and Vacant Land Waste Charges

| Garbage Charge                | Annual Charge \$ |
|-------------------------------|------------------|
| Farmland                      | 65               |
| Vacant Residential            | 65               |
| Vacant Land Charge - Villages | 65               |

**THE MOTION WAS CARRIED  
CR COOK - AGAINST**

Cr Best left the room at 6:22pm.

Cr Best entered the room at 6.22pm.

**PURPOSE**

The purpose of this report is to seek Council’s endorsement of the Weddin Shire Council Operational Plan 2024-25 at Attachment 1.

**BACKGROUND**

Council’s Operational Plan 2024-25 provides a direct link to the four (4) year Delivery Program, and in turn, the Community Strategic Plan. The Program is set out in the six (6) strategic objectives.

In line with the provisions of the *Local Government Act 1993*, section 405 requires that “a council must have a plan (called its operational plan) that is adopted before the beginning of each year and details the activities to be engaged in by the council during the year as part of the delivery program covering that year”.

Council at the 18 April 2024 resolved for the Draft Operational Plan 2024-25 to be placed on public exhibition for a period of 28 days. Submissions closed 5:00pm on 24 May 2024; Council received two (2) submissions, see Attachment 2.

**ISSUES AND COMMENTS**

The Operational Plan 2024-25 includes the Operational Actions, Revenue Policy including the budget and the schedule of fees and charges. Council’s budget comprises the following (\$’000):

|  |          |
|--|----------|
| Operational Revenue of<br>(Total income from continuing operations)                  | \$20,891 |
| Capital Revenue of<br>(Total income from continuing operations)                      | \$31,852 |
| Operational Expenditure of<br>(Total expenses of from continuing operations)         | \$33,933 |
| Capital Expenditure of<br>(Cash flows provided (or in used in) investing activities) | \$21,305 |

|  |       |
|--|-------|
| Loan Repayments (Principal)<br>(Net cash provided (or used in) financing activities) | \$120 |
|--|-------|

The 2024-25 Budget as per table below presents Council with a positive Operational result of \$792,000. Whilst the budget predicts a positive result, it should be noted that several challenges have been identified including the following:

|  |                    |
|--|--------------------|
| Rates Income Increase.<br>Note this represents is a \$144,369 increase from the 2023/24 rates plus a shortfall in rates collected of \$94,000 in 2023/24)          | \$238,369          |
| Emergency Services Levy with removal of subsidy  | \$386,000          |
| Forecast Award Wage Increase 3.5% plus bonuses   | \$281,000          |
| ARIC Commitments   | \$33,000           |
| Insurance Increase 10% (estimate only)   | \$42,000           |
| Server and IT capital upgrades and improvements that will roll from 2023/24 and continue into 2024/25  | \$266,000          |
| IT Subscriptions   | \$222,600          |
| IT Operational expenses  | \$255,000          |
| SRV Application  | \$200,000          |
| I,P & R framework (CSP, DP and other plans)  | \$150,000          |
| Transfer to Waste Fund Reserve   | \$150,000          |
| Finance costs for necessary capital expenditure for road building (estimate only)  | \$100,000          |
| Workers Compensation increase of \$60,000 (noting that premiums are based off a three-year average and could decrease if claims are low over a three year period.) | \$305,000          |
| <b>Total</b>   | <b>\$2,628,969</b> |

The other major challenge is cash flow. This year we do not anticipate receiving the Financial Assistance Grant (FAG) in advance. Our other major cash flow challenge is presented under the Statement of Bank Balances and Request to the Minister under s. 409 and 410 of the Local Government Act Report. It is likely that the claims, acquittal processes and the way that the NSW and Federal Governments utilise councils as banks to deliver projects will impact into the new financial year.

**OPERATIONAL PLAN 2024-2025**

The following provides the changes between the draft Operational Plan 2024-2025 and the final version:

|   | Comment   | Type of Change   |
|---|---|--|
| 1 | <p>Upon update of Grants Register revenue has been revised down (by \$1.84mil as they related to a prior year) from the draft grants (based register from the 2022-23), as known at the time. This has been corrected.</p> <p>These grants were predominantly for RERRF and SCCF. Some were revised down (WAP or Weeds Action Plan) from the draft budget.</p> <p>Funding for LRCI now captures Phase 4 only and the prior phases will be acquitted by 30 June 2024.</p> <p>Fifty percent (50%) of the EPA Illegal Dumping grant or \$36,250 was transferred to the 2024/25 financial year.</p> <p>Bogolong Dam funding (SCCF) of \$180,000 was in the draft Operation Plan. This was since removed from the 2024/25 budget due to the funding body not extending any further time or other ways for us to spend the grant.</p> | Decrease in budget   |
| 2 | Removal of the word draft throughout document and changing the style to read like a final version   | Editorial  |
| 3 | Changes to the fees and charges to reflect statutory charges under the <i>Environmental Planning and Assessment Act/Regulation</i> and the <i>Companion Animals Act/Regulation</i> . These charges were only available in June 2024.  | Statutory Fees and Charges updated                                   |
| 4 | Changes to the Council fees and charges which were marked as TBC (as were unknown) at the time that the draft budget was presented have been included. There are a few items that were not provided due to staffing availability but will be provided by council on application.  | Council Fees and Charges updated                                     |
| 4 | Since the draft Operational Plan TfNSW has notified that the Funding revenue for the RMCC - RMAP would increase by \$316,000 from \$594,000 to \$910,000.   | Increase in budget revenue   |
| 5 | Since the draft Operational Plan TfNSW has notified that the Funding revenue for the RMCC – Ordered Works would increase by \$6,779,000 from \$1,231,000 to <b>\$8,010,000</b> .  | Increase in budget revenue   |
| 6 | Disposals of Plant & Equipment – this was adjusted as a CAPEX plan (Disposals and Purchases) is being developed   | Decrease in budget   |
| 7 | Some of the financial assistance grant has now been allocated to Sewer Treatment Plant maintenance, Swimming pool maintenance and Plant replacement purchases (financial costs) for council's ongoing roads works.  | No change to overall budget result                                   |
| 8 | Roads to Recovery Grant was announced subsequent to the draft budget and this now includes and amount of \$825,938.   | Increase in revenue and expenses. No change to overall budget result |
| 8 | Natural Disaster grant funding was reduced from the draft Operational Plan. Two packages have been approved. The  | Slight decrease in budget.   |

|   | <b>Comment</b>  | <b>Type of Change</b>                                   |
|---|---|---|
|   | remaining four packages are subject to change once approved. These are upper limit claims. This actual amounts will continue to change and are dependent upon TfNSW approval of council's works claims. | Actual claims may be subject to change through the year |
| 9 | Schedule of rates "ad valorem amount cents" has been amended to now reflect the recent valuation into the new financial year which were not available at the time of drafting Operational Plan.         | Schedule of rate unit change                            |

## **OPERATIONAL CHALLENGES**

Broadly speaking there will be strategic and operational challenges that Council will face going into the next reporting period including:

### **1. Scale and capacity**

- The ability of our Council to have the scale and capacity to implement all of its functions is always a challenge for council. Council has been able to build out its finance workforce resources however remains challenged in the Infrastructure department.
- The accumulative impacts over the past several years, emergency events such as the natural disasters, financial and personnel resources have impacted on our ability to recover across our road network.

### **2. Compliance requirements**

- Regulatory – Companion Animals, Planning and Building matters, Food shop inspections, Swimming Pools, Financial statements, Prudential and Banking, Technical, Work Health and Safety, Employment and many other day to day operational regulatory requirements, etc.
- Planning – Council's Local Environmental Plan, Development Control Plans, Development Applications etc.
- Records Management – State Archive Legislation.
- TfNSW – Highway Works working under a strict accreditation regime.
- ARIC and internal audit.

### **3. Work, health and safety**

- Council is expected to be a responsible employer.
- Senior executive management is liable in terms of the *Work Health and Safety Act 2011* – with heavy fines and prison sentences in more serious instances.
- Workers' compensation is a "no fault" insurance.
- Need to continually improve WHS practices and resource the position, update our plans and ensure staff work in a safe environment.

### **4. Organisation structure**

- Council should support the scale and capacity, compliance and legislative requirements.
- We should be encouraging training and development of staff and encouraging career paths.
- Fostering and nurturing a learning organisation of 'growing our own'.
- Focusing on our key strengths and knowing when it is best to outsource some of our function when we cannot do this internally.

## **5. External conditions and decisions**

- Rate pegging is an ongoing State Government policy since 1978, with devastated effects for local government, eroding its revenue base.
- Increase in staff salaries and wages in line with the local government award (a good and encouraging exercise for staff).
- Cost shifting from the state and federal governments in areas like health and the expectation that this is a local issue is a constant challenge.
- Emergency services levy now encumbered to local government which is a further financial impost on Council's finances.
- Revenue (interest) earned on investments in a relatively low interest environment are no longer a source of additional income for Councils.
- A more recent trend is that most grant funding is now 'tied funding'. Further most are paid upon reaching milestone events and this means it is necessary for Council to fund in advance up until the milestone event of such program and then seek reimbursement. This restriction generates more cash flow and financial constraints and pressures for council than it has in the past. Most cash assets held by Council are now restricted funding and availability for use on other Council functions therefore is limited.

## **6. Asset management considerations**

- Impact of our road network relating to natural disaster declarations.
- Lack of scale and capacity to undertake proactive maintenance on the road network due to the current asset condition.
- Ageing infrastructure, e.g. sewer network, footpaths, stormwater.
- Deteriorated Council buildings e.g. Council Chambers.
- A further very significant challenge which is ongoing from the prior year is our depleted state of capital equipment and the management of this financially. Financial costs may vary (increase) from the time of adoption of this 2024/25 Operational Plan and will be dependent on actual expenditure during the course of the 2024/25 financial year. A capital expenditure budget is being developed in addition to a Capital Expenditure Plan over the longer term. An increase to our financing capability has been reflected in the 2024/25 Operational Plan to address such asset shortfalls. This is a short to medium term project for Council and will be a function of resource availability, so that Council remains a good custodian of its public responsibilities.

**7. Rural Fire Service** – due to current external body interpretations of accounting standards Council are assumed to control the red fleet. This has an impact on the servicing, maintenance and the depreciation costs impact on Council's financial statement operating results.



**8. Road upgrades** – and the impact of improved condition assessments resulting in higher road depreciation and expenditure of the Council.

**All of these challenges for council and constraints impact our ability to meet Community expectations.**

### **POLICY/LLEGAL IMPLICATIONS**

The Draft Operational Plan 2024-25 was presented to Council and went out for public exhibition for a period of 28 days. One submission (Attachment 2) was received and where appropriate, amendments have been considered. The final Operational Plan 2024-25 is now presented to Council for adoption to meet Council's requirement under section 405 of the *Local Government Act 1993*.

### **FINANCIAL/RESOURCE IMPLICATIONS**

The 2024-25 Budget as per table above presents Council with a modest positive Operational result.

### **EXTERNAL CONSULTATION**

A Council has a significant reliance on external consultants for the construct of its plans and programs. It will have a very strong reliance on external consultants for road building due to the Natural Disaster restorative repairs and maintenance.

Council will also need to use external consultants to develop and deliver its next round of Community Strategic Planning and more broadly the reporting that makes up its Integrated Planning and Reporting framework.

### **CONCLUSION**

The final Operational Plan 2024-25 is attached (Attachment 1) for Council's adoption.

## 12 INFRASTRUCTURE SERVICES REPORTS

### 12.1 DRAFT GRENFELL SEWER CONTRIBUTIONS POLICY

**File Number:****Author:** Project Manager Water & Sewerage**Authoriser:** Acting Director of Infrastructure**Attachments:**

1. ATT 1 | 7.2.4 - Current Policy Grenfell Sewer Contributions Plan - tracked
2. ATT 2 | Draft 7.2.5 - Updated Grenfell Sewer Contributions Policy

**CSP Objective:** Shire assets and services delivered effectively and efficiently**Precis:** *New draft version of Policy (no. 7.2.5) - Section 64 contributions under the Local Government Act 1993 towards sewer infrastructure.***Budget:** Nil

### RECOMMENDATION

**That Council:**

1. Approves for the Draft Grenfell Sewer Contributions Policy (7.2.5) being placed on Public Exhibition for a period of 28 days inviting submissions in accordance with provisions of Section 405 of the *Local Government Act 1993*.
2. Request the General Manager presents a further report to Council will all submissions received at the conclusion of the Public Exhibition period for council's further consideration and adoption of the policy, or in the event that no submissions are received during the exhibition period, Council formally adopt the policy, without any changes, as a policy.

### RESOLUTION 123/24

Moved: Cr Frame

Seconded: Cr McKellar

**That Council:**

1. Approves for the Draft Grenfell Sewer Contributions Policy (7.2.5) being placed on Public Exhibition for a period of 28 days inviting submissions in accordance with provisions of Section 405 of the *Local Government Act 1993*.
2. Request the General Manager presents a further report to Council will all submissions received at the conclusion of the Public Exhibition period for council's further consideration and adoption of the policy, or in the event that no submissions are received during the exhibition period, Council formally adopt the policy, without any changes, as a policy.

**THE MOTION WAS CARRIED**

Mr John Thompson left the room at 6:29pm.

Mr John Thompson entered the room at 6:31pm.

## PURPOSE

The purpose of this report is to provide the Draft Grenfell Sewer Contributions Policy (7.2.5) to Council for public exhibition.

## BACKGROUND

The Weddin Shire sewer system serves all of the development within the town of Grenfell and does not extend to rural development. The unserved rural properties are isolated and not economically viable to service.

Council is responsible for the installation, maintenance and operation of the sewer reticulation pipe network, sewerage treatment plant and sludge disposal. The area serving Grenfell is approximately 325ha.

There is one new sewerage treatment works (2206 EP capacity) providing primary, secondary and tertiary treatment. The system comprises a two-train IDAL treatment plant, 28 kilometres of reticulation, and overflow discharge to Emu Creek Reuse water is utilized for several parks and recreational fields.

Council adopted the Grenfell Sewer Contributions Plan (Policy 7.2.4) on 18 May 2017. As per the policy adopted, the policy was to be reviewed at four (4) yearly intervals. To assist Council in meeting all statutory requirements, this policy (7.2.5) reflects the updates and will be reviewed every three (3) years.

Section 64 contributions are levied under the *Local Government Act 1993* towards sewer infrastructure by means of a cross-reference to Section 306 of the *Water Management Act 2000*. Council must have a policy in order to levy a Section 64 contribution.

## ISSUES AND COMMENTS

The current Policy (7.2.4) will be replaced by this proposed draft version Policy (Policy no. 7.2.5). It now considers a representative capital cost of the of new sewerage treatment works (2206 EP capacity) opened officially on 15 July 2022.

The simplified approach and concept of the policy is the replacing of current policy (7.2.4) in accordance to DPI Water- 2016 *Developer Charges Guidelines for Water Supply, Sewerage and Stormwater* that that may only be used by Local Water Utilities (LWU) with under 2,000 connected properties for sewerage business:

- Return on Investment (ROI) Factor for capital charge.
- The reduction amount is calculated as the PV for 30 years of current net income per ET.

The Draft Policy ensures compliance against the Guidelines.

## POLICY/LEGAL IMPLICATIONS

The Draft Policy complies with the statutory requirements of Section 64 contributions under the *Local Government Act 1993* by means of a cross-reference to Section 306 of the *Water Management Act 2000* towards sewer infrastructure. Council must have a policy in order to levy a Section 64 contribution.

The overall objectives of this policy are to require contributions toward the provision of sewerage infrastructure needs in Grenfell which creates a demand for those facilities; recoup funds, which it has spent in the provision of public infrastructure in anticipation of development; ensure that adequate public infrastructure is provided for, as part of any new development; provide a comprehensive strategy for the assessment, collection,

expenditure, accounting and review of contributions on an equitable basis and provide developers with clear guidance as to the contributions payable for sewerage infrastructure.

### **FINANCIAL/RESOURCE IMPLICATIONS**

The current Policy (7.2.4) contains the capital cost of the old sewerage treatment plant which is no longer in operation. The proposed Policy (7.2.5) is determined by the capital cost of new sewerage treatment works that significantly increases from \$4,296.00 to \$7,764.00 per Equivalent Tenement (ET) under the Section 64 contributions of the *Local Government Act 1993*. This aligns and complies with the DPI Guidelines.

Council will review the contribution rates annually as part of the annual budget preparation process to ensure that the monetary contributions continue to reflect the community costs associated with the provision of water and sewerage infrastructure on the basis of the Consumer Price Index (CPI).

### **INTERNAL/EXTERNAL CONSULTATION**

The Draft updated Grenfell Sewer Contributions Policy (no. 7.2.5) will be displayed for public exhibition for a period of 28 days welcoming submissions to the Policy.

### **CONCLUSION**

Section 64 contributions are levied under the *Local Government Act 1993* towards sewer infrastructure. Council must have an updated Policy in order to levy a Section 64 contribution.

Once adopted, the proposed draft Policy (7.2.5) will replace the current outdated Policy (7.2.4).

**12.2 ROAD MAINTENANCE COUNCIL CONTRACT ( RMCC )**

**File Number:** 2023/24 RMCC  
**Author:** RMCC Coordinator  
**Authoriser:** General Manager  
**Attachments:** Nil  
**CSP Objective:** Shire assets and services delivered effectively and efficiently  
**Precis:** Road Maintenance Council Contract (RMCC)  
**Budget:** Nil

**RECOMMENDATION**

That Council note the information contained in this report.

**RESOLUTION 124/24**

Moved: Cr Diprose  
Seconded: Cr McKellar

That Council note the information contained in this report.

**THE MOTION WAS CARRIED UNANIMOUSLY**

**PURPOSE**

To provide Council with an overview of the RMCC Contract and, in particular, ordered work carried out by Council as part of the RMCC Contract during the 2023/2024 periods.

**BACKGROUND**

Council has a RMCC (Road Maintenance Council Contract) with Transport for NSW (TfNSW), which includes carrying out various maintenance and specific work such as reseals and heavy patching on the Mid Western Highway (HW06) and Newell Highway (HW17).

The Mid Western Highway is about 105 km and Newell Highway is about 22km. Council's current RMCC Contract is for a period of three (3) years from 1 July 2023.

The value of the Maintenance component of the RMCC Contract has reduced from \$627,000 to \$594,000 over the past three (3) years and could decrease further in future years. However noting that Council's data shows that the actual payment of the RMCC contract for the last three (3) years varied from \$614,000 to \$621,000 over the past three (3) years, meaning the potential for maintenance work to further reduce below the \$594,000. This relates to the way TfNSW applies an upper limit on contracts but rarely utilises this clause.

Noting that the natural disaster/flooding works have been largely carried out and funds received from TfNSW, the reporting on RMCC has dropped to a bi-monthly reporting period.

**2023/2024 Routine Maintenance Annual Plan (RMAP)**

The following funding for routine maintenance has been received for the first 9 months of the current financial year:

| Reference | Description                       | Amount       | Status             |
|-----------|-----------------------------------|--------------|--------------------|
| Q1        | RMAP 2023/2024 Jul-Sep            | \$140,156.50 | Completed/Received |
| Q2        | RMAP 2023/2024 Oct-Dec            | \$197,311.4  | Completed/Received |
| Q3        | RMAP 2023/2024 Jan-Mar            | \$110,785.8  | Completed/Received |
| Q4        | RMAP 2023.2024 Apr-Jun (forecast) | \$75,020.00  | Forecast           |

Council has been issued with the Indicative RMAP figure for the 2024/25 financial year from TfNSW of \$905,000. The RMCC team will table this for discussion at the weekly infrastructure meeting to come up with a draft RMAP for submission to TfNSW, before the end of the month.

In addition to the RMAP funding, due to natural disaster events, the value of the issued ordered work component has gone up as follows:

- 2020/2021 - \$1.5 million.
- 2021/2022 - \$3.0 million.
- 2022/2023 - Approximately \$8.0 million.
- 2023/2024 - Approximately \$4.2 million to date.

It is noted that with the significant increase in the value of the ordered work and workload, comes with major operational / documentation / supervision challenges with the same amount of resources Council has always had / provided for RMCC work.

## ISSUES AND COMMENTS

Council's RMCC staff will continue to confer with the finance team to best decide on timing for taking on new works with TfNSW and to identify if part payments will be required and requested during these projects.

Council must also ensure it meets all of its contractual requirements over the life of its contract. One of these requirements is the Aboriginal Procurement Policy (APP) which means if our contract with TfNSW exceeds \$7.5 million, we must commit \$1.5% of total funding to the engagement of Aboriginal employees or an aboriginal registered company.

Council's R2 and G certifications are due for renewal 10 October 2024 with submissions due to TfNSW 12 June 2024. This is the level of qualification required under Councils RMCC contract to deliver work on the state road network. In order to meet auditing and submission requirements Council engaged a contractor to help with these submissions.

Q1, Q2 and Q3 RMAPs funding has been claimed and reimbursed by TfNSW. Q4 will be claimed at completion of the financial year.

### Newell Highway

- Scoping of further natural disaster works has been undertaken with documentation and estimates submitted to TfNSW for processing. This was due earlier this month with no more new claims under this package from this point forward. All works must be completed by 30 June 2025.

- The Shoulder Repair Project on the Newell Highway has been completed and reimbursed for by TfNSW.
- Heavy Patch program for the financial year was delivered and sealed under RFT33-2023 and RFT34-2023 with all works reimbursed by TfNSW except the recently completed line marking.
- The planned Reseal Program has been deferred because of unsuitable weather conditions.
- Council has scoped up and received indicative funding under a range of funding packages for 41,724m<sup>2</sup> of Flexible Pavement Patches to be completed 2024/2025 financial year on the Newell Highway.
- Where possible, traffic control work to be undertaken by Council's own works staff under the required G Registration to carry out work on State Roads.

**Mid-Western Highway**

- Scoping of further natural disaster works has been undertaken with documentation and estimates submitted to TfNSW for processing. This was due earlier this month with no more new claims under this package from this point forward. All works must be completed by 30 June 2025.
- The Heavy Patch program for the financial year was delivered and sealed under RFT33-2023 and RFT34-2023 with all works reimbursed by TfNSW except the recently completed line marking.
- The planned Reseal Program has been deferred because of unsuitable weather conditions.
- Council has scoped up and received indicative funding under a range of funding packages for 20884m<sup>2</sup> of Flexible Pavement Patches to be completed 2024/2025 financial year on the Mid-Western Highway.
- Where possible, traffic control work to be undertaken by Council's own work staff under the required G Registration to carry out work on State Roads

**2023/2024 Ordered Work Program**

The following work orders have been completed either in the 22/23 or 23/24 financial year with payments claimed this financial year but received to the year that the works were undertaken:

| Reference     | Description                   | Amount         | Status             |
|---------------|-------------------------------|----------------|--------------------|
| 483.23.10     | Flood damage Heavy Patch SH17 | \$601,680.20   | Completed/Received |
| 483.23.11     | Flood damage Heavy Patch SH06 | \$1,272,348.00 | Completed/Received |
| 483.23.12     | Reseals SH06                  | \$605,410.03   | Completed/Received |
| 483.23.13     | Truck Incident Claim          | \$40,982.70    | Completed/Received |
| 483.23.14     | Flood damage Heavy Patch SH17 | \$2,025,321.10 | Completed/Received |
| 483.23.15     | Flood damage Heavy Patch SH06 | \$858,439.45   | Completed/Received |
| 483.23.16     | Flood damage Slab Jack SH17   | \$465,390.00   | Completed/Received |
| 483.23.11_V01 | Heavy Patch Variation SH17    | \$97,191.60    | Completed/Received |
| 483.24.02     | Segment 06310 Reshape         | \$390,887.30   | Completed/Received |

| Reference | Description           | Amount       | Status             |
|-----------|-----------------------|--------------|--------------------|
| 483.24.05 | SH17 Line marking     | \$22,761.20  | Completed/Received |
| 483.24.06 | SH06 Line Marking     | \$17,300.80  | Completed/Received |
| 483.24.01 | SH17 Shoulder Repairs | \$468,717.70 | Completed/Received |
| 483.24.03 | Murrays Creek         | \$29,645.00  | Completed/Received |

The following lists all current issued ongoing or outstanding work orders issued for the 2023-2024 program and their progress status:

| Reference    | Description            | Amount         | Status                 |
|--------------|------------------------|----------------|------------------------|
| 483.24.04    | Culvert 288087         | \$41,280.00    | W/O Issued             |
| 483.24.07V01 | Heavy Patch Flood SH06 | \$1,710,625.25 | 98% Completed/Received |
| 483.24.08    | Heavy Patch HP SH06    | \$51,860.05    | 96% Completed/Received |
| 483.24.09    | Heavy Patch HP SH17    | \$54,272.90    | 95% Completed/Received |

Council had received the following allocations for this current financial year. These works were deferred due to unsuitable environmental factors for those types of work. It is to be noted that these allocations were at the Draft Work Order (DWO) stage and there is always a risk of works being deferred up until work orders are issued. This can be due to other competing works that TfNSW may have within their network or in this case weather conditions:

| Reference | Description                          | Allocation   | Status   |
|-----------|--------------------------------------|--------------|----------|
| TBA       | Resurface Improvements for Seal SH06 | \$380,000.00 | Deferred |
| TBA       | Reseal SH06                          | \$200,000.00 | Deferred |
| TBA       | Resurface Improvements for Seal Sh17 | \$200,000.00 | Deferred |
| TBA       | Reseal SH17                          | \$345,000.00 | Deferred |

Council has received the following allocations for the next financial year which includes the deferred funding from the current financial year, relocated to areas that most need it. The RMCC team will now look to go out to tender and completing Draft Work Orders for the following budgets.

| Reference | Description                      | Allocation             | Status     |
|-----------|----------------------------------|------------------------|------------|
| TBA       | HW6 Flex Pavement Patching       | \$ 250,000.00          | Indicative |
| TBA       | HW17 Flex Pavement Patching      | \$ 150,000.00          | Indicative |
| TBA       | HW6 Resurface Preparation        | \$ 500,000.00          | Indicative |
| TBA       | HW17 Resurface Preparation       | \$ 40,000.00           | Indicative |
| TBA       | HW17 Spray Reseal                | \$ 1,400,000.00        | Indicative |
| TBA       | HW6 Spray Reseal                 | \$ 640,000.00          | Indicative |
| TBA       | HW6 Pavement Reshape             | \$ 450,000.00          | Indicative |
| TBA       | HW6 Flex Rehab S-Bends Seg 06300 | \$ 300,000.00          | Indicative |
| TBA       | ND HW6 Weddin Flood Nov22        | \$ 2,900,000.00        | Indicative |
| TBA       | ND HW17 Weddin Flood Nov22       | \$ 1,400,000.00        | Indicative |
|           | <b>Total</b>                     | <b>\$ 8,030,000.00</b> |            |



**POLICY/LEGAL IMPLICATIONS**

There are no direct policy or legal implications arising from this report or work undertaken under the RMCC.

**FINANCIAL/RESOURCE IMPLICATIONS**

All work undertaken by Council and its Contractors on the State Roads network is fully funded by TfNSW under the RMCC Contract in two (2) parts - Routine Maintenance Annual Program (RMAP) and Ordered Work.

**INTERNAL/EXTERNAL CONSULTATION**

Council staff have been in regular contact with TfNSW RMCC Contract Representatives through the regular monthly meetings and other correspondence.

**CONCLUSION**

TfNSW have paid Council for all claimed Work Orders. Future works with TfNSW will continue to be delivered in accordance with the TfNSW contract terms and conditions as well as the new controls implemented by Council finance team.

**12.3 INFRASTRUCTURE SERVICES REPORT - JUNE 2024****File Number:****Author:** Engineering Administration Assistant**Authoriser:** General Manager**Attachments:** Nil**CSP Objective:** Shire assets and services delivered effectively and efficiently**Precis:** Infrastructure Works Report**Budget:** Nil**RECOMMENDATION**

That Council receive and note the information provided on infrastructure works completed in May 2024 and planned works for June 2024.

**RESOLUTION 125/24****Moved:** Cr Frame**Seconded:** Cr Parlett

That Council receive and note the information provided on infrastructure works completed in May 2024 and planned works for June 2024.

**THE MOTION WAS CARRIED****EXECUTIVE SUMMARY**

The following information is to update Councillors and the community on matters associated with construction and maintenance from the Infrastructure Division (Roads, Parks and Gardens, Sewerage and Plant for works, Urban Services and Weeds) undertaken in May 2024 and planned works for June 2024.

**NATURAL DISASTERS**

The Weddin Local Government Area has been impacted by a number of wet weather events and Natural Disaster declared events. When a Natural Disaster event is declared for Local Government areas, this means emergency repairs (to make safe only) are required to be completed within three (3) months of the declaration date or in our circumstances extended by the NSW Government. However noting that the extension has expired.

Subsequent reconstruction works are a further claim that Council must apply to the NSW Government for approval and funding. In addition to this, a number of construction and maintenance projects scheduled have been impacted by weather, resourcing of staff, contractors and supplies.

Summary of events and progress of work is provided in the following table.

Information of the packages and their approval status are now publicly available on Council’s website with information of where road crews are operating for the natural disaster packages are now uploaded.

| AGRN Event                             | Phase - Package                 | \$ Value (Subject to Change) | Status   |
|--|---------------------------------|------------------------------|--|
| 030 -<br>4 August<br>2022 onwards      | EW                              | \$184,777.81                 | Final claim approved in the amount of \$161,564.25 - received.   |
| 1034 -<br>14 September<br>2022 onwards | EW                              | \$719,993.85                 | Final claim approved in the amount of \$659,667.27 - received  |
| 1034 -<br>14 September<br>2022 onwards | EPA-RW -<br>P2 General<br>Works | \$1,850,539.82               | DCPM submitted scope of work to TfNSW for approval.<br>Scope includes:<br>o Unsealed roads (non-priority)<br>o Tree & vegetation clearing<br>- Roads included are: <ul style="list-style-type: none"> <li>• Abbots Lane</li> <li>• Adams Lane</li> <li>• Adams Lane North</li> <li>• Adelargo Road</li> <li>• Andersons Road</li> <li>• Arramagong Road</li> <li>• Back Piney Range Road</li> <li>• Bald Hills Road</li> <li>• Beazleys Lane</li> <li>• Bembricks Lane</li> <li>• Berendebba Lane</li> <li>• Bewleys Road</li> <li>• Bimbi-Caragabal Road</li> <li>• Caragabal-Quandialla Road</li> <li>• Bobelar Lane</li> <li>• Campbells Lane</li> <li>• Clay Pit Road</li> <li>• Dixons Lane</li> <li>• Dunkleys Lane</li> <li>• Eualdrie Road</li> <li>• Eves Lane</li> <li>• Gerrybang Road</li> <li>• Gerrybang Road-II</li> <li>• Gibraltar Rocks Road</li> <li>• Goodes Lane</li> <li>• Grants Lane</li> <li>• Grimms Lane</li> <li>• Hancock-Flinns Road</li> <li>• Hancock-Williams Road</li> <li>• Hazells Road</li> </ul> |

| AGRN Event -                     | Phase - Package              | \$ Value (Subject to Change)              | Status   |
|----------------------------------|------------------------------|---|--|
|                                  |                              |   | <ul style="list-style-type: none"> <li>• Healys Road</li> <li>• Heathcotes Lane</li> <li>• Holy Camp Road</li> <li>• Kangaroooby Road</li> <li>• Major West Road</li> <li>• McCanns Lane</li> <li>• McDonalds Lane</li> <li>• Melyra Street</li> <li>• Napiers Road</li> <li>• O'Loughlins Lane</li> <li>• Peaks Creek Road</li> <li>• Piney Range Hall Road</li> <li>• Pinnacle Road</li> <li>• Reeves Lane</li> <li>• Sandy Creek Road</li> <li>• South Street</li> <li>• Taylors Road</li> <li>• Yambira Road</li> </ul>  |
| 1034 - 14 September 2022 onwards | EPA-RW - P3 Priority Patches | \$8,828,278<br><br>Now:<br>\$7,211,868.03 | \$7,211,868.03 upper limit is approved by TfNSW for Package 3. <ul style="list-style-type: none"> <li>• CountryWide has completed Quandialla-Caragabal Road. Road is fully functional now.</li> <li>• Repair work on Henry Lawson Way - Young has started on 4th June-24</li> <li>• Scope includes:                             <ul style="list-style-type: none"> <li>• Deaths Lane (80% completed by Council's own crew as Deaths Lane was unsafe)</li> <li>• Henry Lawson Way - Young</li> <li>• Henry Lawson Way - Forbes</li> <li>• Driftway Road</li> <li>• Morangarell Road</li> <li>• Quandialla-Caragabal Road</li> </ul> </li> </ul> |
| 1034 - 14 September onwards      | EPA-RW - P4 - North Patching | \$7,053,249.65                            | Council revising submission on objected scope by TfNSW. Roads included in the package are: <ul style="list-style-type: none"> <li>• Adelargo Road</li> <li>• Bald Hills Road - East West Ballendene</li> <li>• Bewleys Road</li> <li>• Goodes Lane</li> <li>• Gooloogong Road (MR237)</li> <li>• Hunters Road</li> <li>• Keiths Lane</li> <li>• Mortray Road</li> <li>• Muncks Lane</li> <li>• Piney Range Hall Road</li> <li>• Sandy Creek Road</li> </ul>  |

| AGRN Event                             | Phase - Package                       | \$ Value (Subject to Change)              | Status   |
|--|---------------------------------------|---|--|
| 1034 - 14<br>September<br>2022 onwards | EPA-RW -<br>P5 - South<br>Patching    | \$10,707,900.20                           | DCPM submitted scope of works to TfNSW for approval.<br>Scope of works include: <ul style="list-style-type: none"> <li>• Back Piney Range Road</li> <li>• Berrys Road</li> <li>• Bimbi-Quandialla Road</li> <li>• Bimbi-Thuddungra Road</li> <li>• Bland Road</li> <li>• Edward Square, Greenethorpe</li> <li>• Eualdrie Road</li> <li>• Gambarra Road</li> <li>• Gerrybang Road</li> <li>• Gooloogong Road (R096/MR237)</li> <li>• Greenethorpe-Bumbaldry Road</li> <li>• Greenethorpe-Koorawatha Road</li> <li>• Grenfell Street</li> <li>• Holy Camp Road</li> <li>• landra Road</li> <li>• James Street</li> <li>• Martins Lane</li> <li>• Melyra Street</li> <li>• Murrays Lane</li> <li>• Newton Street</li> <li>• Nowlans Road</li> <li>• Old Forbes Road</li> <li>• Sale Street</li> <li>• Second Street</li> <li>• South Street</li> <li>• Talbot Street</li> <li>• Third Street</li> <li>• Tyagong Creek Road</li> <li>• Wirega-Greenethorpe Road</li> </ul> |
| 1034 - 14<br>September<br>2022 onwards | EPA-RW -<br>P6 - Priority<br>Unsealed | \$1,941,823<br><br>Now:<br>\$1,103,072.01 | \$1,103,072.01 is approved from TfNSW for Package 6.<br>Scope includes medium and heavy formation grading of unsealed roads. 80% of the work under this scope is already completed. Council will submit the interim payment claim for this Package in July 2024.<br>- Roads included are: <ul style="list-style-type: none"> <li>• Arramagong Road</li> <li>• Bald Hills Road</li> <li>• Barkers Road East</li> <li>• Barkers Road North</li> <li>• Gannons Lane</li> <li>• Lynchs Road</li> </ul>   |

| AGRN Event                       | Phase - Package                | \$ Value (Subject to Change) | Status  |
|----------------------------------|--------------------------------|------------------------------|---|
|                                  |                                |                              | <ul style="list-style-type: none"> <li>• Maddens Lane</li> <li>• McCanns Lane</li> <li>• Napiers Road</li> <li>• Nealons Lane</li> <li>• Reeves Lane</li> </ul>                 |
| 1034 - 14 September 2022 onwards | EPA-RW - P7 - Drain Cleaning   | \$1,550,000.00               | <ul style="list-style-type: none"> <li>• Council providing scope and photos.</li> <li>• Once all other packages are approved, Council will begin with scope of work.</li> </ul> |
| 1034 - 14 September 2022 onwards | EPA-RW - P7 - Sinking Culverts | TBC                          | <ul style="list-style-type: none"> <li>• Council providing scope and photos.</li> <li>• Once all other packages are approved, Council will begin with scope of work.</li> </ul> |

Council has entered into a tripartite agreement with the NSW Reconstruction Authority and TfNSW to allow for upfront milestone payments. An upfront 20% milestone payment will be received by 30 June without the administration burden of completing the works and submitting a claim. This process does not delay the approval process of the above and will work in conjunction with the process once approved.

It is noted that the General Manager and Deputy Mayor met with the Minister for Regional Roads regarding the delay of the tripartite agreement payment and approval delays of the above packages leading into the colder months would delay road reconstruction works. The Minister acknowledged the concerns.

**STATE ROADS**

- For the RMCC works, please refer to the separate report provided to Council. The reporting format will move to bi monthly reporting.

**MAJOR WORKS**

**Pullabooka Road Drainage and Resurfacing**

- Council is waiting to commence drainage work on Pullabooka Road in October 2024 which is funded through the Regional Local Roads Repair Program (RLRRP).

**Greenethorpe-Koorawatha Road Rehabilitation**

- Project under Fixing Local Roads Round Three (3).
- The project involves the road length of 7.1km and Council has received funding for \$2.9M.
- Tree removal work has been completed.
- Pipes and culverts have been ordered and have arrived on site. Works have been completed on culvert extensions.
- Pavement works to commence end June following recent rain, tender evaluation and award have been given to Glenella Quarries for supply of road DGB & DGS material.

**Nowlans Road Upgrade**

- Project under Fixing Local Roads Round Four (4).
- The project involves the road length of 21.2km and Council has received funding for \$2.9M.
- Project planning work has commenced however we are re-scoping the work with TfNSW to assure it can be done within budget and to timeframes stipulated.
- Re-scope package will be returned to TfNSW by week ending 14th June 2024.

**Arramagong Road Culvert Replacement**

- Council has received the precast concrete box culvert cells at site.
- Creek bed is full of water.
- Council is planning to start construction works after Heathcotes Lane Culvert subject to water levels.

**Heathcotes Lane Culvert Replacement**

- Works are almost complete with sealing of either side of culvert to be done and final clean up of works area.
- Claim to funding body is expected to go in mid to end July with the approval for the delay accepted by the funding body.

**Weddin Shire Road Entry Signs**

- Approval has been received from TfNSW for installing signs within the road reserve of State Roads.
- Contractor has completed the signage foundation.
- The Contractor, Armsign Pty Ltd, has installed five (5) signs in April 2024. The remaining fifteen (15) signs will be installed at the end of June with the Contractor assuring us that all work will be completed before end of FY.

**Caragabal Shared Pathway**

- Footpath construction of the share pathway has commenced. Almost 90% of the work has been completed.
- All the lighting of the footpath has been installed.
- Two (2) seats have been installed.
- Council is waiting for ARTC to install the rubber matting on the railway corridor. Once the work is concluded, Council will complete the remaining 10m construction (both sides of the railway corridor). ARTC has been very difficult to pin down when they will complete their portion of the work and in providing Council with Rail Protection workers so we can complete the final section(s) of footpath.

**Grenfell Cemetery Amenities**

- Council has accepted a quotation for the supply and construction of the new amenities building.

- Council has received an extension for project time until October 2024 by the grant funding body.
- The project has been advertised for a period of 28 days following DA modification. Project will be subject to Council resolution.

### **Water Meter Installation According to Water NSW Requirement**

- Caragabal water meter was completed with a telemetry system in December 2023. Bogolong Dam work is in progress. In addition, recently Council completed the Company Dam (Lic No: 70CA615222) water meter installation in Grenfell's Caravan Park area, waiting for a telemetry system that will be supplied by Water NSW.

### **Bogolong Dam Restoration project**

- Total cost estimation of Bogolong dam restoration project is \$15.4 Mn done by PWD NSW during feasibility study.
- Bogolong Dam Precinct Committee met and now considering a number of options.

### **FOOTPATH /KERB AND GUTTER WORKS**

#### **Third Street, Quandialla**

- Procurement process is ongoing to select a suitable construction contractor for kerb and gutter replacement.
- Council has nominated the project under Regional and Local Roads Repair Program (RLRRP) which has been approved by TfNSW.

### **ROAD MAINTENANCE WORKS**

Road maintenance works including pothole patching, vegetation management, gravel road maintenance and signage works have been undertaken in the past few months.

#### **Maintenance Grading - Works Planned: 1 June – 30 June 2024**

- Hancock Flinn Road
- Martins Lane
- Wheatleys Road
- Barkers Road

#### **Gravel Re-sheeting**

Council is intending to undertake a gravel resheeting program for the roads indicated below as per Council's strategic planning. The gravel resheeting program will be funded under the Regional Emergency Road Repair Fund (RERRF). Council's plan is to complete the program by the next three (3) years depending on the availability of Council resources.

#### **Re-sheet program has started**

Melyra Street - Commenced on 27th May 2024



- Adams Lane
- Arramagong Road
- Hamptons Lane
- Kangaroooby Road
- Manganese Road
- Stock Route Road
- Wards Lane
- Watts Lane

## **PARKS AND RECREATION**

The Parks and Gardens team are carrying out routine maintenance such as mowing, whipper snipping, tree trimming within sporting fields and the open space network.

### **Park Maintenance**

- Mowing, weeding and whipper snipped in parks and garden areas
- Mowed and whipper snipped the Cemetery grounds
- Mowed, weeded and whipper snipped Taylor Park
- Mowed and whipper snipped Vaughn Park
- Mowed and whipper snipped Proctor Park
- Mowed, weeded and whipper snipped Memorial Park
- Mowed and whipper snipped Rotary Park
- Mowed and whipper snipped Goodsell Park
- Mowed and whipper snipped SH6 Rest Stop
- Mowed, weeded and whipper snipped Rygate Square
- Mowed and whipper snipped Council Chambers
- Mowed and whipper snipped O'Briens Hill and Lookout
- Mowed, weeded and whipper snipped Endemic Garden
- Mowed, weeded and whipper snipped Sculpture Garden
- Mowed and whipper snipped Lawson Oval Top and Bottom
- Mowed, weeded and whipper snipped Henry Lawson's Birthplace
- Mowed and whipper snipped Railway Crossing on the Young Road
- Mowed and whipper snipped Warraderry Street Islands
- Mowed and whipper snipped Railway Free Camp (West Street)
- Mowed and whipper snipped Henry Lawson Way
- Mowed, weeded and whipper snipped Forbes Street Islands
- Mowed and whipper snipped West Street Dog Park
- Mowed and whipper snipped Company Dam Picnic Area

- Set sprinklers in Memorial Park
- Replaced faulty irrigation pump in Taylor Park
- Repaired sprinkler system in Rotary Park
- Weeded the daisies garden bed in Rygate Square

**Town Maintenance**

- Mulched all garden beds in Main Street
- Installation of irrigation in Main Street.
- Checked and fixed sprinklers in Taylor Park as well as Memorial Park
- Whipper snipped around all islands on the road within the Grenfell town area
- Whipper snipped around guard railing
- Started tree lifting, whipper snipping and mowing in laneways

**Village Maintenance**

- Standard village maintenance of mowing in Greenethorpe, Caragabal and Quandialla
- Clearance of debris at Caragabal, Greenethorpe and Bimbi

**PLANT REPORT**

| Plant Report |                   |                             |                                |
|--------------|-------------------|-----------------------------|--------------------------------|
| Plant Number | Plant Description | Fault                       | Repairs                        |
| 3957         | western star      | engine failure              | wiring loom damage             |
| 3960         | tri axle          | air bag                     | replace                        |
| 3958         | western star      | body cracks                 | weld broken rails              |
| 4107         | patch truck       | blocked hoses               | remove @clean                  |
| 4109         | roller            | broken bonnet @hand control | no parts available 3 month wat |
| 4111         | roller            | axle bent                   | remove and order               |
| 4116         | toro              | belts @pulleys              | replace                        |
| 2097         | nissan            | service due                 | carry out full service         |
| 3961         | isuzu             | lights                      | replace rear lights            |
| 4106         | back hoe          | full service                | serviced                       |
| 3952         | kenworth          | suspension                  | replace track rods             |
| 4117         | toro              | belts @pulleys              | replace395                     |

| Plant Report |                   |                  |                                |
|--------------|-------------------|------------------|--------------------------------|
| Plant Number | Plant Description | Fault            | Repairs                        |
| 3957         | western star      | engine failure   | wiring loom damage             |
| 3960         | tri axle          | air bag          | replace                        |
| 3949         | fire truck        | dennis           | check over @clean              |
| 4119         | caravan           | battery          | replace                        |
| 5104         | tank water        | broken           | replace                        |
| 5292         | broom             | broken           | replace bearings @chain drive  |
| 3966         | water truck       | repair hoses     | re fit as required             |
| 5442         | slope mower       | wont start       | starter motor faulty           |
| 5440         | stihl             | service          | new blade etc                  |
| fire trucks  | rfs               | regos x17        | inspections done               |
| 4120         | volvo             | transmission     | repair 2nd gear soloniods      |
| 4115         | fork lift         | battery          | replace                        |
| 2085         | toyota            | battery @service | repaired                       |
| 2092         | toyota            | service due      | serviced                       |
| 3965         | iveco             | service          | eng serviced                   |
| 4110         | toro              | deck failure     | belts bearings pulley replaced |
| 5407         | trailer           | safety lights    | fit to rear of trailer         |

**BIOSECURITY**

| ACTIVITY   | LOCATION   |
|--|--|
| <b>Administration</b>  | <ul style="list-style-type: none"> <li>• Monthly report, mapping, BIS uploads, inspections and weeds loaded on Chartis Weeds Technology (app now live), email correspondence, review weed spraying program and plan of action, review relevant budget totals, communicate with DPI regarding new grant process and review/reply Service Requests.</li> <li>• Successful grant application through Local Land Services and DPI, new funds to be available soon</li> <li>• Completed Council Self-Audit and submitted to DPI</li> </ul>  |
| <b>Public Awareness</b>  | <ul style="list-style-type: none"> <li>• Handing out merchandise to raise weed awareness.</li> <li>• Planning social media / letterbox drop campaign. (Noted weeds include: African Boxthorn, Silverleaf Nightshade, Bridal Creeper, St John’s Wort, Bathurst Burr, Blackberry, Blue Heliotrope, Devils Claw, Green Cestrum, Khaki Weed, Noogoora Burr, Coolatai Grass, Spiny Burr Grass)</li> <li>• Organised manufacture of Spot and Report signs</li> <li>• New Rugby Jumpers on order for depot staff – Weddin Shire Council Logo and No Space For Weeds design</li> <li>• Use of dye implemented 7th of March to assist in public awareness of Weeds Program</li> </ul> |
| <b>Mapping</b>   | <ul style="list-style-type: none"> <li>• Weed information mapped, synced and uploaded to DPI.</li> <li>• Working on inputting data when drone is used.</li> </ul>  |
| <b>Meetings</b>  | <ul style="list-style-type: none"> <li>• WAP Operational Meeting – Nyngan - 14 May 2024.</li> <li>• Central West Weeds Committee Meeting – Nyngan – 14 May 2024.</li> <li>• Boxthorn Rust Release with CSIRO -Nyngan- May 2024</li> </ul>  |
| <b>Training</b>  | <ul style="list-style-type: none"> <li>• Cert III in Aviation (remote pilot) ongoing 12 months.</li> <li>• Continual in-house drone training.</li> <li>• Practical Drone Assessment – Toongi – 7 May 2024.</li> </ul>  |
| <b>Private Property Inspections</b>                            | <ul style="list-style-type: none"> <li>• Informal inspections using drone for training.</li> <li>• Information packages for landholders to receive during inspections or on request.</li> <li>• Authorisation update in progress.</li> </ul>   |
| <b>Roadside Inspections and On-ground Control, if Required</b> | <ul style="list-style-type: none"> <li>• Continuous roadside inspections: Control when required and environmental conditions allow:</li> <li>• Stock Routes</li> </ul>   |

| ACTIVITY                  | LOCATION  |
|---------------------------|---|
|                           | <ul style="list-style-type: none"> <li>• Hanstocks Lane</li> <li>• Bland Road</li> <li>• Driftway Road</li> <li>• Quandialla-Caragabal Road</li> <li>• Pinnacle Road</li> <li>• Eualdrie Road</li> <li>• Mary Gilmore Way</li> <li>• Morangarel Road</li> <li>• Bimbi-Quandialla Road</li> <li>• Old Forbes Road</li> <li>• Blayneys Road</li> <li>• Tygong Creek Road</li> <li>• Henry Lawson Way</li> <li>• Gerrybang Road</li> <li>• Langfields Road</li> <li>• Wilsons Lane</li> <li>• Greenthorpe Bumbuldry Road</li> <li>• Mid Western Highway</li> <li>• Adelargo Road</li> <li>• Bald Hills Road</li> <li>• Gooloogong Road</li> <li>• Newton Street</li> <li>• North Street</li> <li>• Tyagong Street</li> <li>• George Street</li> <li>• Brickfield Road</li> <li>• Hilder Road</li> <li>• Quondong Road</li> <li>• Lynchs Lane</li> <li>• Murrays Lane</li> <li>• Thompsons Lane</li> <li>• Multiple back lanes</li> <li>• Derribong Lane</li> </ul> |
| <b>Council Owned Land</b> | <ul style="list-style-type: none"> <li>• Council owned /managed vacant land, cemeteries, Grenfell and village areas.</li> </ul>   |
| <b>TSR Inspections</b>    | <ul style="list-style-type: none"> <li>• Stock Route Road, Driftway Road, Mortray Road, Forbes Road, Mary Gilmore Way, SH6, SH17.</li> </ul>  |
| <b>Rail Inspections</b>   | <ul style="list-style-type: none"> <li>• Caragabal, Quandialla areas.</li> <li>• Working on access to treat rail lines</li> </ul>   |

| ACTIVITY                     | LOCATION   |
|------------------------------|--|
| <b>Other High Risk Sites</b> | <ul style="list-style-type: none"> <li>Cemetery, silos, camping areas, including National Parks and rest areas.</li> </ul>   |
| <b>Sucker Control</b>        | <ul style="list-style-type: none"> <li>Sucker spraying ongoing, treated on sighting, when conditions allow.<br/>                     Old Forbes Road<br/>                     Bimbi-Quandialla Road<br/>                     Eualdrie Road<br/>                     Gerrybang Road<br/>                     Tyagong</li> </ul> |
| <b>Biological Control</b>    | <ul style="list-style-type: none"> <li>Looking into trialling African Boxthorn Rust, Blackberry Rust and Bridal Creeper Rust and Leaf Hopper.</li> <li>Will release rust with State Forest in June</li> </ul>  |
| <b>Other</b>                 | <ul style="list-style-type: none"> <li>Mentoring staff members in Biosecurity.</li> </ul>  |

Chemical Use and Application Methods:

Grazon 6 Litres (1200 Litres)

Glyphosate: 7.5 Litres (750 Litres)

Biactive: 4 Litres (400 Litres)

Associate: 600g

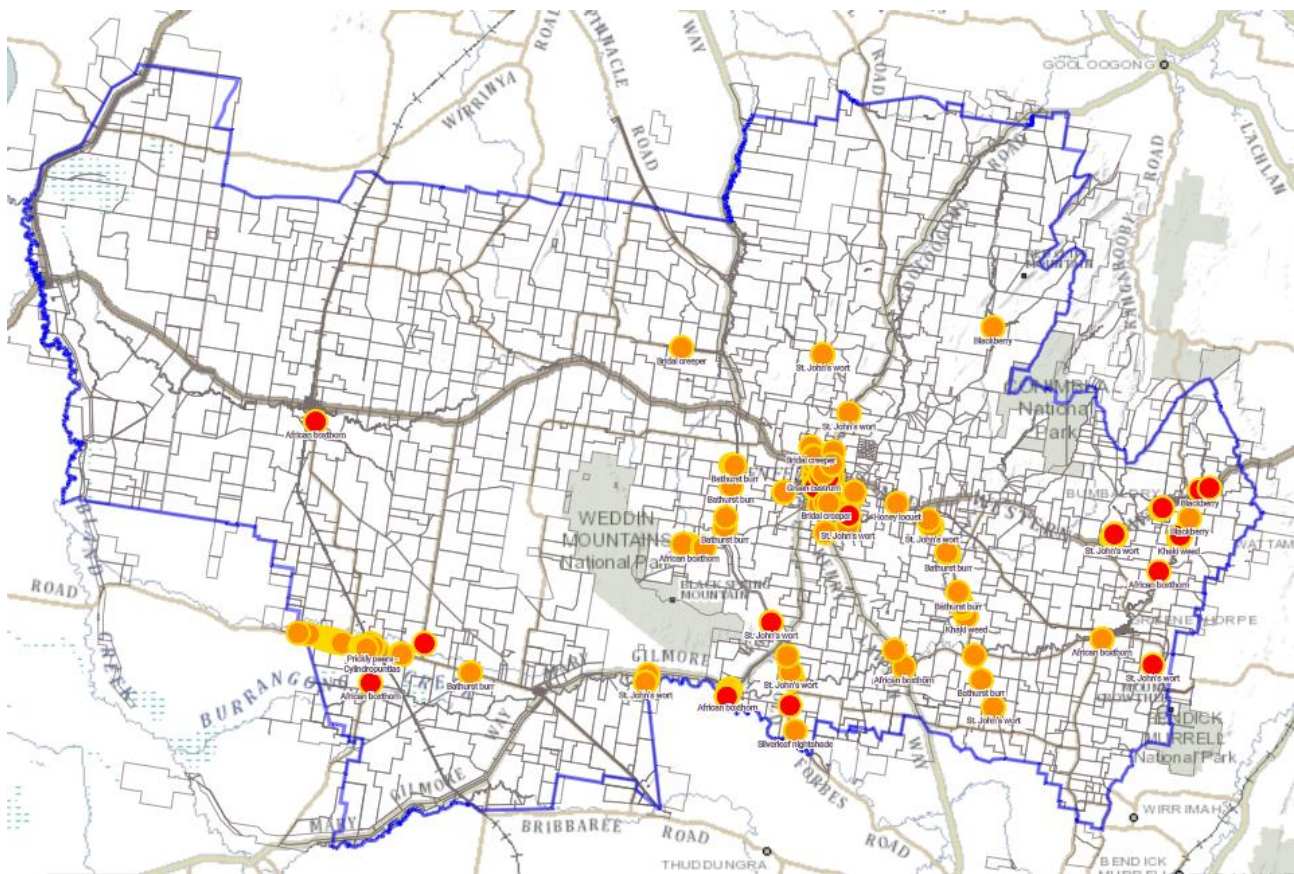
TOTAL CHEMICAL: 1990 Litres

METHOD OF APPLICATION: HANDGUN SPOT SPRAYING

In May 2024, the Weeds Team targeted priority weed species in accordance with the Central West Weeds Action Program. Used 1990L mixed chemical and hand spray gun at this time.

Please note that sucker control is not shown on following map, **WAP activities only** are marked on Chartis.

(GPS coordinates and infestation details in separate report available upon request. Map is an overview only and each point represents multiple plants.)



**MAIN STREET UPDATE**

RESOLUTION 070/24  
 Moved: Cr Frame  
 Seconded: Cr McKellar  
 Moved: Cr Frame  
 Seconded: Cr Diprose  
 For discussion as separate items:  
 1. That Council Officers provide a report on the finalisation of signage and marking of the Main Street including for disabled parking.  
 2. That Council Officers provide a report on the CCTV in the Main Street.  
 3. That Staff provide updates through the Infrastructure Works Report until it is finished.  
**THE MOTION WAS CARRIED UNANIMOUSLY**

**Disabled Parking in Main Street**

Disabled parking will be marked in front of the Medical Centre in June/July and will comply with all Australian Standards. Further additional disabled parking spots will be marked for the remaining Main Street in the original locations approved in the original plans in 2021.

**CCTV**

Council Officers are in the process of organising a meeting with the Contractor to discuss the installation and positioning for the CCTV to allow for project completion. As per last month’s update, this is to occur before the end of May 2024.

Due to a heavy work schedule technicians from Young Locksmiths have been unable to attend to the installation of the Main Street CCTV cameras, although all original cameras and associated hardware have been overhauled and recalibrated.

An on-site meeting has now been conducted (Thursday May 30) with the technicians covering the positioning (numbers of, and coverage angles of the cameras) and access to those poles housing the cameras.

A traffic control plan is currently under design as is the procurement of suitable elevated work platforms.

Council has requested an update on the project commencement date and are awaiting a reply.

**Other**

Council has received a quotation from a linemaker who can complete all the remaining road markings at the roundabout and the remaining parking bays (which are thermoplastic dots) for the whole of Main St and this will be discussed at the next Council meeting if it is to be accepted.



**13 ENVIRONMENTAL SERVICES REPORTS****13.1 PROPOSED ALCOHOL-FREE ZONES**

|                       |  |
|-----------------------|--|
| <b>File Number:</b>   | <b>H1.6.9</b>  |
| <b>Author:</b>        | <b>Director Environmental Services</b>   |
| <b>Authoriser:</b>    | <b>General Manager</b>   |
| <b>Attachments:</b>   | <b>1. Public Submission 1<br/>2. Public Submission 2</b>   |
| <b>CSP Objective:</b> | <b>Innovation in service delivery (healthy, safe and educated community)</b>   |
| <b>Precis:</b>        | <b>The proposal for the establishment of Alcohol-Free Zones within the Grenfell CBD was placed on public exhibition for 28 days, with two submissions being received. It is now recommended that Council adopt the proposed Alcohol-Free Zones and a notice be advertised to the public.</b> |
| <b>Budget:</b>        | <b>\$2,000 to be sourced from the Urban and Town Maintenance Budget</b>  |

**MOTION****RESOLUTION**

Moved: Cr Bembrick

Seconded: Cr Diprose

That Cr Jason Kenah take the role of Chair.

**THE MOTION WAS CARRIED**

Cr Parlett left the room at 6:35pm.  
Cr Best left the room at 6:35pm.  
Cr Bembrick left the room at 6:35pm.  
Cr Parlett entered the room at 6:43pm.  
Cr Bembrick entered the room at 6:43pm.

**RECOMMENDATION**

That

- 1. Council adopts the proposed Alcohol-Free Zones as described in this report.**
- 2. A notice complying with Section 644B(3) of the Local Government Act 1993 be placed in the Grenfell Record, on Councils website and on social media.**
- 3. The Alcohol-Free Zones commence operation seven (7) days from the date of the notice**

4. The operating hours of the Alcohol-Free Zones within the Main Street area be reviewed at the completion of the 12 Month trial period, and a further report be presented to Council to determine if the operating hours should be modified.

---

## RESOLUTION 126/24

Moved: Cr Diprose

Seconded: Cr Frame

That

1. Council adopts the proposed Alcohol-Free Zones as described in this report.
2. A notice complying with Section 644B(3) of the Local Government Act 1993 be placed in the Grenfell Record, on Councils website and on social media.
3. The Alcohol-Free Zones commence operation seven (7) days from the date of the notice.
4. The operating hours of the Alcohol-Free Zones within the Main Street area be reviewed at the completion of the 12 Month trial period, and a further report be presented to Council to determine if the operating hours should be modified.

**THE MOTION WAS CARRIED**

---

## PURPOSE

The purpose of this report is to present to Council a proposal for the establishment of Alcohol-Free Zones (AFZ) within Grenfell.

## BACKGROUND

Alcohol Free Zones (AFZ) means a zone operating under Part 4 of Chapter 16 of the *Local Government Act 1993* (Act). These zones apply to road-related public areas such as a public roadways, footpaths and carparks.

The objective of an AFZ is an early intervention measure to prevent the escalation of irresponsible street drinking to incidents involving serious crime.

The previous AFZ within Grenfell lapsed on 30 September 2023 and therefore Council must consider whether the AFZ should be re-established and or modified.

## ISSUES AND COMMENTS

Council at its Ordinary Council Meeting held on 21 March 2024 resolved to place the following proposal for the establishment of alcohol-free zones, on public exhibition for a period of 28 days inviting submissions from the public, the Police and each holder of a liquor licence for premises that border, adjoin or is adjacent to the proposed alcohol-free zones -

### ***Alcohol-Free Zones at all times – 4-year period –***

- Burrangong Street from Main St to Weddin St
- Weddin St from Burrangong St to Camp St
- George St from Grafton St to Short St
- Forbes St from Camp St to George St
- Teston St from Main St to George St
- Nash St footway from Main St to George St

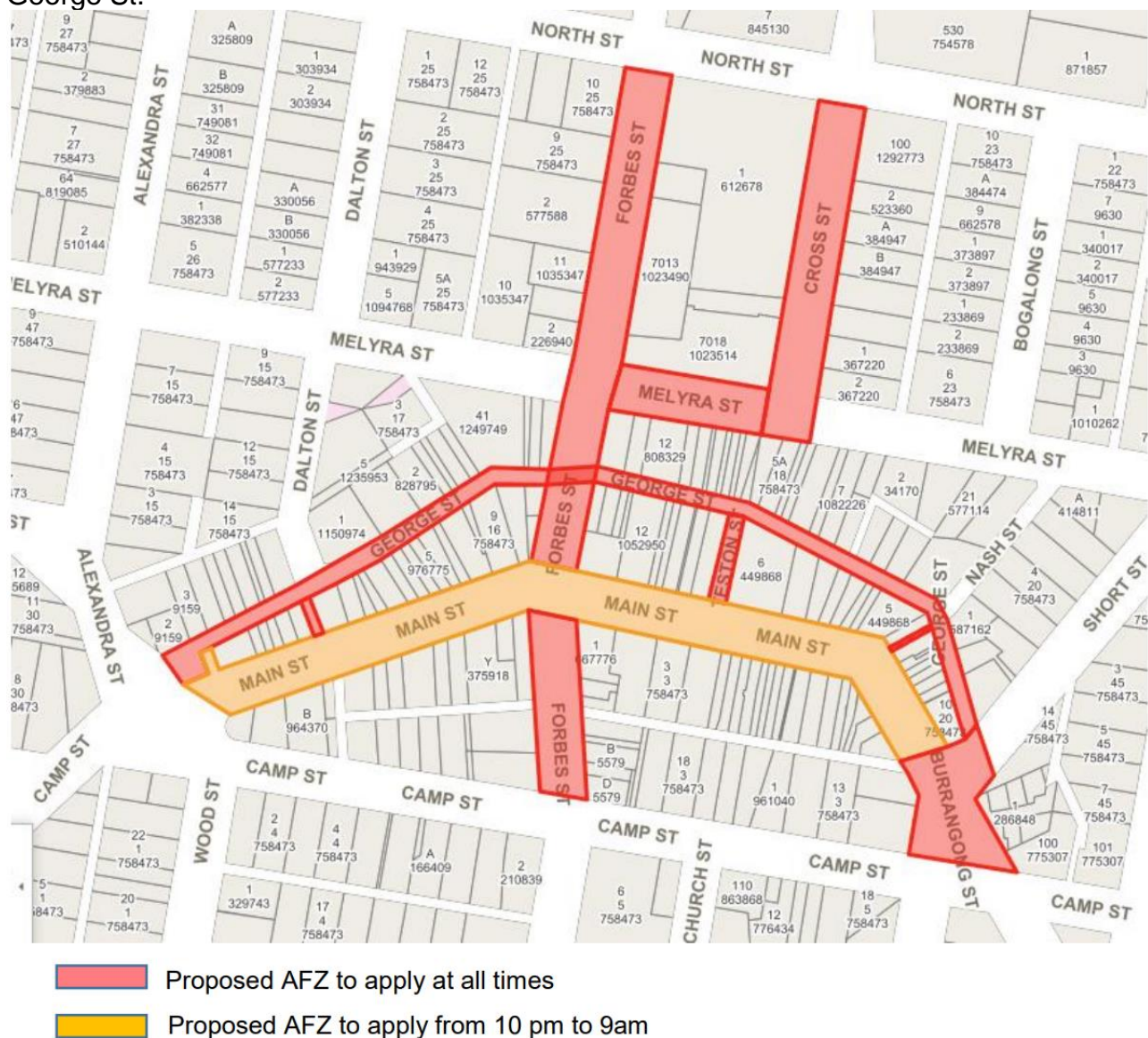
- Short St from Burrangong St to George St
- Unnamed footway/lane running south from Dalton St between George St and Main St
- Cross St from North St to Melyra St
- Forbes St from George St to North St
- Melyra St from Cross St to Forbes St.

**Alcohol-Free Zones between the hours of 10:00pm – 9:00am – 4-year period**

The pedestrian footway under the projecting verandah on the western end of the premises known as the Railway Hotel, between Main St and George St.

**Alcohol-Free Zones between the hours of 10:00pm – 9:00am – 1 year trial period**

Main St from the intersection of Camp and Grafton St including Rygate Square to Burrangong Street, excluding the pedestrian footway under the Hotel, between Main St and George St.



**Figure 1.** Map outlining proposed Alcohol-Free Zones

The proposed AFZ replicate the previous zones which have generally been in existence since 1999.

As resolved by Council, the time restrictions proposed for the AFZ with the Main Street area are 10pm to 9am, for a one (1) year trial period.

### **Social and Economic Considerations**

#### **NSW Government's 24-Hour Economy Legislation (Vibrancy Reforms) Amendment Act 2023.**

The AFZ time restrictions proposed for Main Street support the NSW Government's 24-Hour Economy Legislation (Vibrancy Reforms) Amendment Act 2023.

This legislation aims to provide venues in NSW the opportunity to reach their full entertainment, economic and creative potential – especially at night.

The Vibrancy Reforms are a cross-government initiative developed in consultation with key agencies, industry, councils and stakeholders to bring sector regulation in line with contemporary going out behaviours, improve government processes and encourage more people to go out, closer to home.

There are 6 areas of change.

#### **1. Sensible venue sound management**

From mid-2024, the Vibrancy Reforms will designate Liquor & Gaming NSW as the lead regulator of entertainment sound-related complaints for all licensed premises. This will streamline the complaints process for everyone involved, and ensure rules and regulations are relaxed for hospitality venues.

To help Liquor & Gaming NSW effectively carry out this role, amendments have been made to relevant pieces of legislation. These amendments will ensure that entertainment sound emanating from licensed premises is solely managed through the *Liquor Act 2007*. This means that noise-related conditions of development consent and 'offensive noise pollution' laws will no longer apply when such matters are regulated by the *Liquor Act 2007*.

#### **2. Vibrant, coordinated precincts**

The reforms build on the success of the Enmore Road Special Entertainment Precinct, now rated one of the best going out districts in the world. The aim is to extend the success of this precinct model to other areas via an enhanced framework.

Special Entertainment Precincts support live entertainment, via extended trading hours for live music venues and favourable noise controls that provide operational certainty for venues, neighbouring residents and businesses.

#### **3. An activated outdoors**

The state's response to the COVID-19 pandemic showed how well alfresco dining can be done.

The temporary exempt development pathway for outdoor dining on private land and registered clubs, brought in during COVID-19, has been made permanent.

From 1 January 2024, venues are able to permanently use their private land and car parking spaces for outdoor dining as exempt development. The rules also apply to artisan food and drink businesses, including microbreweries. New development standards have been included to maintain patron safety and accessibility.

The exempt measures allow more outdoor space but do not allow a venue to increase its maximum patron capacity.

#### **4. Empowering the 24-Hour Economy Commissioner to deliver a sustainable, thriving night-time economy**

NSW is the first jurisdiction in the world to appoint a 24-Hour Economy Commissioner. Under the *24-Hour Economy Commissioner Act 2023*, the Commissioner's role is a statutory appointment. This means the Commissioner's remit has expanded from Greater Sydney to all of NSW.

This change recognises the importance of the role and solidify the night-time economy as a permanent priority for the NSW Government.

#### **5. Streamlined, contemporary licensing**

A common-sense approach to risk will be adopted for liquor regulation. This will streamline processes for planning and licensing.

One major change will be the consultation process to apply for a liquor licence. From mid-2024, a new streamlined approach to community impact statement requirements will reduce duplication and costs, and address risks and other potential effects. This change will also empower the community to provide meaningful feedback directly to decision-makers.

From 12 December 2023, venues will be offered meaningful incentives to feature live music and performances. This is aimed at driving employment opportunities for creative workers and entertainment options for audiences. These incentives include:

- increasing the extended trading for live music and performance venues on nights they offer live music, from the current 1 hour to 2 hours
- maintaining the temporary 80 per cent discount for live music and performance venues
- expanding the types of venues that can access extended trading for special events.

Blanket approaches to risk have also been removed in favour of more targeted measures for licensed venues. This aims to encourage compliance rather than merely penalising non-compliance.

#### **6. Improving the night-time for workers**

From healthcare and security, to retail, transport and freight, night-time workers provide essential services for us all. They also play a critical role in supporting a rich night-time offering in the hospitality sector and creative ecosystem.

The 24-Hour Economy Commissioner will collaborate across the NSW Government to implement a plan to make the night-time economy more rewarding, safe, flexible and accessible for those who don't work 9 to 5.

**Public Submissions**

Two (2) submissions were received as a result of the public consultation process from members of the public. In accordance with clause 644A(4), Council must consider all representation and submissions that are duly made. A copy of the two (2) submissions are included in Attachment 1. A review of the issues raised in each of the submission and a corresponding comment is provided below:

| SUBMISSION 1   |  |
|--|--|
| Issue  | Comment  |
| <p><i>Strongly support</i></p> <ul style="list-style-type: none"> <li>• <i>The retention and extension of the existing 'alcohol free zones at all times'.</i></li> </ul> <p><i>Key reasons</i></p> <ul style="list-style-type: none"> <li>• <i>Supported by NSW Police</i></li> <li>• <i>Aligns with Ministers Guidelines for alcohol free zones to be primarily located adjacent to outlets supplying alcohol</i></li> <li>• <i>In force since 1999 and attributed to controlling street drinking, reducing anti-social behaviour and crime</i></li> <li>• <i>Supports the objectives Community Strategic Plan, in which community safety was rated as highest importance, and in which Council commitment for opportunities for public health and safety to be maximised.</i></li> <li>• <i>'Alcohol-free zones at all times' promotes the use public spaces in safety and without interference from irresponsible street drinkers.</i></li> </ul> | <p>While developing the initial proposal for the re-establishment of AFZ within the Grenfell CBD area, Council received feedback from NSW Police.</p> <p>Council resolved to place the proposed AFZ on public exhibition with the inclusion of the modified time periods for the Main Street for a trial period of 12 months. As part of the public consultation process, Council provided a copy of the proposal to the Officer in Charge of the Grenfell Police Station in accordance with the requirements of 644A(2) of the <i>Local Government Act 1993</i>. No submissions or recommendations were received from NSW Police as a result of this process.</p> <p>The Ministerial Guidelines provide procedures for Council to follow when considering the establishment of AFZ. While guidelines outline that when AFZ are established in appropriate areas and operated with the required level of resources to promote and enforce the zones, they are an effective tool in assisting Police and councils manage public safety.</p> <p>However, the guidelines also state it is not appropriate to consider an alcohol-free zone for reasons that are unrelated to the irresponsible behaviour of drinkers, for example, the congregation of drinkers where irresponsible behaviour does not occur, general conduciveness to business</p> |

| <b>SUBMISSION 1</b>   |  |
|---|--|
| <b>Issue</b>  | <b>Comment</b>   |
|   | <p>or tourist activities or the personal beliefs of particular citizens.</p> <p>A review of the NSW Bureau of Crime, Statistics and Research for Weddin, does not indicate any significant increase in alcohol related crime in recent years. Due to the small number of offences within the Weddin Shire, trends relating to each offence type have not been calculated.</p>  |
| <p><i>Strongly oppose</i></p> <ul style="list-style-type: none"> <li>• <i>Alcohol-Free Zones between the hours of 10:00pm – 9:00am – 1 year trial period, of Main Street from the intersection of Camp and Grafton Street including Rygate Square to Burrangong Street, excluding the pedestrian footway under the Hotel, between Main Street and George Street.</i></li> </ul> <p><i>Key reasons</i></p> <ul style="list-style-type: none"> <li>• <i>Not supported by police statistics</i></li> <li>• <i>No detailed information has been provided on the reasons, objectives sought to be achieved or on performance measures of the proposed trial for example unlicensed venues seeking to provide alfresco dining with BYO.</i></li> <li>• <i>No detail or commitment of other supporting measures such as a community education program</i></li> <li>• <i>Times do not align with trading restrictions of licenced premises</i></li> <li>• <i>Does not align with the adjoining local government areas.</i></li> </ul> | <p>As mentioned above, there are no significant trends relating to an increase in alcohol related crime within Grenfell.</p> <p>The proposed 12-month trial period is aimed at promoting opportunities for existing and new businesses to explore alfresco dining opportunities where appropriate. Any business which proposes to extend their liquor license or offer alfresco dining on a footpath, roadway or carpark, would need to obtain the prior approval of Council under Section 68 of the <i>Local Government Act 1993</i>. To extend or modify a liquor license to cover a new area, a business would also need to apply to Liquor and Gaming NSW for approval. As such Council would have the opportunity to review any such applications to ensure that the is considered suitable.</p> <p>The proposed AFZ in Main Street would apply from 10pm to 9am. It is considered that these restrictions would impose reasonable measures within the area while still allowing for alfresco dining opportunities.</p> <p>Councils is not required to establish AFZ to align with adjoining local government areas. A proposed to establish AFZ should only be based on reasons relating to the area which it is proposed.</p> |
| <b>SUBMISSION 2</b>   |  |
| <b>Issue</b>  | <b>Comment</b>   |

| <b>SUBMISSION 1</b>  |  |
|--|--|
| <b>Issue</b>   | <b>Comment</b>   |
| <p>Weddin Shire Council have provided a summary of their consultation with the NSW Police as follows:</p> <p>“The AFZ should continue in and around the CBD/Main Street. AFZ should continue in parks. If a restaurant or café wish to open/trade in an AFZ and they were a bona fide dining establishment, consideration would be given an alfresco area that allows alcohol consumption up until a suitable time. This would not be supported for a pub or hotel to permit alcohol consumption on the footpath area”</p> <p>Thus, in my view the NSW Police are saying the current AFZ remain and the proposal for the change to Time Zoning is not supported.</p> | <p>As mentioned above, while developing the initial proposal for the re-establishment of AFZ within the Grenfell CBD area, Council received feedback from NSW Police.</p> <p>Council resolved to place the proposed AFZ on public exhibition with the inclusion of the modified time periods for the Main Street for a trial period of 12 months. As part of the public consultation process, Council provided a copy of the proposal to the Officer in Charge of the Grenfell Police Station in accordance with the requirements of 644A(2) of the Local Government Act 1993. No submissions or recommendations were received from NSW Police as a result of this process.</p> <p>The ultimate decision to establish AFZ lies with Council. While Council must consider all representations or submission made, it may by resolution, adopt a proposal (with or without modifications) to establish an AFZ.</p> |
| <p>The IGA Supermarket holds a Packaged Liquor License which would mean that alcohol can be purchased and consumed on the seat in front of the Supermarket and other seating in the Main Street during the hours of 9.00am to 10.00pm. Likewise applies to Licensed Premises which are licenced to sell packaged alcohol and for wine bottles purchased at a premises and not fully consumed.</p>  | <p>A person could buy packaged alcohol and consume it within Main Street. This would be similar case to all other streets within Grenfell which were located outside the previous AFZ.</p> <p>Where a person may be considered intoxicated and posing a threat to other person, certain avenues are available to NSW Police to direct such a person to move on from the area.</p>  |
| <p>Unavailable resources by Council to keep the street and pavements clean which puts more pressure on retailers of bearing the cost of maintaining the area outside their premises.</p>   | <p>Council records do not indicate a rise in rubbish or litter within the Grenfell CBD are since the previous AFZ lapsed on 30 September 2023.</p> <p>The resources required for cleaning public amenities within the CBD has not increased since the lapsing of the previous AFZ.</p> <p>The proposed AFZ in Main Street would apply from 10pm to 9am, restricting alcohol in the area at the time that licensed premises would be closing, and patrons</p>   |



| <b>SUBMISSION 1</b>  |   |
|--|---|
| <b>Issue</b>   | <b>Comment</b>  |
|  | would be likely to be congregating in the CBD area.   |
| <p>Licensed premises must apply to extend their licence to provide food service for outdoor dining and service outside of the licensed premises which includes the footpath. The Licensee must ensure staff comply with their trading hours and the usual responsible service of alcohol. I feel these conditions should apply to all businesses that wish to service alcohol. There are several Liquor Licenses available for businesses who do not hold a Licensed Premises licence to service alcohol at or on dining areas for special functions and events for example Pop Up Licenses.</p> <p>The PEN does not clarify the definition of Alfresco Dining, the Alfresco areas nor “the limited time periods in order to allow for Alfresco Dining”.</p> | <p>Alfresco dining or outdoor dining can be on a premises or on a footpath or roadway.</p> <p>To operate a food service business outdoors where liquor is sold, the boundaries of the applicable liquor licence must include the outdoor dining area.</p> <p>There are a few ways that a business can apply to expand its licensed boundaries to include a new outdoor dining area. They can apply for a temporary or a permanent change of liquor licence boundaries.</p> <p>Any proposal to extend a liquor license onto a footpath or a roadway would require approval under the <i>Local Government Act 1993</i>. Council would have an opportunity to assess and proposal as part of the approval process.</p> <p>The proposed AFZ do not negate the need for existing licensed premises to apply to Liquor and Gaming NSW to extend their licenced areas, or for new premises to apply to obtain a liquor license.</p> <p>Any licensed premises serving alcohol would be required to comply with the requirements of Liquor and Gaming NSW, including the responsible service of alcohol and permitted operating hours.</p> |
| <p>The PEN states –</p> <p>“the measure is to prevent the escalation of irresponsible street drinking to incidents involving serious crime” i.e. between 10.00pm and 9.00am however there is an increase of –</p> <ul style="list-style-type: none"> <li>• Litter including glass beer bottles currently being dropped in the Main Street, and the Median Strips and kerbing and gutters in adjoining streets.</li> <li>• Unacceptable behaviour of –</li> </ul>   | <p>Council is not aware of any significant increase in serious crime as a result of the previous AFZ lapsing on the 30 September 2023.</p> <p>A review of the NSW Bureau of Crime, Statistics and Research for Weddin, does not indicate any significant increase in alcohol related crime in recent years. Due to the small number of offences within the Weddin Shire, trends relating to each offence type have not been calculated.</p> <p>There is no evidence to suggest that the issues raised in the submission are long</p>  |

| <b>SUBMISSION 1</b>  |  |
|--|--|
| <b>Issue</b>   | <b>Comment</b>   |
| <ul style="list-style-type: none"> <li>- Personal underwear dropped in darkened area on the adjoining street</li> <li>- Beer cans (half empty and empty) dropped in doorways and on steps in both Main Street and adjoining streets</li> <li>- Urinating on buildings</li> <li>- Theft and damage</li> </ul>   | <p>term issues. Additionally, it is not known if the issues were in fact experienced when the previous AFZ where in place.</p>   |
| <p>The PEN also states, "While Grenfell does not have a significant street drinking problem, this could be linked in part to the fact the AFZ have been in place since 1999". Does not have a significant problem could still mean there is a problem just not a significant one. Not all drinking incidents or domestic violence, malicious damage, urinating and littering is reported and therefore statistics may not be correct.</p>  | <p>As mentioned above, a review of the NSW Bureau of Crime, Statistics and Research for Weddin, does not indicate any significant increase in alcohol related crime in recent years. Due to the small number of offences within the Weddin Shire, trends relating to each offence type have not been calculated.</p>   |
| <p>There is an increased cost to –</p> <ul style="list-style-type: none"> <li>- Council/rate payers for administration for the change in the zoning and the change and installation of signs, monitoring by administration staff of the surveillance camaras, repairs to damage by alcohol related incidents, collection of litter from the Median Strip and garden area in Main Street and adjoining streets,</li> <li>- Police presence</li> <li>- Cleaning of the footpath by retailers</li> </ul> <p>All at a time when there are limited resources and it is well established there is a cost of living crisis where any available funds provided by the State Government i.e. taxpayer and ratepayer could be put to better use.</p> | <p>In the event that Council resolves to implement AFZ, there will be a cost to update and install new signage to reflect the adopted provisions. This cost has been estimated as \$2000 and will significantly change depending on the time restrictions applicable within Main Street. There would be a small cost to update signage if Council elected to change to proposed restrictions in Main Street as a result of the trial period.</p> <p>As mentioned previously, Council records do not indicate a rise in rubbish, litter or damage to Council property within the Grenfell CBD since the previous AFZ lapsed on 30 September 2023.</p> |
| <p>Vaughn Park near the Pool and Bowling Club area is not indicated on the Map as being an all times AFZ.</p>  | <p>The proposed AFZ only apply to road related areas including footpaths and the roadways within the areas identified in Figure 1 of this report.</p> <p>Non-road related areas such as parks are subject to alcohol prohibited areas (APA)</p>  |

| <b>SUBMISSION 1</b>   |  |
|---|--|
| <b>Issue</b>  | <b>Comment</b>   |
|   | under the Local Government Act 1993. In contrast to AFZ, ARA do not lapse every 4 years. Therefore, the current restrictions in Vaughan Park would continue to apply.                                  |
| Schweitzer’s Lane which links Forbes Street and Burrangong Street is within the CBD and not indicated on the Map as an all times AFZ. | Schweitzer’s Lane was not subject to the previous AFZ and is not considered to be a common pedestrian traffic route.<br><br>It is not proposed to implement alcohol restrictions in Schweitzer’s Lane. |

**POLICY/LEGAL IMPLICATIONS**

The proposal to establish AFZ was prepared in accordance with the requirements of section 644 of the *Local Government Act 1993* and the current Ministerial Guidelines on Alcohol-Free Zones dated February 2009.

The proposal was placed on public exhibition in accordance with section 644A of the Act, which states:

**644A Public consultation on proposal to establish alcohol-free zone**

- (1) After preparing a proposal under section 644, the council may, by notice published in a manner that the council is satisfied is likely to bring the notice to the attention of members of the public in the area as a whole or in a part of the area that includes the zone concerned—
  - (a) declare that it proposes to establish an alcohol-free zone, indicating the location of the zone and the proposed period or special events for which it will operate, and
  - (b) state the place at which, the dates on which and the times during which a copy of the proposal may be inspected, and
  - (c) invite representations and objections from persons and groups within the area, indicating that any representations or objections by them must be made within 14 days after the date on which the notice is published.
- (2) The council must give a copy of its proposal to each of the following persons, indicating that any representations or objections by the person must be made within 30 days after the date on which the copy is given—
  - (a) the officer in charge of the police station within or nearest to the proposed alcohol-free zone,
  - (b) each holder of a licence in force under the [Liquor Act 2007](#) for premises that border on, or adjoin or are adjacent to, the proposed alcohol-free zone.
  - (c) (Repealed)
- (3) If required to do so by the guidelines in force under section 646, the council must also give a copy of its proposal to the Anti-Discrimination Board, indicating that any representations or objections by the Board must be made within 40 days after the date on which the copy is given.
- (4) The council must consider all representations and submissions that are duly made to it under this section

While the Act only requires a 14-day public exhibition period to members of the public, the proposal was advertised for 28 days. NSW Police and the holder of each liquor licence within the affected area were provided with the necessary 30-day time period to make a submission.

Two (2) submissions were received as a result of the public consultation process from members of the public. These submissions have been outlined in the previous sections of this report.

Section 644B of the Act provides that after complying with the requirements of sections 644 and 644A, Council may by resolution, adopt a proposal (with or without modifications) to establish an AFZ. The resolution has the effect of establishing the AFZ in accordance with the terms of the resolution.

Section 644B(3) of the Act states that after making the resolution, Council must, by notice published in a manner that the council is satisfied is likely to bring the notice to the attention of members of the public in the area as a whole or in a part of the area that includes the zone concerned—

- (a) declare that an alcohol-free zone has been established, and

- (b) specify the period (or, in the case of a zone established for one or more special events, the day or days) for which the alcohol-free zone is to operate.

The AFZ will commence operation 7 days after the required notice has been published.

Once an AFZ is established, Section 642 of the Act enables a police officer or an enforcement officer to seize any alcohol (and the bottle, can, receptacle or package in which it is contained) that is in the immediate possession of a person in an AFZ if—

- (a) the person is drinking alcohol in the alcohol-free zone, or  
(b) the officer has reasonable cause to believe that the person is about to drink, or has recently been drinking, alcohol in the alcohol-free zone.

### **FINANCIAL/RESOURCE IMPLICATIONS**

In the event that Council resolves to establish the AFZ as proposed, there will be a cost to Council to update existing signage to reflect the new restriction periods. A small number of new poles will need to be installed due to the Main Street upgrade to allow for signage, and a small number of signs which are faded will need to be replaced.

It has been estimated that the cost to Council for materials and labour to upgrade and install signage to reflect the proposed AFZ would be \$2,000.00.

### **INTERNAL/EXTERNAL CONSULTATION**

A notice complying with the requirements of clause 644A(1) of the *Local Government Act 1993* was placed on public exhibition for a period of 28 days inviting submission from members of the public on the proposed Alcohol-Free Zones. Two (2) submissions were received as a result of this public consultation process, which have been discussed in the previous sections of this report.

A copy of the notice was also sent to the officer in charge of the Grenfell Police Station, and to each holder of a liquor licence for premises that border, adjoin or is adjacent to the proposed Alcohol-Free Zones, inviting their comments in relation to the proposal. No submissions or comments were received from the NSW Police or the applicable liquor licence holders.

### **CONCLUSION**

A proposal for the establishment of AFZ within Grenfell as resolved by Council at its Ordinary Meeting held on 21 March 2024, was placed on public exhibition for a period of 28 days, with no submissions being received.

Two (2) submission were received from members of the public. A review of the issues raised in each submission has been undertaken.

It is now recommended that Council resolve to establish the proposed AFZ as described within this report, including a one (1) year trial period for the time restrictions applicable to the AFZ within the Main Street.

**13.2 DEVELOPMENT APPLICATION - 12/2024 - CHANGE OF USE OF PART OF BUILDING TO DWELLING AND ALTERATIONS TO BUILDING**

**File Number:** DA 12/2024

**Author:** Director Environmental Services

**Authoriser:** Director Environmental Services

**Attachments:**

1. DA 12-2024 Plans
2. DA 12-2024 BASIX
3. DA 12-2024 Statement of Environmental Effects
4. DA 12-2024 Statement of Heritage Impact

**CSP Objective:** Democratic and engaged community supported by efficient internal systems

**Precis:** Development Application No. 12/2024 proposes the change of use of part of the existing commercial building to dwelling and alterations to the building located on Lot 3 DP 655201 and Lot 4 DP 345056, known as 20-22 Main Street, Grenfell. The application is referred to Council for determination as the applicant seeks to rely on clause 5.3 Development near zone boundaries, of the Local Environmental Plan 2011.

**Budget:** Nil

**RECOMMENDATION**

That

1. Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.
2. Development Application No. 12/2024, being for the change of use of part of the existing commercial building to a dwelling and alterations to the building, be approved by Council subject to the recommended conditions listed in Appendix A of the Assessment Report and be signed under delegated authority by the Director Environmental Services.
3. The General Manager register this planning decision in line with s. 375A of the *Local Government Act 1993* including the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.

**RESOLUTION 127/24**

Moved: Cr Diprose

Seconded: Cr Frame

That

1. Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the *Environmental Planning and Assessment Act 1979*.

2. Development Application No. 12/2024, being for the change of use of part of the existing commercial building to a dwelling and alterations to the building, be approved by Council subject to the recommended conditions listed in Appendix A of the Assessment Report and be signed under delegated authority by the Director Environmental Services.
3. The General Manager register this planning decision in line with s. 375A of the *Local Government Act 1993* including the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.

**THE MOTION WAS CARRIED UNANIMOUSLY**

**FOR: CR BEMBRICK, CR COOK, CR DIPROSE, CR FRAME, CR KENAH,  
CR MCKELLAR, CR PARLETT**

---

Cr Best entered the room at 6:46pm.

## INTRODUCTION

Development Application No. 12/2024 proposes a change of use of part of the existing commercial building to a dwelling, and alterations to the building located at Lot 3 DP 655201 and Lot 4 DP 345056, known as 20-22 Main Street, Grenfell (the property).

The development application was lodged by Ms Gina Doyle on behalf of the owner of the site Ms C M Hague.

A copy of the proposed site plan, floor plan, elevation plans, Statement of Environmental Effects (SEE) and Statement of Heritage Impact, are included in **Attachment 1** to this report.

## DESCRIPTION OF SITE

The property is private land being Lot 3 DP 655201 and Lot 4 DP 345056 and has a combined area of approximately 459m<sup>2</sup>. The northern boundary of the property fronts George Street, the Southern boundary front Main Street, and the Eastern boundary fronts an unnamed roadway which is currently used as a pedestrian link between the adjacent roads.

The existing building on the property is mainly of brick and sheet roof construction and extends over both allotments. Two (2) commercial shops front Main Street and are mainly located on Lot 4, and form part of a row of shops with the remaining rear portion of the building extending onto Lot 3. One of the current shops has recently been used as a laundry mat, while the other remains vacant. The rear portion of the building adjacent to George Street historically was used as a bakery.

The development site is zoned E1 – Local Centre under Weddin Local Environmental Plan 2011 ('Weddin LEP'). A map showing the location of the development site in relation to the surrounding locality is provided in **Figure 1** below.



**Figure 1.** Locality Plan

**DESCRIPTION OF PROPOSAL**

Development Application 12/2024 proposed the change of use of part of the existing commercial building to a dwelling and alterations to the building.

The two (2 shops) fronting Main Street will remain largely unchanged, with internal alterations proposed to the rear portion of the building in order to create a 1 (one) bedroom dwelling. The internal alterations will include require works to provide fire separation between the dwelling and commercial shops, along with the creation of required facilities for a dwelling including a kitchen, bathroom and laundry.

External the building will remain largely unchanged with the exception of the replacement of a single window and door in the southern wall of the proposed living room with stack doors, and the replacement of a window and door in the eastern wall of the proposed bedroom with a sliding glass door.

Further details of the proposed development are included in the submitted plans, Statement of Environmental Effects and Statement of Heritage Impact which are provided in **Attachment 1**.

**ENVIRONMENTAL IMPACT ASSESSMENT**

In determining a development application, a consent authority is to take into consideration such matters as are of relevance to the development in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979*. The following section provides an evaluation of the relevant Section 4.15 Matters for consideration for DA 12/2024:

**S4.15(1)(a)(i) Any Environmental Planning Instrument**



## Weddin Local Environmental Plan 2011

The development site is zoned E1 Local Centre under the provisions of Weddin LEP 2011.

The development proposes the change of use of part of the existing commercial building to a dwelling and alterations to the building. A dwelling is defined in the Weddin LEP 2011 as:

**dwelling house** means a building containing only one dwelling.

**Note**— Dwelling houses are a type of *residential accommodation*

### Clause 2.3

Clause 2.3(1) of the Weddin LEP 2011 refers to the land use table for each specific zone which details the following:

- (a) the objectives for development, and
- (b) development that may be carried out without development consent, and
- (c) development that may be carried out only with development consent, and
- (d) development that is prohibited.

Below is the land use table for the E1 Local Centre zone –

|   |
|---|
| <p><b>Zone E1 Local Centre</b></p> <p><b>1 Objectives of zone</b></p> <ul style="list-style-type: none"> <li>• To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.</li> <li>• To encourage investment in local commercial development that generates employment opportunities and economic growth.</li> <li>• To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council’s strategic planning for residential development in the area.</li> <li>• To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.</li> </ul> <p><b>2 Permitted without consent</b><br/>Environmental protection works; Home-based child care; Home occupations</p> <p><b>3 Permitted with consent</b><br/>Amusement centres; Boarding houses; Centre-based child care facilities; Commercial premises; Community facilities; Entertainment facilities; Function centres; Hostels; Hotel or motel accommodation; Information and education facilities; Light industries; Local distribution premises; Medical centres; Oyster aquaculture; Places of public worship; Public administration buildings; Recreation facilities (indoor); Respite day care centres; Self-storage units; Semi-detached dwellings; Service stations; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Waste or resource transfer stations; Water recycling facilities; Any other development not specified in item 2 or 4</p> <p><b>4 Prohibited</b><br/>Agriculture; Air transport facilities; Airstrips; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres;</p> |
|---|

Crematoria; Eco-tourist facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Highway service centres; Industrial training facilities; Industries; Jetties; Marinas; Mooring pens; Moorings; Open cut mining; Port facilities; Recreation facilities (major); Research stations; Residential accommodation; Rural industries; Sewerage systems; Storage premises; Vehicle body repair workshops; Waste or resource management facilities; Water treatment facilities; Wharf or boating facilities

A dwelling house is a type of residential accommodation, which is prohibited within the zone. The applicants seeks to rely on **clause 5.3 Development near zone boundaries**, in order to allow the proposed dwelling-house to be permissible. An assessment under clause 5.3 is provided further below in this report.

Clause 2.3(2) of the Weddin Local Environmental Plan 2011 requires that *“The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone”*. The following provides an assessment of the proposed development in regards to each objective of the zone:

1. *To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.*

The development proposes to retain two (2) existing retail premises at the front of the building facing Main Street. The rear portion of the building is proposed to be converted to a dwelling. It is assessed that the development as a whole will continue to provide for retail and business uses in order to serve the needs of people living, working and visiting the area.

2. *To encourage investment in local commercial development that generates employment opportunities and economic growth.*

The development proposes to retain the two (2) existing retail premises fronting Main Street. The conversion of the rear portion of the building to a dwelling will involve investment into the existing commercial development, with the potential to generate employment opportunities and economic growth within the Grenfell main street.

3. *To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council’s strategic planning for residential development in the area.*

The proposed development includes the conversion of the rear portion of the building into a dwelling house. The proposed low density single storey one (1) bedroom dwelling house is setback approximately 13 metres from the Main Street boundary. Vehicular entrance to the existing carport on the site is available from George Street. The front of the existing building will remain largely unchanged and will remain open and accessible as a potential retail business. The applicant has advised that the proposed dwelling will be used to provide accommodation for the persons which manage the retail space at the front of the building. The proposed development will aim to contribute to a vibrant and active local centre.

The northern side of George Street is currently zoned R1 – General Residential. There are also a number of existing residential accommodation uses on the southern side of George Street. Therefore, it is assessed that the proposed dwelling house will not be inconsistent with other developments in the area.

*4. To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

The existing building on the property is single storey. The proposal will retain the retail shops at the front portion of the building which faces Main Street. The proposal does include a dwelling-house on part of the ground floor. However, this area is located at the rear of the building facing George Street and will not impact on the main commercial shop front adjoining Main Street.

Based on the above assessment it is assessed that the proposed development meets the objectives of the E1 zone.

Clause 5.3 Development near zone boundaries

The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

Clause 5.3 applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance as stipulated in the Weddin LEP 2011 is 50 metres.

The development site is within the E1 – Local Centre zone, with the northern property boundary immediately adjoining the R1 – General Residential zone. The entire development site is located within the 50 metres of the R1 – General Residential zone boundary.

A map showing the location of the development site in relation to the boundary of the R1 – General Residential zone is provided below in **Figure 2**.



**Figure 2.** Location of development site in relation to zone boundaries.

Clause 5.3(4) states that:

Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—

- (a) the development is not inconsistent with the objectives for development in both zones, and
- (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

Development for the purpose of a dwelling house is permissible within the adjoining R1 zone. The objectives of this zone are:

**Zone R1 General Residential**

**1 Objectives of zone**

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

The proposed development involves a single storey one (1) bedroom dwelling house in the rear portion of the building adjacent to the R1 zone. This component of the development provides for the housing needs of the property owner and/or manager of the commercial component of the building and is assessed as meeting the objectives of the R1 zone. As detailed in the previous section of this report, the proposed development is also assessed to meet the objectives of the E1 zone.

The current land use zone north of the development site is R1- General Residential. An inspection of the area has identified a number of other residential accommodation developments fronting to George Street both on the northern side and southern side of George Street.

Given that the proposed residential component of the development is at the rear of the building fronting George Street and is in close proximity to other residential type developments, it is assessed that the development is compatible with both the existing and future land uses in the area. Infrastructure in the area including sewer, water and electricity has sufficient capacity to service the development. The development as a whole will maintain the primary retail business areas fronting Main Street.

Based on the above assessment it is considered the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.

#### Clause 5.10

The development site is not a listed heritage item, but is located within the Grenfell Urban Conservation Area, as identified within the Weddin LEP 2011. Clause 5.10(4) states that:

#### **Clause 5.10 Heritage Conservation**

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

In accordance with clause 5.10(4) an assessment of the effects that the proposed development may have on the heritage conservation area has been undertaken. This includes referring the original plans lodged with the development application to Council's Heritage Advisor, with the following comments being received:

- 1. All plans to be consistent with the application documents, and to clearly show where works are proposed, including demolitions, changes in openings, and the like.*
- 2. All the Bakery metals and brickwork materials, details, openings and relationships to remain in-situ, uncovered and unaltered, and include the chimney. Historic ovens to be clearly shown and itemised on all plans and elevations prior to any release of documents.*
- 3. All chimneys to be shown on plans and remain unaltered.*
- 4. A redesign of the former bakery portion openings and materiality of all fenestrations, to be more sympathetic to the building's era, proportions, wall-to-opening ratios and relationships to the historic context of the Heritage Conservation Area, and without any dependence on any landscaping. Revised plans to be submitted prior to further advice.*
- 5. Further information about floor and ground levels and as to how to isolate incompatible materials junctions relative to changed levels, and minimise corrosive damp. Strongly advise wet areas used different materials rather than tiles in cements.*
- 6. Any new openings on the George Street elevation are not supported.*

7. *Other matters subject to a further Council consideration and heritage advice include:*
  - *window security facing George St.,*
  - *signage,*
  - *colour schemes, including presentation to George St,*
  - *boundary fences and any screening, including along the lane,*
  - *premises identification, and*
  - *interpretation.*
8. *There is to be no changes to the configurations, materiality, colours, or the like of either of the shops or their membership of the group, Thompson's Terrace.*

As a result of the heritage assessment, the applicant was requested to modify the development plans. The following changes have been made to the proposed development in order to satisfy the heritage comments:

1. The plans indicate the works proposed as part of the application;
2. The existing bakery ovens have been identified on the plans and proposed to be remain unaltered as a feature;
3. The existing chimney is shown on the plans and will remain unaltered;
4. The openings proposed in the former bakery portion of the building have been modified from an aluminum sliding door and stack doors to reclaimed French timber doors. The size of the openings has been reduced;
5. The plans indicate a concrete floor to the new bathroom. Further details will be provided as part of a construction certificate application;
6. There are no new openings proposed in the George Street elevation;
7. There are no window security measures proposed. The colour scheme of the building will remain the same. No new boundary fencing is proposed.
8. There are no changes proposed to the configuration, materiality, colours of any of the front shops or their membership to the group of shops.

The proposed development largely involves internal alterations to the building, with the addition of two doorways to the rear portion of the building which will form the dwelling. The internal parts of the building have been largely modified over the years and the proposed works will not impact on any heritage components of the building. The applicant intends to keep the historic bakery oven within the building and make this a feature.

The proposal does include minor repair works to the external parts of the building. These repair works are considered minor and will aid to improve the lifespan of the building.

It is assessed that the proposed development will not have any significant adverse effect on the heritage conservation area and therefore complies with the requirements of clause 5.10.

#### Clause 5.21 Flood Planning

The development site is not identified as being within a flood planning area under Weddin LEP 2011 or subject to flooding in the Emu Creek Floodplain Risk Management Study and Plan 2012. Therefore, a detailed assessment of the proposed development in accordance with clause 5.21 is not required in this instance. A copy of the flood mapping relating to the area is provided below in **Figure 3**.



**Figure 3.** Location of development site in relation to flood planning area.

Clause 6.6

Clause 6.6 of the Weddin LEP 2011 states that:

*Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the proposed development are available or that adequate arrangements have been made to make them available when required —*

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable road access.*

The existing building is currently serviced by reticulated water, Council’s sewer mains system and electricity which are considered suitable to service the proposed development. Storm water from existing building is currently diverted to Council street drainage system. The proposed development will not impact on the existing storm water management system. The property is also serviced by an existing vehicular access to the site from George Street, which will not be impacted by the proposal.

It is considered that the development site has adequate services to cater for the proposed development.

**State Environmental Planning Policies**

The following State Environmental Planning Policies are considered relevant to Council's assessment of the development proposal:

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3 of the SEPP requires Council to assess if the development site is core Koala habitat and if the proposed development will have any impact on that habitat. There is no evidence to suggest that the development site is core Koala habitat. The land is extensively cleared and the proposed development does not require the removal of any trees. It is assessed that the proposed development will not impact any Koala habitat.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposed dwelling house component of the development is a BASIX affected building as defined under the *Environmental Planning and Assessment Act 1979* and therefore the requirements of *SEPP (Building Sustainability Index: BASIX) 2004* do apply. The application has been supported by a compliant BASIX certificate, which will be required to be complied with during the construction works on the dwelling house. It is assessed that the development is compliant with the requirements of the SEPP.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The proposed development is not identified as being either exempt or complying development in accordance with the SEPP. The applicant has lodged a development application for the proposed development and therefore the requirements of *SEPP (Exempt and Complying Development Codes) 2008* do not apply.

State Environmental Planning Policy (Housing) 2021

The proposed development does not propose affordable housing or diverse housing as defined under the SEPP, as a result there are no requirements which apply to the proposal.

State Environmental Planning Policy (Industry and Employment) 2021

An assessment of SEPP (Industry and Employment) 2021 has identified that there are no parts of the SEPP which apply to the proposed development.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

The proposed development does not include a residential apartment development and therefore the requirements of *SEPP No. 65 – Design Quality of Residential Apartment Development*, do not apply.

State Environmental Planning Policy (Planning Systems) 2021

The proposed development is not assessed as being State Significant or Regionally Significant development and therefore the requirements of the SEPP are not applicable.

State Environmental Planning Policy (Precincts-Regional) 2021



An assessment of *SEPP (Precincts-Regional) 2021* has identified that there are no parts of the SEPP which apply to the proposed development.

#### State Environmental Planning Policy (Primary Production) 2021

The proposed development does not include State Significant Agricultural Land and does not propose a farm dam or any other small scale and low risk artificial waterbodies. It is assessed that there are no requirements under the SEPP which would apply to the proposed development.

#### State Environmental Planning Policy (Resilience and Hazards) 2021

Under Clause 4.6 of the SEPP a consent authority must not consent to the carrying out of and development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

There are no known prior land-uses on the site that are likely to have resulted in the contamination of the land. Site inspection carried out did not reveal any evidence of contamination of the site. The SEE submitted with the application does not mention any previous land uses that are likely to have resulted in contamination of the site. No further investigation is warranted in this instance.

#### State Environmental Planning Policy (Resources and Energy) 2021

There are no requirements within the SEPP which are applicable to the proposed development.

#### State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposed development will not significantly impact on the electricity infrastructure in the area. The proposed works are not located within any known electricity easements or located close to any infrastructure which would require referral to the electricity supply authority.

The proposed development is not classified as a traffic-generating development under Schedule 3 and therefore was not required to be referred to Transport for NSW under the provisions of the SEPP.

#### **S4.15 (1) (a) (ii) Any draft Environmental Planning Instrument**

There are no draft Environmental Planning Instruments that apply to the development.

#### **S4.15 (1) (a) (iii) Any Development Control Plan (DCP)**

#### Weddin Shire Development Control Plan 2014

#### *Chapter 10 – Commercial Development*

The proposed works are mainly internal alterations with the exception of the installation of two (2) new doorways in the proposed dwelling component of the building. The external configuration of the building will remain largely unchanged.

The front portion of the building contains two (2) commercial shops which will remain largely unchanged. It is considered that the proposed development is consistent with the objectives of the Chapter 10 of the Weddin DCP.

#### *Chapter 15 – Public Consultation*

The development application was advertised and notified in accordance with the Chapter 15 of the DCP from 28 March 2024 to 18 April 2024. No submissions were received as a result of the public consultation process.

#### **S 4.15(1)(a)(iiia) provisions of any Planning Agreement(s)**

There is no planning agreement that has been entered into under Section 7.4 of the *Environmental Planning and Assessment Act 1979* by the applicant in relation to the development proposal. Similarly, the applicant has not volunteered to enter into a draft planning agreement for the development proposal.

#### **S4.15(1)(a)(iv) The EP & A Regulations**

Section 4.15(1)(a)(iv) requires Council to also consider Clauses 61, 62, 63, & 64 of the *Environmental Planning and Assessment Regulation 2021*. The following provides an assessment of the relevant Clauses of the Regulation:

- Clause 61 –The proposal does not involve the demolition of a building and therefore the requirement to consider AS 2601-2001: The Demolition of Structures, is not required.

The land is not subject to a subdivision order or the Dark Sky Planning Guideline. The application does not propose a manor house or multi dwelling housing and therefore the requirements to consider the *Low Rise Housing Diversity Design Guide for Development Applications* does not apply. There are no other matters under clause 61 which apply to the development.

- Clause 62 – The proposal does involve the change of a building use, therefore the requirement to consider the fire protection and structural capacity of the building's proposed new use is required. The development proposes fire separation of the residential component of the building from the commercial component. A condition has been included in the recommendation to require smoke alarms to be installed to service the dwelling house.

A condition has been included in the recommendation requiring the person acting of the consent to provide certification from a professional structural engineer, certifying that the building is structurally adequate for the new use as a dwelling. This certification is required to be provided to the principal certifier, prior to the issue of a construction certificate.

- Clause 63 – The proposal does not involve the erection of a temporary structure and therefore there are no matters under clause 63 which are relevant to the proposed development.
- Clause 64 – The proposal does involve the rebuilding or alteration of an existing building and therefore the requirements of clause 64 apply to the development. Council as the consent authority must consider whether it is appropriate to require the existing building to be brought into total or partial conformity with the *Building Code of Australia*. An assessment of the application has determined that a number of fire safety upgrade works are required to ensure adequate fire separation of the commercial component from the residential component. A number of upgrade works are also required to the building to ensure that the dwelling house complies with the health and amenity requirements of the Building Code of Australia. These upgrade works are shown on the proposed plans or included in the recommended conditions of consent.

#### **S4.15(1)(b) The likely impact on the natural and built environment(s) and the likely social and/or economic impact on the locality**

Section 4.15(1)(b) requires the Council to consider the likely impacts of the development, including environmental impacts on both the natural and built environments as well as the social and economic impacts in the locality. The following provides an assessment of the likely impacts of the development:

##### Context and Setting

The development site is made up of two (2) allotments being Lot 3 DP 655201 and Lot 4 DP 345056, which have a combined area of 459m<sup>2</sup>. The site fronts Main Street Grenfell and also backs onto George Street. The property contains a single storey mainly brick building with a sheet roof. The building contains two (2) two commercial shops which front Main Street, along with a rear portion adjacent to George Street which is proposed to be converted to a dwelling.

The site is zoned E1 – Local Centre under Weddin Local Environmental Plan 2011 and is bordered by the R1 – Residential Zone to the north. One of the front shops has recently been used as a laundry mat, while the other has remained vacant. Historically the area of the proposed dwelling was used as a bakery. The site is generally surrounded by other commercial properties, some of which include residential components.

The proposed development involves mainly internal alterations to the existing building and the change of use of part of the commercial building to a dwelling. It is assessed that the proposed development is consistent with the character and setting of the surrounding area.

##### Access, Transport and Traffic

An existing vehicle entrance is provided to the site from George Street, which is a sealed Council road. The development will not impact on the existing entrance which will be used only for the proposed dwelling house. It is considered that the entrance is suitable to service the property and proposed development.

Pedestrian access is currently provided to the two shops within the building from Main Street. No works are proposed to the commercial shopfronts and therefore no upgrade works are considered necessary under the Disability (Access to Premises – Buildings) Standard 2010.

### Public Domain

The proposal will not have a negative impact on public recreational opportunities or public spaces in the locality.

### Heritage

The development site does not contain any items of environmental heritage listed in schedule 5 of the Weddin Local Environmental Plan 2011. However, the site is located within the Grenfell Urban Conservation Area. The application was supported by a Statement of Heritage Impact prepared by the application. An assessment of the proposed development with regards to heritage has been undertaken in previous sections of this report which revealed that the development will not impact on the heritage values of the subject building or any heritage items in the vicinity.

### Other Land Resources

The land does not contain any recorded mineral deposits and the proposal will not negatively impact any water catchment areas or waterways.

### Water, Sewerage and Stormwater

The proposed development will not impact on water, sewerage or stormwater arrangements currently servicing the existing building.

### Soils

The application will not have a negative impact on soils in the locality. The development does not propose any significant earthworks or excavations.

### Air and Microclimate

Minimal amounts of dust may be generated during the construction period. Once construction works are complete the development will not significantly impact on air quality.

### Flora and Fauna

The development does not propose any major earthworks or the removal of any significant trees or natural vegetation. It is assessed that the proposal will not create any additional impacts on flora and fauna in the area.

### Waste

Any waste generated during the construction process can be disposed of at a licensed waste management facility. The ongoing use of the development will not create any significant waste streams which cannot be dealt with as part of Councils general kerbside collection service.

### Energy

The proposed development will not significantly increase energy usage on the site. A BASIX certificate has been lodged with the application which includes measures to reduce energy consumption associated with the dwelling house component of the development.

### Noise and Vibration

Some noise will occur during the construction phase of the development but is not expected to adversely impact on any surrounding land uses. Council's standard condition regarding construction hours has been included in the recommended conditions of consent.

### Natural Hazards

The development site is not identified as being within a flood planning area or bushfire prone area under Weddin LEP. There are no other identified natural hazards applying to the land.

### Technological Hazards

There are no identified technological hazards relating to the proposed development.

### Safety, Security and Crime Prevention

It is assessed that the development will not generate any activity likely to promote safety or security problems to the subject land or surrounding area.

### Social and Economic Impacts on the locality

The proposed development will not result in any negative social or economic impacts in the locality. The development will maintain two (2) commercial shop front in the Main Street, while also creating an additional residence for the building owner or manager.

### Site Design and Internal Design

The proposed development will not significantly alter the current building footprint. The proposed dwelling house will be fire separated from commercial component of the development. The design of the proposed works is considered appropriate in the circumstances.

### Construction

The proposed works will be required to be undertaken in accordance with the requirements of the National Construction Code and relevant standards. No adverse impacts are anticipated to occur as a result of the construction of the development.

### Cumulative impacts

The proposal is not expected to generate any ongoing negative cumulative impacts. The proposed dwelling will occupy a small part of the existing building and will not significantly increase the demand for parking or services in the area.

## **S4.15(1)(c) The Suitability of the Site for the Development**

As previously assessed in this report the proposed development is consistent with the objectives of both the E1 zone and R1 zone. In accordance with clause 5.3 of the Weddin LEP 2011, the development site is within the relevant distance of the R1 zone and consistent with the requirements of the clause in order for the proposed dwelling house to be permissible within the E1 zone.

It is considered that the proposed development will not create adverse impacts within its local setting or impact on the heritage conservation area. It is further assessed that the development will not unduly impact upon any existing services. The site is not constrained by natural features and is considered suitable for the development, subject to the imposition of appropriate conditions of consent.

### Public Consultation

The Development Application was advertised and notified in accordance with the requirements of the Weddin Shire Council DCP 2014 from 2 November 2023 to 23 November 2023. No submissions were received as a result of the public consultation process.

### **S4.15(1)(d) The Public Interest**

#### Community Interest

The proposed development has been considered in terms of the context and setting of the locality in previous sections to this report. The proposed development will not impose any identified adverse economic or social impacts on the local community. It is assessed that the development will have a positive impact on the Grenfell CBD by providing an additional commercial business along with residential accommodation for the owners of the site.

### **SECTION 7.11 & 7.12 CONTRIBUTIONS**

Council does not have a Section 7.11 or Section 7.12 Contributions Policy and therefore such contributions are not applicable to the proposed development.

### **CONCLUSION**

Development Application No. 29/2023 proposes the change of use of an existing building to a food and drink premises (small bar) and associated dwelling, and alterations to the building located on Lot 7a Section 16 DP 758473, known as 20-22 Main Street, Grenfell. The application is referred to Council for determination as the applicant seeks to rely on clause 5.3 Development near zone boundaries, of the Local Environmental Plan 2011 in order for the dwelling house component of the development to be approved.

The information submitted in support of the development application provides sufficient information to allow the proper assessment of the proposal.

Having considered the documentation supplied by the applicant, the findings of site inspection(s) and the comments made from consultation, it is assessed that the impacts of the proposal and the likely environmental interactions between the proposed development and the environment are such that Council should not refuse the development application.

Accordingly, a recommendation of conditional approval is listed in the recommendation subject to the conditions listed in **Appendix A**.

**APPENDIX A**

**Terms and Reasons for Conditions**

Under section 88(1)(c) of the EP&A Regulation, the consent authority must provide the terms of all conditions and reasons for imposing the conditions other than the conditions prescribed under section 4.17(11) of the EP&A Act. The terms of the conditions and reasons are set out below.

**General Conditions**

|   |  |                                     |                |                                  |                          |
|---|--|-------------------------------------|----------------|----------------------------------|--------------------------|
| <b>1</b>  | <b>Approved Plans and Supporting Documentation</b>   |                                     |                |                                  |                          |
|   | The development is to be implemented in accordance with the approved plans, specifications, and supporting documentation listed below which have been endorsed by Council’s approved stamp, except where modified by conditions of this consent. |                                     |                |                                  |                          |
|   | <b>Plan/Support Document</b>   | <b>Reference No</b>                 | <b>Version</b> | <b>Prepared By</b>               | <b>Date</b>              |
|   | Site Plan  | 22-20 Main Street Grenfell 2810 1/8 | -              | Andy Reidy<br>Gina Doyle         | 27/05/2024               |
|   | Existing / Proposed Floor Plan   | 22-20 Main Street Grenfell 2810 2/8 | -              | Andy Reidy                       | 23/02/2024               |
|   | Proposed Floor Plan  | 22-20 Main Street Grenfell 2810 3/8 | -              | Andy Reidy                       | 23/02/2024               |
|   | Proposed Floor Plan/2  | 22-20 Main Street Grenfell 2810 4/8 | -              | Andy Reidy                       | 23/02/2024               |
|   | Sketch Elevations Plan   | 22-20 Main Street Grenfell 2810 8/8 | -              | Andy Reidy                       | 23/02/2024               |
|   | BASIX  | A1736890                            | -              | Andys Design & Drafting Workshop | 22/02/2024               |
|   | Statement of Environmental Effects   | 20-22 Main Street Grenfell 2810     | -              | Gina Doyle                       | Feb 5 <sup>th</sup> 2024 |
| Statement of Heritage Impact  | 20-22 Main Street Grenfell 2810  | -                                   | Gina Doyle     | 25/02/2024                       |                          |
| In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent |  |                                     |                |                                  |                          |



|  |   |
|--|---|
|  | prevail. In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.   |
|  | <b>Condition reason:</b> To ensure the development proceeds in the manner assessed by Council and all parties are aware of the approved plans and supporting documentation that applies to the development. |

### Building Work

#### Before issue of a construction certificate

|   |  |
|---|--|
| 2 | <b>Fire Separation</b>   |
|   | The dwelling component of the development must be adequately fire separated from the commercial space of the building in accordance with the requirements of the National Construction Code 2022. Full details of the fire separation must be provided to the Principal Certifier, prior to the issue of a Construction Certificate. |
|   | <b>Condition reason:</b> To ensure that detailed plans of the required fire separation are submitted to the certifier before the issue of a construction certificate.  |
| 3 | <b>Sewer Services</b>  |
|   | Prior to the issue of a Construction Certificate, evidence certifying that the payment of all required fees and charges associated with the provision of sewerage services to the development site have been made to Weddin Shire Council, must be provided to the Principal Certifier.  |
|   | <b>Condition reason:</b> To ensure compliance with the requirements of the Environmental Planning and Assessment Act 1979 and Weddin Shire Council policies.   |

#### Before building work commences

|   |   |
|---|---|
| 4 | <b>Appointment of Principal Certifier</b>   |
|   | Prior to the commencement of work, the person having the benefit of the development consent and construction certificate must appoint a Principal Certifier. The Principal Certifier (if Council is not appointed) must notify Weddin Shire Council of their appointment, no later than 2 days before building work commences.  |
|   | <b>Condition reason:</b> To meet the requirements of the Environmental Planning and Assessment Act 1979.  |
| 5 | <b>Construction Certificate</b>   |
|   | Prior to the commencement of any earthworks or construction works the person acting on the development consent must obtain a construction certificate from Council or a registered certifier, certifying that the proposed works are in accordance with the Building Code of Australia, applicable standards and comply with the conditions of the development consent. It is the responsibility of the person acting on the development consent to ensure that the development complies with the Building Code of Australia. |

|   |  |
|---|--|
|   | <b>Condition reason:</b> To ensure compliance with legislative requirements.   |
| 6 | <b>Erosion and Sediment Control</b>  |
|   | Prior to the commencement of any demolition, earthworks or construction works, the person acting on the consent must install suitable erosion and sediment controls in accordance with the current version of the NSW Department of Housing Manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book). The controls must remain in place until the completion of all works and all excavated areas have been suitably restabilised. |
|   | <b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways or adjoining land.   |
| 7 | <b>Notice of Commencement</b>  |
|   | The person having the benefit of the development consent and construction certificate, must at least two (2) days prior to the commencement of building or subdivision work, notify Weddin Shire Council of their intention to commence the work.  |
|   | <b>Condition reason:</b> To meet the requirements of the Environmental Planning and Assessment Act 1979.   |
| 8 | <b>Plumbing and Drainage</b>   |
|   | The person acting on the consent must obtain all relevant approvals to carry out sewerage work, to carry out stormwater drainage work and to carry out water supply work from Weddin Shire Council, prior to the commencement of works. All works being carried out must comply with the conditions of the relevant approval.  |
|   | <b>Condition reason:</b> To ensure all work complies with relevant legislation.  |
| 9 | <b>Signs on Development Sites</b>  |
|   | Prior to the commencement of building work, subdivision work or demolition work, the person acting on the consent must ensure that a rigid and durable sign is erected in a prominent position on the development site stating the following:  |
|   | <ol style="list-style-type: none"> <li>1. the name, address and telephone number of the principal certifier, and</li> <li>2. if there is a principal contractor—the principal contractor’s name, address and a telephone number on which the principal contractor may be contacted outside working hours.</li> <li>3. unauthorised entry to the work site is prohibited.</li> </ol>  |
|   | The sign must be able to be read easily by a person on a public road or in another public place adjacent to the site. The sign must be maintained at all times while the work is being carried out on the site and removed when the work has been completed.   |
|   | <b>Condition reason:</b> To meet the requirements of the Environmental Planning and Assessment Act 1979.   |

**During building work**

|    |   |
|----|---|
| 10 | <p><b>Aboriginal Heritage</b></p> <p>If, during work, an Aboriginal object is uncovered then WORK IS TO CEASE IMMEDIATELY and the Office of Environment &amp; Heritage is to be contacted urgently on (02) 6883 5300. Under the <i>National Parks and Wildlife Act 1974</i> it is an offence to harm an Aboriginal object or place without an 'Aboriginal heritage impact permit' (AHIP). Before making an application for an AHIP, the applicant must undertake Aboriginal community consultation in accordance with the <i>National Parks and Wildlife Regulation 2019</i>.</p> <p><b>Condition reason:</b> To comply with legislative requirements and the protection of objects of potential significance during works.</p>   |
| 11 | <p><b>Carrying out of Works in a Road Reserve</b></p> <p>Prior to undertaking any works within the road reserve area, the person acting on the consent must obtain consent from the roads authority (Council) pursuant to Section 138 of the <i>Roads Act 1993</i>. An application for a 138 permit must be lodged with Weddin Shire Council (Infrastructure Services Department) using the approved form and be accompanied by the required plans and documentation.</p> <p><b>Condition reason:</b> To comply with the Roads Act 1993 and ensure all work meets relevant standards and is completed in safe manner.</p>   |
| 12 | <p><b>Confines of Work</b></p> <p>All construction works and demolition works must be carried out within the confines of the property unless separate written permission is obtained from the relevant landowner and/or authority in control of adjoining land. A copy of any written consents from adjoining land owners must be submitted to Council prior to any operations commencing on the affected land.</p> <p><b>Condition reason:</b> To protect and preserve the amenity of the surrounding locality.</p>  |
| 13 | <p><b>Construction Site Waste and Debris</b></p> <p>All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container or receptacle, for disposal at an approved Waste Management Facility. The container/receptacle must be located on the building site prior to the any work commencing. The waste container/receptacle shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site until the completion of the project. No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road.</p> <p><b>Condition reason:</b> To protect and preserve the amenity of the surrounding locality.</p> |
| 14 | <p><b>Cutting and Filling</b></p> <p>Any cutting and filling on the site shall be either battered at a maximum slope of one vertical to two horizontal (1V:2H) and revegetated or suitably retained by a retaining structure, designed and constructed to appropriate engineering standards. A retaining wall that does not comply with State Environmental Planning Policy (Exempt &amp; Complying Development Codes) 2008 will require prior development consent. All works are to be carried out within the</p>  |

|    |  |
|----|--|
|    | <p>boundaries of the property and without affecting the structural integrity of boundary fencing or neighbouring structures.</p> <p><b>Condition reason:</b> To ensure all work complies with relevant legislation.</p>  |
| 15 | <p><b>Damage to Public Assets</b></p> <p>Any damage caused to footpaths, roadways, utility installations and the like as part of the works being undertaken must be made good and repaired to a standard equivalent to that existing prior to commencement of works. The full cost of restoration/repairs of the damage must be met by the person acting on the consent or contractor responsible for the damage.</p> <p><b>Condition reason:</b> To ensure any damage to public infrastructure is rectified</p>   |
| 16 | <p><b>Dial Before You Dig</b></p> <p>Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at <a href="http://www.1100.com.au">www.1100.com.au</a> or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.</p> <p><b>Condition reason:</b> To protect underground assets from damage during works.</p> |
| 17 | <p><b>Loading and Unloading of Goods and Materials</b></p> <p>All loading and unloading of goods and materials relating to the development must be carried out within the confines of the development site and adequately stored within the boundaries of the property. No loading or unloading of goods and materials is permitted on a road, footpath or public reserve.</p> <p>The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under <i>Section 68 of the Local Government Act 1993</i>.</p> <p><b>Condition reason:</b> To protect and preserve the amenity of the surrounding locality and comply with legislative requirements.</p>  |
| 18 | <p><b>Mandatory Inspections</b></p> <p>The person acting on the consent must ensure that each critical stage inspection and other inspection required by the principal certifier is carried out. Work must not continue after each inspection unless the principal certifier is satisfied the works may proceed in accordance with this consent and the relevant construction certificate.</p> <p><b>Condition reason:</b> To require approval to proceed with building work following each critical stage inspection.</p>   |
| 19 | <p><b>Noise</b></p>  |

|    |  |
|----|--|
|    | <p>All construction and demolition works that generate noise which is audible at any residential premises, must be restricted to the following times:</p> <ul style="list-style-type: none"> <li>• Monday to Friday – 7.00 am to 6.00 pm, and</li> <li>• Saturday – 8.00 am to 1.00 pm</li> <li>• No noise from construction or demolition works is to be generated on Sundays or Public Holidays.</li> </ul> <p>Noise generated during the permitted times must not give rise to any offensive noise within the meaning of the <i>Protection of the Environment Operations Act 1997</i>.</p> <p><b>Condition reason:</b> To protect the amenity of the surrounding area</p> |
| 20 | <p><b>Plumbing and Drainage</b></p> <p>The person acting on the consent must obtain all relevant approvals to carry out sewerage work, to carry out stormwater drainage work and to carry out water supply work from Weddin Shire Council, prior to the commencement of works. All works being carried out must comply with the conditions of the relevant approval.</p> <p><b>Condition reason:</b> To ensure all work complies with relevant legislation.</p>  |
| 21 | <p><b>Stormwater Drainage</b></p> <p>As soon as is practical, and within a maximum of seven (7) days following the placement of any roofing material, all guttering and downpipes must be installed. Stormwater from all roofed and paved areas must also be properly drained in accordance with the Plumbing Code of Australia to discharge to the street drainage system, or other suitable location approved by Council, in a manner that does not cause soil erosion or nuisance to adjoining properties.</p> <p><b>Condition reason:</b> To ensure stormwater is appropriately managed on the site.</p>   |

**Before issue of an occupation certificate**

|    |   |
|----|---|
| 22 | <p><b>Fire Safety Certificate</b></p> <p>A Final Fire Safety Certificate must be provided to the Principle Certifier confirming that a property qualified person has installed and checked the fire safety measures listed in the current fire safety schedule for the building, prior to the issue of any Occupation Certificate.</p> <p>The Final Fire Safety Certificate must be issued using the standard template published by the NSW Government. A copy of the Fire Safety Certificate must be predominately displayed in the building and a copy submitted to Council by the Principle Certifier with the Occupation Certificate. An electronic copy of the Final Fire Safety Certificate (together with a copy of the current Fire Safety Schedule) must also be lodged with Fire and Rescue NSW by email at: <a href="mailto:firesafety@fire.nsw.gov.au">firesafety@fire.nsw.gov.au</a></p> |
|----|---|

|    |   |
|----|---|
|    | <b>Condition reason:</b> To ensure the building is safe for occupation and to comply with the requirements of the Environmental Planning and Assessment Act 1979.   |
| 23 | <p><b>Occupation Certificate</b></p> <p>Occupation or use of the development must not occur until all work has been completed, all conditions of the consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifier pursuant to section 6.10 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p><b>Condition reason:</b> To ensure compliance with the Environmental Planning and Assessment Act 1979.</p>  |
| 24 | <p><b>Building to be Upgraded</b></p> <p>Before the issue of an occupation certificate, the following part of the development must be upgraded to comply with the Building Code of Australia:</p> <ul style="list-style-type: none"> <li>a. Fire separation between the dwelling house and the food and drink premises must comply with Part C3, Compartmentation and Separation, of the National Construction Code.</li> <li>b. The commercial shops must be provided with Portable Fire Extinguishers in accordance with Section E of the National Construction Code.</li> </ul> <p><b>Condition reason:</b> To ensure the existing building complies with the Building Code of Australia as at the date of the determination of and as specified by the consent authority.</p> |

**Occupation and ongoing use**

|    |   |
|----|---|
| 25 | <p><b>Annual Fire Safety Statement</b></p> <p>An Annual Fire Safety Statement must be issued each year using the standard template published by the NSW Government, confirming that an accredited certifier (fire safety) has assessed, inspected and verified the performance of each fire safety measure that applies to the building. The owner of the building must give the annual fire safety statement to Council within the later of—</p> <ul style="list-style-type: none"> <li>(a) 12 months after an annual fire safety statement was previously given to the Council, or</li> <li>(b) if a fire safety certificate has been issued within the previous 12 months—12 months after the certificate was issued.</li> </ul> <p>A copy of the Annual Fire Safety Statement must be predominately displayed in the building and an electronic copy lodged with Fire and Rescue NSW by email at: <a href="mailto:firesafety@fire.nsw.gov.au">firesafety@fire.nsw.gov.au</a></p> <p><b>Condition reason:</b> To ensure the building is safe for occupation and to comply with the requirements of the Environmental Planning and Assessment Act 1979.</p> |
| 26 | <p><b>Commercial Use Space</b></p> <p>The commercial space of the building shall not be used for any residential purpose.</p>   |

|   |
|---|
| <b>Condition reason:</b> To ensure the commercial space is maintained in order to be consistent with the objectives of the land use zone. |
|---|

### General advisory notes

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent. It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

## Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

**Council** means .

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979*.

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2021*.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,



- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Sydney district or regional planning panel** means Western Regional Planning Panel.

**13.3 DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES**

**File Number:** T5  
**Author:** Executive Assistant to the Director Environmental Services  
**Authoriser:** Director Environmental Services  
**Attachments:** Nil  
**CSP Objective:** Sustainable natural, agricultural and built environments  
**Precis:** List of development application, construction certificate and complying development application determined during the period 1 May to 31 May 2024.  
**Budget:** Nil

**BACKGROUND**

In accordance with the requirements of the *Environmental Planning and Assessment Act 1979*, Council Officers under delegated authority, can exercise the power to determine development applications, complying development certificates and construction certificates.

The following provides a list of the development applications, complying development applications and construction certificate applications determined within the Weddin Shire during the month of May 2024.

**Development Applications Determined by Council**

The undermentioned development application were received and determined subject to specified conditions, by the Director Environmental Services under delegated authority:

| DA NO.  | Applicant                               | Construction   | Value (\$) | Address  |
|---------|---|--|------------|--|
| 11/2024 | Mr C Kendall<br>CK Design & Drafting PL | Dwelling (Moveable Dwelling)   | \$643,100  | LOT 138 DP 750599<br>3486 Mary Gilmore Way<br>BRIBAREE NSW 2594        |
| 14/2024 | Mr A J Porter                           | Demolition of existing shed and construction of new garage and carport | \$43,186   | LOT 1 DP 510070<br>30 Forbes Street<br>GRENFELL NSW 2810               |
| 15/2024 | Ms A Mendham                            | Erection of boundary fence   | \$12,000   | LOT A DP 5579 &<br>LOT B DP 5579<br>Forbes Street<br>GRENFELL NSW 2810 |
| 16/2024 | Mr A J Hewen                            | Construction of a new garage   | \$19,000   | LOT 10 DP 826043<br>23 Parkes Street<br>GRENFELL NSW 2810              |
| 17/2024 | Mr S P Wood                             | Shed on existing Slab  | \$46,000   | LOTS 147 & 148 DP 754578<br>94 Hilder Road<br>GRENFELL NSW 2810        |

### Complying Development Applications

The following complying development certificate applications were approved within the Shire in May 2024 by Council or any other Principal Certifiers.

| CDC NO.                           | Applicant                                  | Construction                                     | Value (\$) | Address  |
|-----------------------------------|--|--|------------|--|
| CDC 2/2024<br>(Private Certifier) | Constructive Dialogue Architects Studio PL | Minor alterations to existing aged care facility | \$159,500  | LOT 101 DP 1249498<br>Sullivan Street<br>GRENFELL NSW 2810 |

### Construction Certificates

The undermentioned construction certificates were determined by the Director Environmental Services under delegated authority:

| CC NO.  | Applicant      | Construction                             | Address  |
|---------|----------------|--|--|
| 31/2023 | Ms T M Basic   | Alterations and additions to residential | LOT 1249 DP 754578<br>137 North Street<br>GRENFELL NSW 2810  |
| 34/2023 | Mr P J Rolls   | Shed                                     | LOT: 561 DP: 754578<br>63 Melyra Street<br>GRENFELL NSW 2810 |
| 5/2024  | Mr S D Badman  | Construction of new shed                 | LOT 448 DP 754578<br>13 Grafton Street<br>GRENFELL NSW 2810  |
| 16/2024 | Mr A J Hewen   | Construction of a Garage                 | LOT 10 DP 826043<br>23 Parkes Street<br>GRENFELL NSW 2810    |
| 14/2024 | Mr A J Porter  | Construction of a new Garage and Carport | LOT: 1 DP: 510070<br>30 Forbes Street<br>GRENFELL NSW 2810   |
| 8/2024  | Mr G C Brenner | Construction of shed and rainwater tank  | LOT: 800 DP: 754578<br>Brundah Parish<br>GRENFELL NSW 2810   |

**13.4 DEVELOPMENT APPLICATION 1/2024 - PROPOSED TOURIST AND VISITOR ACCOMMODATION DEVELOPMENT COMPRISING OF A 20 ROOM MOTEL WITH ASSOCIATED RESTAURANT, MANAGERS RESIDENCE AND CARPARK AREA.**

**File Number:** DA 1/2024

**Author:** Director Environmental Services

**Authoriser:** General Manager

**Attachments:** 1. Approved Plans and Supporting Documentation  
2. Submission

**CSP Objective:** Sustainable natural, agricultural and built environments

**Precis:** Development Application No. 1/2024 proposes a tourist and visitor accommodation development comprising of a 20-room motel with associated restaurant, managers residence and carpark area on the property known as 111 Cowra Road, Grenfell. The application is reported to Council for determination as one (1) public submission was received as a result of the public consultation process.

**Budget:** Nil

Cr Diprose left the room at 6:47pm.

Cr Diprose entered the room at 6:53pm.

**RECOMMENDATION**

That

1. Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979.
2. Development Application No. 1/2024, being for a tourist and visitor accommodation development comprising of a 20-room motel with associated restaurant, managers residence and carparking area on Lot 1231 DP 754578, known as 111 Cowra Road Grenfell, be approved subject to the recommended conditions listed in Appendix A to the assessment report.
3. The General Manager register this planning decision in line with s. 375A of the *Local Government Act 1993* including the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.

**RESOLUTION 128/24**

Moved: Cr Frame

Seconded: Cr McKellar

That

1. Council notes that the reason for the decision is that the proposal largely complies with Section 4.15 of the Environmental Planning and Assessment Act 1979.

2. Development Application No. 1/2024, being for a tourist and visitor accommodation development comprising of a 20-room motel with associated restaurant, managers residence and carparking area on Lot 1231 DP 754578, known as 111 Cowra Road Grenfell, be approved subject to the recommended conditions listed in Appendix A to the assessment report.
3. The General Manager register this planning decision in line with s. 375A of the *Local Government Act 1993* including the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.

**THE MOTION WAS CARRIED UNANIMOUSLY**

**FOR: CR BEMBRICK, CR BEST, CR COOK, CR FRAME, CR KENAH,  
CR MCKELLAR, CR PARLETT**

---

## **ASSESSMENT REPORT**

### **Introduction**

Development Application No. 1/2024 proposes a tourist and visitor accommodation development comprising of a 20-room motel with associated restaurant, managers residence and carpark area on Lot 123 DP 754578, known as 111 Cowra Road Grenfell (the development site). A copy of the final site plan, elevation plans, section plans, Statement of Environmental Effects and landscaping plan are included Attachment 1. The application was lodged by Andy's Design and Drafting.

### **Description of Site**

The development site is located on the corner of Cowra Road and Main Lead in Grenfell. The site comprises of a single allotment with a total area of 8113.56m<sup>2</sup> and currently contains a dilapidated dwelling. The land has historically been used for residential purposes. Figure 1 below provides a plan showing the location of the development site in relation to the surrounding locality.



**Figure 1.** Locality Map

**Description of Proposal**

The application proposes a tourist and visitor accommodation development comprising of a 20-room motel with associated restaurant, managers residence and carparking area. Two (2) of the motel rooms are accessible units. The development also includes new driveway entrance to the development site from Main Lead, internal carparking totalling 30 spaces, associated manoeuvring areas along with landscaping. The proposed motel building will be of brick veneer construction with a colorbond roof.

The development has a setback of 9.71 metres from Cowra Road and a setback of 6 metres from Main Lead. The development includes moderate earthworks to create a level building pad area, with less than 500mm of cut and fill. All earthworks are proposed to be battered.

Detailed plans of the proposed development are included in Attachment 1.

**Environmental Impact Assessment**

In determining a development application, a consent authority is to take into consideration such of the matters as are of relevance to the development in accordance with Section 4.15(1) of the Environmental Planning and Assessment Act 1979. The following section provides an evaluation of the relevant Section 4.15 Matters for consideration for DA 1/2024:

## **S4.15(1)(a)(i) Any Environmental Planning Instrument**

### **Weddin Local Environmental Plan 2011**

The development site is zoned R1 General Residential under the provisions of Weddin Local Environmental Plan 2011. The proposed development is best described as a tourist and visitor accommodation development under the Weddin LEP 2011, which is:

***tourist and visitor accommodation*** means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following—

- (a) *backpackers' accommodation,*
- (b) *bed and breakfast accommodation,*
- (c) *farm stay accommodation,*
- (d) *hotel or motel accommodation,*
- (e) *serviced apartments,*

but does not include—

- (f) *camping grounds, or*
- (g) *caravan parks, or*
- (h) *eco-tourist facilities.*

A tourist and visitor accommodation development is permissible with consent in the R1 General Residential zone under Weddin LEP 2011.

Clause 2.3(2) of the Weddin Local Environmental Plan 2011 requires that “The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone”. The objectives of the R1 General Residential zone are as follows:

#### **Zone R1 General Residential**

##### **Objectives of zone**

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

The proposed tourist and visitor accommodation development provides accommodation facilities for visitors to the local community. It is assessed that the proposed development is consistent with the R1 zone objectives.

#### Clause 5.21 Flood Planning

The development site is not identified in the Emu Creek Floodplain Risk Management Study and Plan dated April 2012 as being within an area which is inundated by a 100 Year ARI flood event. Therefore, further assessment of the development with regards to clause 5.21 is not warranted.

#### Clause 6.6 Essential Services

The development site is serviced by reticulated water and will be required to be connected to the mains system. The development is not considered to be a high-water using

development and therefore it is assessed that the existing water infrastructure in the area will be capable of servicing the development.

The development will be connected to the main electricity. There is current electricity infrastructure in the area which would allow the development to be connected subject to the requirements of Essential Energy.

Council sewer main systems is located in Cowra road which borders the site to the north. It is assessed that the existing sewer mains system is capable of servicing the proposed development.

There is existing stormwater infrastructure located in the area surrounding the development site. A condition has been included in the recommendation requiring a detailed stormwater management plan to be submitted for the development.

An assessment of the application has identified that the proposed location of road entry and exit points are satisfactory subject to being constructed to Council standards. The location of the proposed vehicular entry/exit to the development site was modified to meet the requirements of Transport for NSW with regards to the setback from the Cowra Road intersection.

### **State Environmental Planning Policies**

The following State Environmental Planning Policies are considered relevant to Council's assessment of the development proposal:

#### State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3 of the SEPP requires Council to assess if the development site is core Koala habitat and if the proposed development will have any impact on that habitat. There is no evidence to suggest that the development site is core Koala habitat. The site of the proposed amenities building does not contain any significant native vegetation and the proposed development will not require the removal of any trees. It is assessed that the proposed development will not impact on Koala habitat.

#### State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposed shed is not a BASIX affected building and therefore the requirements of the SEPP do not apply.

#### State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The proposed development is not identified as being either exempt or complying development in accordance with the SEPP. The application has lodged a development application for the proposed development. Therefore, the requirements of SEPP (Exempt and Complying Development Codes) 2008 do not apply.

#### State Environmental Planning Policy (Housing) 2021

The proposed development does not include a dwelling. The requirements of the SEPP do not apply to the proposal.



State Environmental Planning Policy (Industry and Employment) 2021

An assessment of the proposed development has revealed that there are no applicable requirements under SEPP (Industry and Employment) 2021 that apply to the development.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

The proposed development does not propose a residential flat development and therefore the requirements of SEPP No. 65 – Design Quality of Residential Flat Development, do not apply.

State Environmental Planning Policy (Planning Systems) 2021

The proposed development is not assessed as being State Significant or Regionally Significant development and therefore the requirements of the SEPP are not applicable.

State Environmental Planning Policy (Precincts-Regional) 2021

An assessment of SEPP (Precincts-Regional) 2021 has identified that there is no part of the SEPP which apply to the proposed development.

State Environmental Planning Policy (Primary Production) 2021

The proposed development does not include State Significant Agricultural Land and does not propose a farm dam or other small scale and low risk artificial waterbodies. It is assessed that there are no requirements under the SEPP which would apply to the proposed development.

State Environmental Planning Policy (Resilience and Hazards) 2021

Under Clause 4.6 of the SEPP a consent authority must not consent to the carrying out of and development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

There are no known prior land-uses on the site that are likely to have resulted in the contamination of the land. Site inspection carried out did not reveal any evidence of contamination of the site. The SEE submitted with the application does not mention any previous land uses that are likely to have resulted in contamination of the site. No further investigation is warranted in this instance.

State Environmental Planning Policy (Resources and Energy) 2021

There are no requirements within the SEPP which are applicable to the proposed development.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Clause 2.48 Determination of development applications – other development

The proposed development is not within or immediately adjacent to an easement for electricity purposes or an electricity substation and is not within 5 metres of an exposed overhead electricity power line. Therefore, the application is not required to be referred to the electricity supply authority.

Clause 2.118 Development with frontage to classified road

The proposed development is not classified as a traffic-generating development under Schedule 3 and therefore was not required to be referred to Transport for NSW under the provisions of the SEPP. However, the application was referred to Transport for NSW for concurrence under Section 138(2) of the Roads Act 1993. Feedback received from this referral is discussed in the proceeding sections of this report.

**S4.15 (1) (a) (ii) Any draft Environmental Planning Instrument**

There are no draft Environmental Planning Instruments that apply to the development.

**S4.15 (1) (a) (iii) Any Development Control Plan (DCP)**

Weddin Shire Development Control Plan 2014

Table 1 below provides an assessment of the relevant clauses of the Weddin Shire Development Control Plan 2014 which apply to the proposed development.

| <b>Chapter 10 – Commercial Development</b> |   |
|--|---|
| <b>Clause</b>                              | <b>Assessment</b>   |
| 10.4 Objectives                            | The proposed development complies with the objectives of Chapter 10 – Commercial Development.   |
| 10.5 Change of Occupancy/Tenancy           | The proposed development does not include a change of occupancy/tenancy and therefore clause 10.5 does not apply to the application.  |
| 10.6 Building Line/Street Frontage         | The proposal includes a building line setback of 9.71 metres from Cowra Road and 6 metres from Main Lead. These setbacks are consistent with other existing established setbacks in the surrounding area.   |
| 10.7 Side and Secondary Setbacks           | The proposed development has primary frontage to Main Lead. The secondary road would be considered to be Cowra Road. The proposal is consistent with setbacks of other buildings within the area and is assessed to be consistent with the requirements of clause 10.7. |
| 10.8 Building Height                       | The proposed motel development is a single storey building with an overall height less than the maximum 17 metres as stipulated in clause 10.8. It is considered that the proposed development will   |

|   |   |
|---|---|
|   | be in keeping with the Character and streetscape of the area.   |
| 10.9 Materials  | The proposed development will primarily be of brick veneer construction with a colorbond roof. It is assessed that the proposed materials of the building are consistent with the character and streetscape of the area.  |
| 10.10 Advertising   | The plans do not indicate any proposed free standing advertising signage as part of the proposed development. Any signage which requires development consent, would be subject to a further application being made to Council.  |
| 10.11 Car Parking   | The development includes 30 carparking spaces, being 1 for each unit, 1 for the managers residence and 9 visitor parking spaces. The number of parking spaces is consistent with the requirements of clause 10.11.  |
| 10.12 Landscaping   | The development application includes a preliminary landscaping plan indicating landscaping along the northern boundary and partially along the eastern boundary. A condition has been included in the recommendation requiring a detailed landscaping plan to be provided to Council for approval, prior to the issue of a construction certificate, including specific details regarding the types of plantings and edging proposed. The condition also requires landscaping to be incorporated along the western boundary of the allotment adjoining Main Lead. |
| 10.13 Side Walk Dining  | The development application does not include side walk dining. Therefore clause 10.13 is not applicable.  |
| <b>Chapter 12 - Demolition</b>                                  |   |
| <b>Clause</b>   | <b>Assessment</b>   |
| 12.3 Requirements for Demolition                                | The proposed development will require the demolition of the existing dwelling and associated outbuilding located on the development site. There is no reason why the demolition cannot for part of the consent for the proposed motel. A condition has been included in the recommendation to this report, requiring a demolition plan for the dwelling and outbuildings.   |
| 12.4 Demolition Involving Hazardous Material Including Asbestos | It is likely that the existing dwelling and outbuilding contain asbestos. The demolition plan will require appropriate investigations to be made to determine the presence of asbestos. An appropriately qualified asbestos demolition contractor will be required to remove any asbestos in accordance with SafeWork NSW requirements.   |

| 12.5 Safe Work Practices  | All demolition works will be required to be completed in accordance with SafeWork NSW requirements.   |
|---|---|
| <b>Chapter 14 - Salinity</b>  |   |
| <b>Clause</b>   | <b>Assessment</b>   |
| 14.4 Slab on ground construction  | The proposed development incorporates a slab on ground construction. The building will be required to comply with the National Construction Code.   |
| 14.5 Brick Pier Construction  | The proposed development does not incorporate brick pier construction and therefore the requirements of clause 14.5 are not applicable.   |
| 14.6 Requirements for All Buildings                                     | The building will be required to comply with the National Construction Code.  |
| 14.7 Recommendations for All Buildings                                  | The building will be required to comply with the National Construction Code. Stormwater will be required to be diverted away from the building to Councils street drainage system.                |
| <b>Chapter 15 - Public Consultation</b>                                 |   |
| <b>Clause</b>   | <b>Assessment</b>   |
| 15.4 Applications Not Requiring Notification                            | The application was required to be notified and advertised as it was not considered to be a minor development.  |
| 15.5 Notification of Development Applications                           | The development application was notified and advertised for 21 days from 18 January 2024 to 8 February 2024, in accordance with clause 15.5.  |
| 15.6 Advertisement of Development Applications                          | The application was advertised in the Grenfell Record, on Council website and on social media, during the exhibition period.  |
| 15.7 Designated/Advertised/Integrated and State Significant Development | The proposed development is not identified as designated, advertised, integrated or State Significant Development for the purposes of the <i>Environmental Planning and Assessment Act 1979</i> . |
| 15.8 Amendments to Development Plans                                    | The proposed development is not for an amendment and therefore the requirements of clause 15.8 do not apply.  |

**Table 1.** Assessment of the proposed development under Weddin DCP 2014.

**S 4.15(1)(a)(iiia) provisions of any Planning Agreement(s)**

There is no planning agreement that has been entered into under Section 7.4 of the Environmental Planning and Assessment Act 1979 by the applicant in relation to the development proposal. Similarly, the applicant has not volunteered to enter into a draft planning agreement for the development proposal.

**S4.15(1)(a)(iv) The EP & A Regulations**

Section 4.15(1)(a)(iv) requires Council to also consider Clauses 61, 62, 63, & 64 of the Environmental Planning and Assessment Regulation. The following provides an assessment of the relevant Clauses of the Regulation:

- Clause 61 – The proposal does involve the demolition of a building and therefore the requirements of AS 2601 are required to be considered in accordance with this clause. A condition has been included in the recommendation requiring compliance with AS 2601.
- Clause 62 – The proposal does not involve the change of a building use for an existing building and therefore an assessment under the clause has not been undertaken.
- Clause 63 – The proposal does not involve the erection of a temporary structure and therefore the requirements to consider fire safety and structural adequacy is unnecessary.
- Clause 64 – The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building or place of public entertainment.

#### **S4.15(1)(b) The likely impact on the natural and built environment(s) and the likely social and/or economic impact on the locality**

Section 4.15(1)(b) requires the Council to consider the likely impacts of the development, including environmental impacts on both the natural and built environments as well as the social and economic impacts in the locality. The following provides an assessment of the likely impacts of the development:

##### Context and Setting

The development site is located within a residential area in Grenfell. The site is located on the corner of Cowra Road and Main Lead, which are formed and sealed roads.

A church building is located approximately 160 metres to the west, while the Grenfell Hospital is located approximately 310 metres to the west. The site is located approximately 850m from Main Street, Grenfell. Land surrounding the development site is made up of a predominately residential developments, with a variety of different building forms.

The development site has historically been used for residential purposes and currently comprises of a dilapidated dwelling and associated outbuildings.

It is assessed that the proposed development is consistent with the character and setting of the area.

##### Access, Transport and Traffic

The development site has road frontage to Cowra Road, which forms part of the Mid Western Highway which is a classified road, and Main Lead which is a formed and sealed Crown Road.

The development proposes a new vehicle entry/exit from Main Lead. Transport for NSW have previously advised their preference for vehicles to enter and exit the site from Main Lead. Council at its meeting held on 21 March 2024 previously resolved to provide in principle support to assuming ownership and management of Main Lead roadway from Crown Land, on the provision that full development assessment of DA 1/2024 resulted in development consent being granted, and construction works on the development commencing.

The location of the proposed entry and exit points are considered to be appropriate subject to complying with Councils driveway entrance standards and the requirements of Transport for NSW. Conditions have been included in the recommendation to ensure that the vehicular access and egress is compliant with those requirements.

As the development will likely lead to potential pedestrian traffic from the site walking towards the Grenfell Main Street, a condition has been included in the recommendation to require a concrete footpath to be installed adjacent to the eastern boundary of the development site from the vehicle entry/exit point to the intersection of Main Lead and Cowra Road. This will enable a potential footpath extension in the future to link the motel development with the current footpath adjacent to the Grenfell Hospital to provide a continuous link to the CBD area.

### Public Domain

The proposal will not have a negative impact on public recreational opportunities or public spaces in the locality. The development will provide additional accommodation facilities for visitors who may be utilising recreational facilities or public spaces in Grenfell.

### Heritage

The development site is not located within a heritage conservation area and does not contain any items of environmental heritage listed in schedule 5 of the Weddin Local Environmental Plan 2011. It is assessed that the proposed development will not impact on any heritage items in the vicinity.

### Other Land Resources

The land does not contain any recorded mineral deposits and the proposal will not negatively impact any water catchment areas.

### Water, Sewerage and Stormwater

The application will be required to be connected to the reticulated water and sewer systems. The development is not a high-water use development and therefore it is assessed that the existing water and sewer systems will be able to service the development. The applicant will need to lodge a connection application with Central Tablelands Water for a new water connection.

The applicant will also need to lodge an application to Council for a sewer connection. The development is subject to Councils Sewer Contributions Plan. The contribution payable is calculated on the number of Equivalent Tenements that the development contains times the contribution rate stated in Councils Revenue Policy at the time of lodgement of a construction certificate. An Equivalent Tenement is defined in the Plan as:

***Equivalent Tenement*** or *ET* is considered to be the demand or loading a development will have on infrastructure in terms of the average sewage discharge for an average residential dwelling or house, based on state-wide data.

In accordance with the Plan each motel unit is classified as 0.45 equivalent tenements. The managers residence would be considered to be the equivalent of a 2-bedroom apartment and therefore classified as 0.75 ET. Therefore, the development will have a total of 9.75

equivalent tenements. In accordance with the Plan, the contribution is required to be paid prior to the issuing of a construction certificate.

A condition has been included in the recommendation requiring the payment of all fees and charges relating to sewer and water, prior to the issue of a construction certificate.

Stormwater from the development site will need to be adequately diverted to Councils street drainage system in a manner that ensures post development flows are equal or less than pre-development flows. A condition has been included in the recommendation requiring a detailed stormwater management plan to be developed and provided to Council, prior to the issue of a construction certificate.

The application proposes less than 500mm of cut and fill in order to create a level building pad. These earthworks will be required to be taken into consideration when developing the proposed stormwater management plan for the development.

### Soils

The application will not have a negative impact on soils in the locality.

### Air and Microclimate

Minimal amounts of dust may be generated during the construction period. Once construction works are complete the development will not impact on air quality.

### Flora and Fauna

The development proposes the removal of a small number of existing trees on the development site. It is assessed that the existing trees are not significant trees and therefore the development is not expected to impact on any critical habitats or threatened species.

### Waste

Any construction waste will be removed from the site and appropriately recycled or catered for at a licensed waste management facility. Waste from the continued operation of the development can also be adequately disposed of at a licensed waste management facility. Council's kerb side waste service will be available to the development.

### Energy

The proposed units will be required to comply with Section J, Energy Efficiency, of the Building Code of Australia. The development as proposed is not assessed as being a significant energy use development.

### Noise and Vibration

Some noise will occur during the construction period but is not expected to adversely impact on any surrounding land uses. Council's standard condition regarding construction hours is recommended.

A condition has also been included in the recommendation, limiting the operating hours of the restaurant as detailed by the applicant as 7.00am to 10.00pm, 7 days per week.

### Natural Hazards

The land is not mapped as bushfire or identified as being within a flood prone area. There are no other identified natural hazards affecting the development.

### Technological Hazards

There are no identified technological hazards.

### Safety, Security and Crime Prevention

This development will not generate any activity likely to promote any safety or security problems to the subject land or surrounding area.

### Social and Economic Impacts on the locality

The proposed development will not result in any negative social or economic impacts. The development is expected to have a positive economic impact by providing a further accommodation option for visitors to the Shire.

### Site Design and Internal Design

The design of the development is satisfactory for the site and without any identified adverse impacts. The proposal has been designed to comply with the Building Code of Australia and is provided with internal car parking and manoeuvring areas which are capable of complying with the relevant Australian Standards.

### Construction

The proposed development will be built in accordance with the Building Code of Australia. No adverse impacts are anticipated to occur as a result of the development.

### Cumulative impacts

The proposal is not expected to generate any ongoing negative cumulative impacts. The proposed development will increase activity on the site, however this increase in activity is not expected to unduly impact on the surrounding area.

### **S4.15(1)(c) The Suitability of the Site for the Development**

The development is consistent with the zone objectives and consideration has been given to the impacts the development will have within the locality. It is considered that the proposed development will not create adverse impacts within its local setting. It is further assessed that the development will not unduly impact upon any existing services.

The site is not otherwise constrained by natural features and is considered suitable for the development subject to the imposition of appropriate conditions of consent.

### **S4.15(1)(d) Any submissions made in accordance with the Act or Regulation(s)**

### Public Consultation



The Development Application was advertised and notified in accordance with Council’s Development Control Plan 2014 from 18 January 2024 to 8 February 2024, with one (1) submission being received. A copy of the submission is provided in Attachment 2.

A summary of the issues raised in the submission along with a corresponding assessment is provided in Table 2 below.

| <b>Submission</b>   | <b>Assessment</b>  |
|---|--|
| <p><i>The development proposal, with the entrance/exit to the development from Main Lead will affect the classified Cowra Road due to the ingress and egress into Main Lead from Cowra Road. The site whilst within the 50kph speed limited area has good visibility to the east; visibility to the west and from the west is limited due to O’Brien’s Hill and the curved approach from both directions. Traffic travelling east from O’Brien’s Hill and turning right into Main Lead will affect vehicles from behind and headed east on Cowra Road. This is already an issue with very limited vehicle movements at the moment and the current potential for rear-end collisions. However, with the projected 60+ vehicle movements from Main Lead on a daily basis, the potential for rear-end collisions will significantly increase. Should the proposal be approved, relocating the entrance/exit to Cowra Road further east of Main Lead would resolve numerous issues:</i></p> <ul style="list-style-type: none"> <li><i>* travel in both directions along Cowra Road have increased visibility due to the roadway topography and would still be well within the 50kph speed limited zoning;</i></li> <li><i>* there would be no vehicular movements in Main Lead (projected to be 60+ which is at least a tenfold increase on the present residential usage) which will alleviate significant adverse environmental and wellbeing issues for residents fronting that cul-de-sac roadway; and</i></li> <li><i>* the entrance to Main Lead from Cowra Road has a significant dip that causes vehicles to break to avoid damage to their vehicle; which left uncorrected would impact further on vehicle movements. We request that consideration be given to relocating the proposal entrance be relocated to Cowra Road, further east of Main Lead. We believe that our request be investigated by Transport NSW.</i></li> </ul> | <p>The vehicle entrance/exit has been located in Main Lead, which is consistent with the requirements of Transport for NSW, who raised concerns with the entry/exit point being relocated to Cowra Road which is a classified road.</p> <p>As a result of the initial feedback provided by Transport for NSW, the vehicle entry/exit point was moved further south from the Main Lead/Cowra Road intersection. The center of the driveway is now proposed 65 metres from the corner of the intersection.</p> <p>Transport for NSW raised no objection to the proposed new vehicle entry/exit location.</p> <p>The development is not identified as a high traffic generating development. Councils Infrastructure Department has not raised issues with the new location and therefore it is considered that that vehicle entry/exit point is appropriate.</p> |

|  |   |
|--|---|
| <p><i>The development application states that “the proposal provides equitable access to amenities to serve the needs of the public”. The aim should not be taken out of context of all the aims of the Plan and we assert that the proposal does not meet all the aims, or at the very least, the majority of the aims of the Plan.</i></p>   | <p>As discussed in the preceding part of this report, Clause 2.3(2) of the Weddin Local Environmental Plan 2011 requires that “The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone”. Clause 2.3(2) does not require a proposed development to meet all the objectives of the land use zone.</p> <p>The proposal is defined as a tourist and visitor accommodation development, which is permissible with consent in the R1 General Residential zone under Weddin LEP 2011.</p> <p>It is assessed that the proposed development satisfies the general objectives of the land use zone.</p>  |
| <p><i>The development application states that “whilst not directly providing facilities or services that meet the day-to-day needs of residents, is another land use that is not incompatible with the residential nature of the zone”. The aim cannot be taken out of context of all the aims of the Plan and we assert the proposal does not meet all the aims, or at the very least, the majority of the aims of the Plan. The proposal also states: “Whilst the proposal is not similar in form or construction type to that of the existing surrounding development it does provide visual variation of construction type, use, bulk and scale that is not objectionable in the area”. We assert that the construction type is non-residential, is a large commercial motel, restaurant and manager’s residence and is not conducive to the surrounding residential area of large residential and rural residential blocks. Whether or not it is objectionable in the area is a matter for individual perception. However, the scale of the proposal is at odds with the current environment and amenity of the residential area. The appropriate location for the proposal should be in an E1 zoning location.</i></p> | <p>As discussed above, clause 2.3(2) of the Weddin LEP 2011 does not require a proposed development to meet all objectives of the land use zone. In saying this, it is assessed that the development is consistent with the general objectives of the R1 land use zone.</p> <p>There are a variety of different building types within the surrounding area. There are a number of non-residential developments in the nearby area, with a church building located approximately 160 metres to the West and the Grenfell Hospital located approximately 310 metres to the West.</p> <p>The building is a single storey development, which has been assessed to be in context with the surrounding area.</p> <p>The development site borders Cowra Road, which forms part of the Mid Western Highway, which is consistent with development of this type to provide for passing traffic.</p> |

|  |   |
|--|---|
| <p><i>There is no kerb and guttering on Main Lead directly adjacent to the proposed development. The bitumen roadway is not constructed to meet where kerb and guttering would be located. The roadway access via Main Lead to Cowra Road was constructed to carry minimal vehicular traffic for the four residential allotments in the street, not for the significantly increased vehicular movements estimated per day in the proposal. Should the proposal as is be approved and the entrance/exit is in Main Lead, we request that kerb and gutting should be installed and the roadway should be reconstructed to carry the significantly increased vehicular movements estimated per day.</i></p> | <p>A condition has been included in the recommendation requiring the person acting on the development consent to provide kerb and guttering along the eastern side of Main Lead from the intersection of Cowra Road to a point which is in line with the southern wall of the southern units on the development site. Full engineering details of the kerb and guttering is to be provided to Weddin Shire Council, prior to the issue of a construction certificate.</p> <p>The proposed development is not classified as a high traffic generating development. It is considered that Main Lead is appropriate to service the development and does not need to be upgraded by the person acting on the development consent.</p> |
| <p><i>We assert that the proposal's statement that the commercial development is unobtrusive in the locality is incorrect. However, we acknowledge it is a matter of individual perception but the development is at odds with the current residential environment. We do not believe that it enhances the surrounding residential area.</i></p>   | <p>There is a range different development types within the surrounding area. The proposal has been assessed and being permissible within the land use zone and consistent with the zone objectives. It is assessed that the proposal will not unduly impact on the residential pursuits in the area, subject to compliance with the recommended conditions.</p>   |
| <p><i>There is only screening along Cowra Road and adjacent to a large vacant allotment on Cowra Road. There is no proposed landscaping for the Main Lead frontage to screen the development from the houses in that street where it is proposed to have the entrance/exit and large carpark. We request that if the proposal is approved as is, there be screening along Main Lead. If the proposal is approved, we also request that the landscaping on Cowra Road near Main Lead be reconsidered as it blocks the eastern view of Cowra Road for vehicles entering Cowra Road from Main Lead.</i></p>   | <p>A condition has been included in the recommendation requiring a detailed landscaping plan to be provided to Weddin Shire Council for approval, prior to the issue of a construction certificate, which includes landscaping along the eastern boundary of the development site up to the vehicular entry/exit point. The proposed landscaping is not to impede traffic sight lines.</p>  |
| <p><i>As stated in the 10.4 comment, there is only screening along Cowra Road and adjacent to a large vacant allotment on Cowra Road. There is no proposed screening for the Main Lead frontage. We request that if the proposal is approved as is, that</i></p>   | <p>As outlined above, a condition has been included in the recommendation requiring a detailed landscaping plan to be submitted incorporating landscaping along the eastern boundary of the development site.</p>   |

|   |   |
|---|---|
| <p><i>consideration should be given to providing a greater setback from Main Lead to decrease the prominence of the buildings from the houses in Main Lead and also, consideration is requested for the setback of the proposal meet that of the housing in the adjacent street.</i></p>  | <p>The building line setback of the proposed development is 6 metres from Main Lead, which is compliant with the building line setback requirements for a residential development.</p>  |
| <p><i>If the proposal is approved as is, we request that:</i><br/> <i>* there is provision made for the above vehicles to be parked on the development site; and</i><br/> <i>* during construction, machinery, construction materials and vehicles be parked on the development site.</i></p>   | <p>It is not considered warranted to require the proposed development to be designed to allow for parking of cars with caravans or for vehicles over 4.5 tonnes.</p> <p>There is sufficient central parking for larger vehicles is necessary.</p> <p>A standard condition of consent has been included in the recommendation requiring all loading and unloading to be undertaken on the development site. It is not considered warranted to further restrict the parking of vehicles in the area during the construction process. There is an obligation that any vehicle park legally when on a public street.</p>                          |
| <p><i>The SEE does not include the hours of operation of the restaurant nor the anticipated hours for construction. These should have been included in the proposal documentation to enable community consultation and comment, particularly from the proposal's adjoining established residential owners. We request that the hours of operation are limited to the proposed construction hours being considered currently by the EPA, or if not possible, according to the below Regulation. The use of air conditioning units will in all probability involve compressor noise. The use of these we request be utilised according to the Protection of the Environment Operations (Noise Control) Regulation 2017.</i></p> | <p>The applicant has provided a response to the concerns of the objector detailing that the on-site restaurant is primarily to cater for the dining needs of customers of the motel. The restaurant will be available for breakfast between 7am and 9am and for evening meals between 6pm and 10pm, seven days per week.</p> <p>A standard condition has been included in the recommendation, to limit construction noise to within permitted hours.</p> <p>Air-conditioner units will be required to comply with noise immittance criteria, noting that this does not mean that no noise will be generated or heard by nearby residents.</p> |

Public Authority Consultation:

**Additional required information-**

TfNSW is not satisfied that the proposed development will not adversely affect the integrity of the Mid Western Highway, impacting the safety and efficiency of the classified road and identifies the following areas that should be considered to achieve better outcomes for the transport network:

- A Stormwater Management Plan is requested to be submitted that demonstrates that the development will maintain pre-development runoff rates without impacting existing road infrastructure and details any works required within the Mid-Western Highway corridor.
- TfNSW require the vehicular access point on Main Lead to be further setback from Cowra Road to maximise the queuing capacity and maintain a safe and efficient classified road network. The proposed site plans prepared by Andy's Design & Drafting (dated 22/11/23) should be amended to show the new access location on Main Lead between parking bay 201 and VP7.

The subject development was referred to Transport for NSW as Cowra Road is a classified road. Transport for NSW provided the following comments to the original proposal: As a result of the above comments, the applicant amended the submitted plans and provided preliminary stormwater design calculations for the development. As a result, Council received the following comments from Transport for NSW:

TfNSW has reviewed the information and has no objections to the proposed development.

Comments are set out in Attachment 1 to assist the Consent Authority in assessing the development application. TfNSW notes that in determining the application under Part 4 of the Environmental Planning & Assessment Act 1979 it is the consent authority's responsibility to consider the environmental impacts of any road works that are ancillary to the development (such as removal of trees, relocation of utilities, stormwater management, etc). Depending on the nature of the works, the Council may require the developer to submit a further environmental assessment for any ancillary road works.

**Attachment 1**

DA 1/2024 – Proposed Motel Complex with attached Commercial Kitchen and Restaurant – Lot: 1231 DP754578 – 111 Cowra Street, Grenfell

This attachment relates to TfNSW's response dated 4 June 2024 reference WST24/00017/002. Context TfNSW understands the subject application:

- Proposes to demolish an existing dwelling and outbuildings to construct a Motel (20 Units) with Manager's Accommodation and Dining Room (90m<sup>2</sup>). Ancillary works include:
  - Cut and fill of site material to level the site building envelop.
  - Providing a six (6) metre wide concrete driveway connecting to Main Lead, a local road.
- The affected classified (State) road is Cowra Road (Mid-Western Highway) (HW6). • Council is seeking concurrence from TfNSW in accordance with s138(2) of the Roads Act 1993.

TfNSW notes that no physical works are indicated on the information submitted to date. Accordingly, TfNSW cannot adequately determine concurrence for the referral under s.138(2) of the Roads Act 1993.

The proponent has submitted additional information in response to TfNSW correspondence dated 8 February 2024 including an amended site layout illustrating the relocation of the proposed driveway to increase distance to 65m from the Cowra Road / Main Lead intersection and a stormwater catchment plan with calculations.

TfNSW provides the following comments for Council's consideration below (note, the below are not written as conditions of consent):

- 1) Landscaping or fencing within the site or along the property boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance for motorists entering and exiting the site and surrounding intersections to ensure the safety of all road users in accordance with Austroads Guidelines.
- 2) Stormwater runoff from the development site must be maintained at pre-development levels and the connecting Main Lead Road drainage line elevation (RL) be maintained underneath the entry/existing driveway.
- 3) An Erosion and sediment control plan must be implemented during construction of the development to protect the stormwater drainage system on the Mid Western Highway.
- 4) All loading and unloading activities during the construction and operational stages of the development are to be carried out on site and access provided from Main Lead

The abovementioned conditions recommended by Transport for NSW have been included in the recommended conditions of consent as outlined in Appendix A to this report.

### Internal Referrals

The application was referred to Council Infrastructure Services Department for assessment. Conditions have been included in the recommended conditions of consent outlined in Appendix A to this report, which align with those recommended in the engineering assessment.

### **S4.15(1)(d) The Public Interest**

#### Community Interest

The proposed development has been considered in terms of the context and setting of the locality in previous sections to this report. The proposed development will not impose any identified adverse economic or social impacts on the local community.

### **Section 7.11 & 7.12 Contributions**

Council does not have a Section 7.11 or Section 7.12 Contributions Policy and therefore such contributions are not applicable to the proposed development.

### **Conclusion**

Development Application No. 1/2024 proposes a tourist and visitor accommodation development comprising of a 20-room motel with associated restaurant, managers residence and carparking area on Lot 123 DP 754578, known as 111 Cowra Road Grenfell

The application was supported by a Statement of Environmental Effects and development plans, which provide sufficient information to allow the assessment of the proposal.

The proposed development has been assessed to be consistent with the requirements of the Weddin Local Environmental Plan 2011, relating to development in the R1 General Residential zone and is consistent with the existing land-use activities of the locality.

The application was notified and advertised in accordance with the requirements of the Weddin Shire Council DCP 2014. One (1) public submission was received as a result of the public consultation process, which has been considered in this report.

Having considered the documentation supplied by the applicant, the findings of site inspection(s) and the comments made from consultation, it is assessed that the impacts of the proposal and the likely environmental interactions between the proposed development and the environment are such that Council should not refuse the development application.

Accordingly, a recommendation of conditional approval is listed in the recommendation.

**APPENDIX A**

**General Conditions**

| 1                           | <b>Approved Plans and Supporting Documentation</b>   |              |              |              |            |
|-----------------------------|--|--------------|--------------|--------------|------------|
|                             | The development is to be implemented in accordance with the approved plans, specifications, and supporting documentation listed below which have been endorsed by Council's approved stamp, except where modified by conditions of this consent. |              |              |              |            |
|                             | Plan/Support Document  | Reference No | Version      | Prepared By  | Date       |
|                             | Site Plan  | 1/1          | 2            | Andy J Reidy | 13/3/2024  |
|                             | Plan Building A  | 1/5          | 1            | Andy J Reidy | 22/11/2023 |
|                             | Plan Accessible Units  | 2/5          | 1            | Andy J Reidy | 22/11/2023 |
|                             | Section Specifications Building A  | 3/5          | 1            | Andy J Reidy | 22/11/2023 |
|                             | Elevations   | 4/5          | 1            | Andy J Reidy | 22/11/2023 |
|                             | Windows  | 5/5          | 1            | Andy J Reidy | 22/11/2023 |
|                             | Plan Buildings B,C & D   | 1/5          | 1            | Andy J Reidy | 22/11/2023 |
|                             | Plan Accommodation Units   | 2/5          | 1            | Andy J Reidy | 22/11/2023 |
|                             | Section Specifications Building B, C & D   | 3/5          | 1            | Andy J Reidy | 22/11/2023 |
|                             | Elevations   | 4/5          | 1            | Andy J Reidy | 22/11/2023 |
|                             | Windows Building B, C & D  | 5/5          | 1            | Andy J Reidy | 22/11/2023 |
|                             | Site Cut and Fill Plan   | 1/1          | 1            | Andy J Reidy | 22/11/2023 |
|                             | Disabled Parking Plan  | 1/1          | 1            | Andy J Reidy | 22/11/2023 |
|                             | Amenities Plan   | 1/3          | 1            | Andy J Reidy | 22/11/2023 |
| Amenities Specifications    | 2/3  | 1            | Andy J Reidy | 22/11/2023   |            |
| Amenities Elevations        | 3/3  | 1            | Andy J Reidy | 22/11/2023   |            |
| Specifications AS 4674-2004 | 1/6  | 1            | Andy J Reidy | 22/11/2023   |            |
| Specifications AS 4674-2004 | 2/6  | 1            | Andy J Reidy | 22/11/2023   |            |
| Specifications AS 4674-2004 | 3/6  | 1            | Andy J Reidy | 22/11/2023   |            |



|   |           |       |                |            |
|---|-----------|-------|----------------|------------|
| Kitchen Plan                            | 4/6       | 1     | Andy J Reidy   | 22/11/2023 |
| Kitchen Elevations                      | 5/6       | 1     | Andy J Reidy   | 22/11/2023 |
| Shelving and Cupboards Section Plan     | 6/6       | 1     | Andy J Reidy   | 22/11/2023 |
| Survey Report                           | 23/159    | 1     | Karl Lupis     | 13/9/2023  |
| Section J Report                        | 23069     | B     | Marc Kiho      | 19/11/2023 |
| Section J BCA Requirements              | -         | 1     | Marc Khio      | 19/11/2023 |
| Catchment Plan & Detention Calculations | 2023.0883 | A     | CalareCivil    | 07/05/2024 |
| Statement of Environmental Effects      | -         | Final | Sharon Langman | 5/12/2023  |

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail. In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail.

**Condition reason:** To ensure the development proceeds in the manner assessed by Council and all parties are aware of the approved plans and supporting documentation that applies to the development.

**2 Carrying Out of Works in a Road Reserve**

Prior to undertaking any works within the road reserve area, the person acting on the consent must obtain consent from the roads authority (Council) pursuant to Section 138 of the *Roads Act 1993*. An application for a 138 permit must be lodged with Weddin Shire Council (Infrastructure Services Department) using the approved form and be accompanied by the required plans and documentation.

**Condition reason:** To comply with the Roads Act 1993 and ensure all work meets relevant standards and is completed in safe manner.

**3 Confines of Work**

All construction works and demolition works must be carried out within the confines of the property unless separate written permission is obtained from the relevant landowner and/or authority in control of adjoining land. A copy of any written consents from adjoining land owners must be submitted to Council prior to any operations commencing on the affected land.

**Condition reason:** To protect and preserve the amenity of the surrounding locality.

**4 Construction Site Waste and Debris**

All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container or receptacle, for disposal at an approved Waste Management Facility. The container/receptacle must be located on the

|   |   |
|---|---|
|   | <p>building site prior to the any work commencing. The waste container/receptacle shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site until the completion of the project. No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road.</p> <p><b>Condition reason:</b> To protect and preserve the amenity of the surrounding locality.</p>   |
| 5 | <p><b>Damage to Public Assets</b></p> <p>Any damage caused to footpaths, roadways, utility installations and the like as part of the works being undertaken must be made good and repaired to a standard equivalent to that existing prior to commencement of works. The full cost of restoration/repairs of the damage must be met by the person acting on the consent or contractor responsible for the damage.</p> <p><b>Condition reason:</b> To ensure any damage to public infrastructure is rectified.</p>   |
| 6 | <p><b>Loading and Unloading of Goods and Materials</b></p> <p>All loading and unloading of goods and materials relating to the development must be carried out within the confines of the development site and adequately stored within the boundaries of the property. No loading or unloading of goods and materials is permitted on a road, footpath or public reserve.</p> <p>The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under <i>Section 68 of the Local Government Act 1993</i>.</p> <p><b>Condition reason:</b> To protect and preserve the amenity of the surrounding locality and comply with legislative requirements.</p>   |
| 7 | <p><b>Noise</b></p> <p>All construction and demolition works that generate noise which is audible at any residential premises, must be restricted to the following times:</p> <ul style="list-style-type: none"> <li>• Monday to Friday – 7.00 am to 6.00 pm, and</li> <li>• Saturday – 8.00 am to 1.00 pm</li> <li>• No noise from construction or demolition works is to be generated on Sundays or Public Holidays.</li> </ul> <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p>Noise generated during the permitted times must not give rise to any offensive noise within the meaning of the <i>Protection of the Environment Operations Act 1997</i>.</p> <p><b>Condition reason:</b> To protect the amenity of the surrounding area.</p> |

|   |  |
|---|--|
| 8 | <p><b>Aboriginal Heritage</b></p> <p>If, during work, an Aboriginal object is uncovered then WORK IS TO CEASE IMMEDIATELY and the Office of Environment &amp; Heritage is to be contacted urgently on (02) 6883 5300. Under the National Parks and Wildlife Act 1974 it is an offence to harm an Aboriginal object or place without an ‘Aboriginal heritage impact permit’ (AHIP). Before making an application for an AHIP, the applicant must undertake Aboriginal community consultation in accordance with the <i>National Parks and Wildlife Regulation 2019</i>.</p> <p><b>Condition reason: To provide additional relevant information to applicant and ensure the protection of objects of potential significance during works</b></p>   |
| 9 | <p><b>Dial before you Dig</b></p> <p>Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at <a href="http://www.1100.com.au">www.1100.com.au</a> or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual’s responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.</p> <p><b>Condition reason: To protect underground assets from damage during works.</b></p> |

**Demolition Work**

**Before demolition work commences**

|    |  |
|----|--|
| 10 | <p><b>Asbestos removal signage</b></p> <p>Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words ‘DANGER: Asbestos removal in progress’ (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.</p> <p><b>Condition reason: To alert the public to any danger arising from the removal of asbestos</b></p> |
| 11 | <p><b>Demolition management plan</b></p>   |

|    |  |
|----|--|
|    | <p>Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person.</p> <p>The demolition management plan must be prepared in accordance with Australian Standard 2601 – The Demolition of Structures, the Code of Practice – Demolition Work, Weddin Shire Council Development Control Plan 2014 and must include the following matters:</p> <ol style="list-style-type: none"> <li>1. The proposed demolition methods</li> <li>2. The materials for and location of protective fencing and any hoardings to the perimeter of the site</li> <li>3. Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones</li> <li>4. Details of demolition traffic management, including proposed truck movements to and from the site,</li> <li>5. Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways</li> <li>6. Location and type of temporary toilets onsite</li> <li>7. A garbage container with a tight-fitting lid.</li> </ol> |
|    | <p><b>Condition reason:</b> To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site</p>  |
| 12 | <p><b>Disconnection of services before demolition work</b></p> <p>Before demolition work commences, all services, such as water, telecommunications, gas, electricity and sewerage, must be disconnected in accordance with the relevant authority’s requirements.</p> <p><b>Condition reason:</b> To protect life, infrastructure and services</p>  |
| 13 | <p><b>Notice of commencement for demolition</b></p> <p>At least one week before demolition work commences, written notice must be provided to Weddin Shire Council and the occupiers of neighbouring premises of the work commencing. The notice must include:</p> <ol style="list-style-type: none"> <li>1. name</li> <li>2. address,</li> <li>3. contact telephone number,</li> </ol>  |

|  |   |
|--|---|
|  | <p>4. licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and</p> <p>5. the contact telephone number of council and</p> <p>6. the contact telephone number of SafeWork NSW (4921 2900).</p> |
|  | <p><b>Condition reason:</b> To advise neighbours about the commencement of demolition work and provide contact details for enquiries</p>  |

**During demolition work**

|    |   |
|----|---|
| 14 | <p><b>Handling of asbestos during demolition</b></p> <p>While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:</p> <ol style="list-style-type: none"> <li>1. Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material;</li> <li>2. Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and</li> <li>3. Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m<sup>2</sup> or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate.</li> </ol> <p><b>Condition reason:</b> To ensure that the removal of asbestos is undertaken safely and professionally</p> |
| 15 | <p><b>Demolition</b></p> <p>All demolition works shall comply with the provisions of Australian Standard AS2601:2001 The Demolition of Structures and the Work Health and Safety Act 2011.</p> <p><b>Condition reason:</b> To ensure demolition work is undertaken safely in accordance with legislative requirements.</p>  |

**On completion of demolition work**

|    |  |
|----|--|
| 16 | <p><b>Waste Disposal Verification Statement</b></p> <p>If the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to Weddin Shire Council within 14 days of completion of the demolition work.</p> <p><b>Condition reason:</b> To provide for the submission of a statement verifying that asbestos waste has been managed in accordance with legislative requirements.</p> |
|----|--|

**Building Work**

**Before issue of a construction certificate**

|    |  |
|----|--|
| 17 | <p><b>Equal access to the premises</b></p> <p>Before the issue of a construction certificate, plans which demonstrate that adequate access to the premises will be provided for persons with disabilities in accordance with the Commonwealth Disability (Access to Premises – Buildings) Standards 2010. These plans must be submitted to the certifier.</p> <p><b>Condition reason:</b> To ensure safe and easy access to the premises for people with a disability</p>  |
| 18 | <p><b>External lighting</b></p> <p>Before the issue of a construction certificate, plans detailing external lighting must be prepared by a suitably qualified person.</p> <p>The lighting plan must be consistent with the approved plans and documents, and the following requirements:</p> <ol style="list-style-type: none"> <li>1. comply with AS 1158: Lighting for Roads and Public Spaces;</li> <li>2. comply with AS 4282: Control of Obtrusive Effects of Outdoor Lighting</li> <li>3. lighting must be placed at all entrances to, and exits from the premises</li> <li>4. lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas;</li> <li>5. lighting must not interfere with traffic safety;</li> <li>6. lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties; and</li> <li>7. external lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance.</li> </ol> <p>The lighting plan must be submitted to the certifier:</p> <p>Note – All above documents refer to the version in effect at the time the consent is granted</p> <p><b>Condition reason:</b> To ensure external lighting is provided for safety reasons and to protect the amenity of the local area</p> |
| 19 | <p><b>Fire Separation of Managers Residence</b></p> <p>The managers residence component of the development must be adequately fire separated from the Food and Drink Premises in accordance with the requirements of the applicable National Construction Code at the time of lodging the construction</p>   |

|    |  |
|----|--|
|    | <p>certificate. Full details of the fire separation must be provided to the Principal Certifier, prior to the issue of a Construction Certificate.</p> <p><b>Condition reason:</b> To ensure that detailed plans of the required fire separation are submitted to the certifier before the issue of a construction certificate.</p>  |
| 20 | <p><b>Fire Separation Between Units</b></p> <p>Each motel unit must be adequately fire separated from other units or common use areas in accordance with the requirements of the applicable National Construction Code at the time of lodging the construction certificate. Full details of the fire separation, sound transmission and insulation must be provided to the Principal Certifier, prior to the issue of a Construction Certificate.</p> <p><b>Condition reason:</b> To ensure that detailed plans of the required fire separation are submitted to the certifier before the issue of a construction certificate.</p>   |
| 21 | <p><b>Preparation of Construction and Fit Out Plans for Food and Drink Premises</b></p> <p>Detailed plans of all food and beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) must be submitted to the Certifier prior to the issue of a construction certificate. The plans must indicate compliance with the Food Standards Code (Australia), Food Safety Standard 3.2.3 – Food Premises and Equipment, Food Act 2003 and Food Regulation 2015, as in force on the date of development application determination.</p> <p><b>Condition reason:</b> To ensure detailed construction and fit out plans are submitted which comply with the relevant standards.</p> |
| 22 | <p><b>Stormwater Management Plan</b></p> <p>Prior to the issue of a construction certificate, a detailed Stormwater Management Plan shall be submitted to Weddin Shire Council for approval. The plan is to demonstrate that adequate provision will be made to ensure the estimated post-development stormwater runoff from all hardstand area and earthworks on the development site diverted to the street drainage system, will be equal or less than the pre-development flows.</p> <p><b>Condition reason:</b> To ensure stormwater from the development site does not unduly impact the street drainage system or adjoining properties and roads.</p>   |
| 23 | <p><b>Landscaping Plan</b></p> <p>Prior to the issue of a construction certificate, a detailed landscaping plan must be provided to Weddin Shire Council for approval, showing compliance with the Weddin Development Control Plan 2014. The landscaping plan must include the following:</p> <ol style="list-style-type: none"> <li>1. Landscaping or fencing within the site or along the property boundary with any adjoining road reserve is to be designed and maintained to provide safe sight distance for motorists entering and exiting the site and surrounding</li> </ol>   |

|    |   |
|----|---|
|    | <p>intersections to ensure the safety of all road users in accordance with Austroads Guidelines.</p> <ol style="list-style-type: none"> <li>2. Provide full details of proposed vegetation, including the full botanic name of each species.</li> <li>3. Provide details of all garden edging.</li> <li>4. Include landscaping along the eastern property boundary from the north-west corner of the allotment to the new proposed vehicular entrance/exit to the development site from Main Lead.</li> </ol>   |
|    | <p><b>Condition reason:</b> To ensure appropriate landscaping is provided to the development site in accordance with Councils requirements</p>  |
| 24 | <p><b>Kerb and Guttering</b></p> <p>Kerb and guttering must be provided adjacent to the western boundary of the development site from the intersection of Cowra Road and Main Lead up to the point which is in line with the southern wall of the southern motel units. The kerb and guttering is to be provided at the full cost of the person acting on the Development Consent. Full engineering details of the proposed kerb and guttering including how it will combine with the existing street drainage in the area and proposed new vehicle entrance/exit to the development site, must be provided to Weddin Shire Council for approval, prior to the issue of a construction certificate.</p> <p><b>Condition reason:</b> To ensure appropriate street drainage is provided adjacent to the development site.</p> |
| 25 | <p><b>Footpath</b></p> <p>The person acting on the consent is to provide a 1.2-metre-wide concrete footpath adjacent to the eastern boundary of the development site in the road reserve of Main Lead, from the proposed new vehicular entry/exit to the intersection of Cowra Road and Main Lead. The footpath is to be provided at the full cost of the person acting on the development consent. Full engineering details of the proposed footpath construction is to be provided to Weddin Shire Council for approval, prior to the issue of a construction certificate.</p> <p><b>Condition reason:</b> To ensure appropriate pedestrian footpath infrastructure is provided adjacent to the development site.</p>   |
| 26 | <p><b>Carparking and Maneuvering Areas</b></p> <p>All internal carparking and manoeuvring areas on the development site must be adequately sealed or concreted and line marked. A total of 30 parking spaces including two (2) for people with a disability must be provided in accordance with Australian Standard 2890.1 and Australian Standard 2890.6 and the approved plans. Full engineering details including turning circles, proposed line marking and directional signs, and proposed edging is to be provided to Council for approval, prior to the issue of a construction certificate.</p>   |



**Before building work commences**

|    |  |
|----|--|
| 27 | <p><b>Appointment of Principal Certifier</b></p> <p>Prior to the commencement of work, the person having the benefit of the development consent and construction certificate must appoint a Principal Certifier. The Principal Certifier (if Council is not appointed) must notify Weddin Shire Council of their appointment, no later than 2 days before building work commences.</p> <p><b>Condition reason:</b> To meet the requirements of the Environmental Planning and Assessment Act 1979.</p>   |
| 28 | <p><b>Construction Certificate</b></p> <p>Prior to the commencement of any earthworks or construction works the person acting on the development consent must obtain a construction certificate from Council or a registered certifier, certifying that the proposed works are in accordance with the Building Code of Australia, applicable standards and comply with the conditions of the development consent. It is the responsibility of the person acting on the development consent to ensure that the development complies with the Building Code of Australia.</p> <p><b>Condition reason:</b> To ensure compliance with legislative requirements.</p>            |
| 29 | <p><b>Erosion and Sediment Control</b></p> <p>Prior to the commencement of any demolition, earthworks or construction works, the person acting on the consent must install suitable erosion and sediment controls in accordance with the current version of the NSW Department of Housing Manual 'Managing Urban Stormwater: Soils and Construction Certificate' (the Blue Book). The controls must remain in place until the completion of all works and all excavated areas have been suitably restabilised.</p> <p><b>Condition reason:</b> To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways or adjoining land.</p> |
| 30 | <p><b>Notice of Commencement</b></p> <p>The person having the benefit of the development consent and construction certificate, must at least two (2) days prior to the commencement of building or subdivision work, notify Weddin Shire Council of their intention to commence the work.</p> <p><b>Condition reason:</b> To meet the requirements of the Environmental Planning and Assessment Act 1979.</p>  |
| 31 | <p><b>Plumbing and Drainage</b></p> <p>The person acting on the consent must obtain all relevant approvals to carry out sewerage work, to carry out stormwater drainage work and to carry out water supply</p>   |

|    |  |
|----|--|
|    | work from Weddin Shire Council, prior to the commencement of works. All works being carried out must comply with the conditions of the relevant approval.  |
|    | <b>Condition reason:</b> To ensure all work complies with relevant legislation.  |
| 32 | <b>Signs on Development Sites</b>  |
|    | <p>Prior to the commencement of building work, subdivision work or demolition work, the person acting on the consent must ensure that a rigid and durable sign is erected in a prominent position on the development site stating the following:</p> <ol style="list-style-type: none"> <li>1. the name, address and telephone number of the principal certifier, and</li> <li>2. if there is a principal contractor—the principal contractor’s name, address and a telephone number on which the principal contractor may be contacted outside working hours.</li> <li>3. unauthorised entry to the work site is prohibited.</li> </ol> <p>The sign must be able to be read easily by a person on a public road or in another public place adjacent to the site. The sign must be maintained at all times while the work is being carried out on the site and removed when the work has been completed.</p> |
|    | <b>Condition reason:</b> To meet the requirements of the Environmental Planning and Assessment Act 1979.   |

**During building work**

|    |   |
|----|---|
| 33 | <b>Cutting and Filling</b>  |
|    | Any cutting and filling on the site shall be either battered at a maximum slope of one vertical to two horizontal (1V:2H) and revegetated or suitably retained by a retaining structure, designed and constructed to appropriate engineering standards. A retaining wall that does not comply with State Environmental Planning Policy (Exempt & Complying Development Codes) 2008 will require prior development consent. All works are to be carried out within the boundaries of the property and without affecting the structural integrity of boundary fencing or neighbouring structures. |
|    | <b>Condition reason:</b> To ensure all work complies with relevant legislation.   |
| 34 | <b>Mandatory Inspections</b>  |
|    | The person acting on the consent must ensure that each critical stage inspection and other inspection required by the principal certifier is carried out. Work must not continue after each inspection unless the principal certifier is satisfied the works may proceed in accordance with this consent and the relevant construction certificate.   |
|    | <b>Condition reason:</b> To require approval to proceed with building work following each critical stage inspection.  |

|           |  |
|-----------|--|
| <p>35</p> | <p><b>Plumbing and Drainage</b></p> <p>The person acting on the consent must obtain all relevant approvals to carry out sewerage work, to carry out stormwater drainage work and to carry out water supply work from Weddin Shire Council, prior to the commencement of works. All works being carried out must comply with the conditions of the relevant approval.</p> <p><b>Condition reason:</b> To ensure all work complies with relevant legislation.</p>  |
| <p>36</p> | <p><b>Stormwater Drainage</b></p> <p>As soon as is practical, and within a maximum of seven (7) days following the placement of any roofing material, all guttering and downpipes must be installed. Stormwater from all roofed and paved areas must also be properly drained in accordance with the Plumbing Code of Australia to discharge to the street drainage system, or other suitable location approved by Council, in a manner that does not cause soil erosion or nuisance to adjoining properties.</p> <p><b>Condition reason:</b> To ensure stormwater is appropriately managed on the site.</p>   |
| <p>37</p> | <p><b>Water Supply</b></p> <p>The person acting on the consent must make suitable arrangements with the water utility for the connection of reticulated water to the development site.</p> <p>Note: Reticulated water mains in the Weddin Shire Council are controlled and managed by Central Tablelands Water. Where a new or modified connection to the water mains system is needed, you must contact Central Tablelands Water on 02 63917200 or at <a href="mailto:water@ctw.nsw.gov.au">water@ctw.nsw.gov.au</a></p> <p><b>Condition reason:</b> To ensure appropriate water services are provided to the development site in accordance with the Water Utilities requirements.</p> |

**Before issue of an occupation certificate**

|           |  |
|-----------|--|
| <p>38</p> | <p><b>Certification of acoustic measures</b></p> <p>Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier that all fire separation, sound transmission and insulation requirements separating motel units and separating the managers residence have been installed in accordance with the applicable requirements of the National Construction Code.</p> <p><b>Condition reason:</b> To protect the amenity of the local area</p> |
| <p>39</p> | <p><b>Completion of landscape and tree works</b></p> <p>Before the issue of an Occupation Certificate, the principal certifier must be satisfied all landscape and tree-works have been completed in accordance with approved landscaping plans and documents and any relevant conditions of this consent.</p>   |

|    |   |
|----|---|
|    | <p><b>Condition reason:</b> To ensure the approved landscaping works have been completed in accordance with the approved landscaping plan(s).</p>   |
| 40 | <p><b>Construction and installation of ventilation system</b></p> <p>Before the issue of an occupation certificate, a suitably qualified person must provide details demonstrating compliance to the principal certifier which demonstrates that the mechanical exhaust ventilation system has been constructed and installed in the commercial kitchen in accordance with the approved plans.</p> <p><b>Condition reason:</b> To ensure the mechanical ventilation system has been constructed and installed as approved</p>   |
| 41 | <p><b>Repair of infrastructure</b></p> <p>Before the issue of an Occupation Certificate:</p> <ol style="list-style-type: none"> <li>1. any public infrastructure damaged as a result of the carrying out of work approved under this consent (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concreting vehicles) must be fully repaired to the written satisfaction of Council, and at no cost to Council; or</li> <li>2. if the works in (a) are not carried out to Council’s satisfaction, Council may carry out the works required and the costs of any such works must be paid as directed by Council and in the first instance will be paid using the security deposit required to be paid under this consent.</li> </ol> <p><b>Condition reason:</b> To ensure any damage to public infrastructure is rectified.</p> |
| 42 | <p><b>Works-as-executed plans and any other documentary evidence</b></p> <p>Before the issue of an Occupation Certificate, works-as-executed plans, any compliance certificates and any other evidence confirming the following completed works must be submitted to the satisfaction of the principal certifier:</p> <ol style="list-style-type: none"> <li>a. All stormwater drainage systems and storage systems; and</li> <li>b. Water supply works;</li> <li>c. Sewer works</li> </ol> <p><b>Condition reason:</b> To confirm the location of works once constructed that will become Council assets.</p>  |
| 43 | <p><b>Fire Safety Certificate</b></p> <p>A Final Fire Safety Certificate must be provided to the Principal Certifier confirming that a property qualified person has installed and checked the fire safety measures listed in the current fire safety schedule for the building, prior to the issue of any Occupation Certificate.</p> <p>The Final Fire Safety Certificate must be issued using the standard template published by the NSW Government. A copy of the Fire Safety Certificate must be predominately</p>   |

|    |   |
|----|---|
|    | <p>displayed in the building and a copy submitted to Council by the Principal Certifier with the Occupation Certificate. An electronic copy of the Final Fire Safety Certificate (together with a copy of the current Fire Safety Schedule) must also be lodged with Fire and Rescue NSW by email at: <a href="mailto:firesafety@fire.nsw.gov.au">firesafety@fire.nsw.gov.au</a></p> <p><b>Condition reason:</b> To ensure the building is safe for occupation and to comply with the requirements of the Environmental Planning and Assessment Act 1979.</p> |
| 44 | <p><b>Food Premises Final Inspection</b></p> <p>Before the issue of an occupation certificate, the food premises shall be inspected by an Authorised Officer of under the Food Act 2003, to determine compliance with the Food Act 2003, Food Safety Standards and Australian Standard 4674:2004: Design, Construction and Fit-out of Food Premises.</p> <p><b>Condition reason:</b> To enable council to ensure compliance with the Food Act 2003 before the business commences.</p>   |
| 45 | <p><b>Maximum Capacity and Signage for Business Operator</b></p> <p>Before the issue of an occupation certificate, a sign must be permanently displayed at the main entry point of the premises in a prominent position which states the operator’s name and 90 persons as the maximum number of persons permitted in the premises as approved under this consent.</p> <p><b>Condition reason:</b> To provide patrons with details of the operator and maximum number of persons permitted on the premises.</p>   |
| 46 | <p><b>Notice of Food Business</b></p> <p>Before the issue of an occupation certificate, council and any other appropriate enforcement agency must be notified of the food business in accordance with the NSW Food Act 2003 and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements.</p> <p><b>Condition reason:</b> To enable council to ensure compliance with the consent when the business is operating.</p>   |
| 47 | <p><b>Occupation Certificate</b></p> <p>Occupation or use of the development must not occur until all work has been completed, all conditions of the consent have been satisfied and an Occupation Certificate has been issued by the Principal Certifier pursuant to section 6.10 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p><b>Condition reason:</b> To ensure compliance with the Environmental Planning and Assessment Act 1979.</p>  |
| 48 | <p><b>Vehicular Access</b></p> <p>Prior to the issue of a Whole Occupation Certificate for the development, the person acting on the consent must construct and seal or concrete an access crossing to the development site from Main Lead in accordance with the approval from the roads</p>   |

|    |  |
|----|--|
|    | <p>authority (Council) pursuant to Section 138 of the <i>Roads Act 1993</i>. All costs associated with the construction of the vehicular access shall be borne by the person acting on the consent.</p> <p><b>Condition reason:</b> To ensure an appropriate and safe vehicular access is provided to the site.</p>  |
| 49 | <p><b>Water Supply Charges</b></p> <p>Prior to the issue of any Occupation Certificate, the person acting on the consent must provide the Principle certifier with evidence certifying that all required fees and charges associated with the provision of water services to the development site have been paid to the Water Utility.</p> <p>Note: Reticulated water mains in the Weddin Shire Council are controlled and managed by Central Tablelands Water who can be contacted on 02 63917200 or at <a href="mailto:water@ctw.nsw.gov.au">water@ctw.nsw.gov.au</a></p> <p><b>Condition reason:</b> To ensure appropriate water services are provided to the development site in accordance with the Water Utilities requirements.</p> |

**Occupation and ongoing use**

|    |  |
|----|--|
| 50 | <p><b>External lighting during ongoing use</b></p> <p>During ongoing use of the premises, all lighting must be operated and maintained in accordance with the approved plans and the requirements of this consent.</p> <p><b>Condition reason:</b> To ensure the safe operation of the premises and protect the amenity of the local area</p>  |
| 51 | <p><b>Graffiti removal</b></p> <p>During ongoing use of the premises, ensure graffiti is removed from the exterior of the building or associated structures, including any fences, site services and retaining/planter bed walls.</p> <p><b>Condition reason:</b> To protect and preserve the visual amenity of the surrounding public domain</p>  |
| 52 | <p><b>Location of mechanical ventilation</b></p> <p>During occupation and ongoing use of the building, all mechanical ventilation system(s) or other plant and equipment that generates noise must be located on the site (including in a soundproofed area where necessary) to ensure the noise generated does not exceed 5 dBA above the ambient background noise at the boundary adjacent to any habitable room of adjoining residential premises.</p> <p><b>Condition reason:</b> To protect the residential amenity of neighbouring properties.</p> |
| 53 | <p><b>Maintenance of wastewater and stormwater treatment device</b></p>  |

|    |   |
|----|---|
|    | <p>During occupation and ongoing use of the building, all wastewater and stormwater treatment devices (including drainage systems, sumps and traps, and on-site detention) must be regularly maintained to remain effective and in accordance with any positive covenant (if applicable).</p>   |
|    | <p><b>Condition reason:</b> To protect sewerage and stormwater systems.</p>   |
| 54 | <p><b>Storage and disposal of waste materials during ongoing use</b></p>  |
|    | <p>During ongoing use of the premises:</p> <ol style="list-style-type: none"> <li>1. A suitable number of 240 litre bin must be put on the premises for the storage of any waste that is generated (including for recycling),</li> <li>2. all garbage and recyclable materials generated from the premises must be stored wholly within any approved storage area and must not be stored outside the premises (including any public place) at any time</li> <li>3. arrangements must be implemented for the separation of recyclable materials from garbage</li> <li>4. any approved waste storage area must be appropriately maintained to prevent litter and the entry of pests</li> <li>5. all liquid trade waste discharged to sewerage system must comply with the trade waste approval issued by the relevant water authority</li> <li>6. all liquid trade waste pre-treatment devices must be regularly maintained to remain effective in accordance with the conditions of the liquid trade waste approval issued by the relevant water authority.</li> </ol> |
|    | <p><b>Condition reason:</b> To ensure proper handling of waste, garbage and recyclable materials generated during operation of the premises</p>   |
| 55 | <p><b>Storage of goods during ongoing use</b></p>   |
|    | <p>During ongoing use of the premises, all goods must be stored wholly within the premises and must not be stored or displayed outside the premises, including any public place, without council’s approval.</p>  |
|    | <p><b>Condition reason:</b> To ensure goods are stored wholly within the premises and protect the amenity of the local area</p>   |
| 56 | <p><b>Annual Fire Safety Statement</b></p>  |
|    | <p>An Annual Fire Safety Statement must be issued each year using the standard template published by the NSW Government, confirming that an accredited certifier (fire safety) has assessed, inspected and verified the performance of each fire safety measure that applies to the building. The owner of the building must give the annual fire safety statement to Council within the later of—</p>  |

|                 | <p>(a) 12 months after an annual fire safety statement was previously given to the Council, or</p> <p>(b) if a fire safety certificate has been issued within the previous 12 months—12 months after the certificate was issued.</p> <p>A copy of the Annual Fire Safety Statement must be predominately displayed in the building and an electronic copy lodged with Fire and Rescue NSW by email at: <a href="mailto:firesafety@fire.nsw.gov.au">firesafety@fire.nsw.gov.au</a></p> <p><b>Condition reason:</b> To ensure the building is safe for occupation and to comply with the requirements of the Environmental Planning and Assessment Act 1979.</p>   |         |       |     |        |        |         |         |        |         |           |        |         |          |        |         |        |        |         |          |        |         |        |        |         |                 |        |         |
|-----------------|--|---------|-------|-----|--------|--------|---------|---------|--------|---------|-----------|--------|---------|----------|--------|---------|--------|--------|---------|----------|--------|---------|--------|--------|---------|-----------------|--------|---------|
| 57              | <p><b>Managing Noise</b></p> <p>During ongoing use of the premises, the restaurant must be operated in a manner so as to not create offensive noise as defined in the <i>Protection of the Environment Operations Act 1997</i>.</p> <p><b>Condition reason:</b> To protect the amenity of the local area</p>   |         |       |     |        |        |         |         |        |         |           |        |         |          |        |         |        |        |         |          |        |         |        |        |         |                 |        |         |
| 58              | <p><b>Operating hours</b></p> <p>During ongoing use of the premises, the hours of operation of the restaurant are restricted to:</p> <table border="1" data-bbox="225 1059 1425 1417"> <thead> <tr> <th></th> <th>From:</th> <th>To:</th> </tr> </thead> <tbody> <tr> <td>Monday</td> <td>7.00am</td> <td>10.00pm</td> </tr> <tr> <td>Tuesday</td> <td>7.00am</td> <td>10.00pm</td> </tr> <tr> <td>Wednesday</td> <td>7.00am</td> <td>10.00pm</td> </tr> <tr> <td>Thursday</td> <td>7.00am</td> <td>10.00pm</td> </tr> <tr> <td>Friday</td> <td>7.00am</td> <td>10.00pm</td> </tr> <tr> <td>Saturday</td> <td>7.00am</td> <td>10.00pm</td> </tr> <tr> <td>Sunday</td> <td>7.00am</td> <td>10.00pm</td> </tr> <tr> <td>Public Holidays</td> <td>7.00am</td> <td>10.00pm</td> </tr> </tbody> </table> <p><b>Condition reason:</b> To protect the amenity of the local area</p> |         | From: | To: | Monday | 7.00am | 10.00pm | Tuesday | 7.00am | 10.00pm | Wednesday | 7.00am | 10.00pm | Thursday | 7.00am | 10.00pm | Friday | 7.00am | 10.00pm | Saturday | 7.00am | 10.00pm | Sunday | 7.00am | 10.00pm | Public Holidays | 7.00am | 10.00pm |
|                 | From:  | To:     |       |     |        |        |         |         |        |         |           |        |         |          |        |         |        |        |         |          |        |         |        |        |         |                 |        |         |
| Monday          | 7.00am   | 10.00pm |       |     |        |        |         |         |        |         |           |        |         |          |        |         |        |        |         |          |        |         |        |        |         |                 |        |         |
| Tuesday         | 7.00am   | 10.00pm |       |     |        |        |         |         |        |         |           |        |         |          |        |         |        |        |         |          |        |         |        |        |         |                 |        |         |
| Wednesday       | 7.00am   | 10.00pm |       |     |        |        |         |         |        |         |           |        |         |          |        |         |        |        |         |          |        |         |        |        |         |                 |        |         |
| Thursday        | 7.00am   | 10.00pm |       |     |        |        |         |         |        |         |           |        |         |          |        |         |        |        |         |          |        |         |        |        |         |                 |        |         |
| Friday          | 7.00am   | 10.00pm |       |     |        |        |         |         |        |         |           |        |         |          |        |         |        |        |         |          |        |         |        |        |         |                 |        |         |
| Saturday        | 7.00am   | 10.00pm |       |     |        |        |         |         |        |         |           |        |         |          |        |         |        |        |         |          |        |         |        |        |         |                 |        |         |
| Sunday          | 7.00am   | 10.00pm |       |     |        |        |         |         |        |         |           |        |         |          |        |         |        |        |         |          |        |         |        |        |         |                 |        |         |
| Public Holidays | 7.00am   | 10.00pm |       |     |        |        |         |         |        |         |           |        |         |          |        |         |        |        |         |          |        |         |        |        |         |                 |        |         |

**General advisory notes**

This consent contains the conditions imposed by the consent authority which are to be complied with when carrying out the approved development. However, this consent is not an exhaustive list of all obligations which may relate to the carrying out of the development under the EP&A Act, EP&A Regulation and other legislation. Some of these additional obligations are set out in the [Conditions of development consent: advisory notes](#). The consent should be read together with the *Conditions of development consent: advisory notes* to ensure the development is carried out lawfully.

The approved development must be carried out in accordance with the conditions of this consent.



It is an offence under the EP&A Act to carry out development that is not in accordance with this consent.

Building work or subdivision work must not be carried out until a construction certificate or subdivision works certificate, respectively, has been issued and a principal certifier has been appointed.

A document referred to in this consent is taken to be a reference to the version of that document which applies at the date the consent is issued, unless otherwise stated in the conditions of this consent.

## Dictionary

The following terms have the following meanings for the purpose of this determination (except where the context clearly indicates otherwise):

**Approved plans and documents** means the plans and documents endorsed by the consent authority, a copy of which is included in this notice of determination.

**AS** means Australian Standard published by Standards Australia International Limited and means the current standard which applies at the time the consent is issued.

**Building work** means any physical activity involved in the erection of a building.

**Certifier** means a council or a person that is registered to carry out certification work under the *Building and Development Certifiers Act 2018*.

**Construction certificate** means a certificate to the effect that building work completed in accordance with specified plans and specifications or standards will comply with the requirements of the EP&A Regulation and *Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021*.

**Council** means WEDDIN SHIRE COUNCIL.

**Court** means the Land and Environment Court of NSW.

**EPA** means the NSW Environment Protection Authority.

**EP&A Act** means the *Environmental Planning and Assessment Act 1979*.

**EP&A Regulation** means the *Environmental Planning and Assessment Regulation 2021*.

**Independent Planning Commission** means Independent Planning Commission of New South Wales constituted by section 2.7 of the EP&A Act.

**Occupation certificate** means a certificate that authorises the occupation and use of a new building or a change of building use for an existing building in accordance with this consent.

**Principal certifier** means the certifier appointed as the principal certifier for building work or subdivision work under section 6.6(1) or 6.12(1) of the EP&A Act respectively.

**Site work** means any work that is physically carried out on the land to which the development the subject of this development consent is to be carried out, including but not limited to building work, subdivision work, demolition work, clearing of vegetation or remediation work.

**Stormwater drainage system** means all works and facilities relating to:

- the collection of stormwater,
- the reuse of stormwater,
- the detention of stormwater,

- the controlled release of stormwater, and
- connections to easements and public stormwater systems.

**Strata certificate** means a certificate in the approved form issued under Part 4 of the *Strata Schemes Development Act 2015* that authorises the registration of a strata plan, strata plan of subdivision or notice of conversion.

**Sydney district or regional planning panel** means Western Regional Planning Panel.

**13.5 DEVELOPMENT CONSENT 17/2022 - APPLICATION TO MODIFY CONSENT TO CHANGE DESIGN OF AMENITIES BUILDING AT GRENFELL CEMETERY**

**File Number:** DA 17.2022.1

**Author:** Director Environmental Services

**Authoriser:** Director Environmental Services

**Attachments:** 1. ATT 1 | Grenfell Cemetery Site Elevation Floor Plan

**CSP Objective:** Sustainable natural, agricultural and built environments

**Precis:** Development Consent 17/2022 proposing a new amenities building at the Grenfell Cemetery was approved by Council at its Ordinary Meeting Held on 16 June 2022. A section 4.55(2) modification application has been submitted seeking to modify the approval to change the amenities building to a modular construction including a single unisex toilet. The modification application is reported to Council due to the requirements of Council-Related Development Application Conflict of Interest Policy.

**Budget:** Nil

**RECOMMENDATION**

That

1. Council notes that the reason for the decision is that the proposal largely complies with Section 4.55(2) and 4.15 of the *Environmental Planning and Assessment Act 1979*.
2. The Section 4.55(2) application to modify Development Consent No. 17/2022, being for a new amenities building on Lot 7369 DP 1179298, known as the Grenfell Cemetery site, be approved subject to the original conditions of consent, as amended and included in Appendix A to the assessment report.
3. The General Manager register this planning decision in line with s. 375A of the *Local Government Act 1993* including the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.

**RESOLUTION 129/24**

Moved: Cr Diprose

Seconded: Cr Parlett

That

1. Council notes that the reason for the decision is that the proposal largely complies with Section 4.55(2) and 4.15 of the *Environmental Planning and Assessment Act 1979*.
2. The Section 4.55(2) application to modify Development Consent No. 17/2022, being for a new amenities building on Lot 7369 DP 1179298, known as the Grenfell Cemetery site, be approved subject to the original conditions of consent, as amended and included in Appendix A to the assessment report.

- 
3. The General Manager register this planning decision in line with s. 375A of the *Local Government Act 1993* including the names of the Councillors who supported the decision and the names of any Councillors who opposed (or are taken to have opposed) the decision.

**THE MOTION WAS CARRIED UNANIMOUSLY**

**FOR: CR BEMBRICK, CR BEST, CR COOK, CR DIPROSE, CR FRAME, CR KENAH,  
CR MCKELLAR, CR PARLETT**

---

## **ASSESSMENT REPORT**

### **Introduction**

Development Application No. 17/2022, proposing the construction of a new amenities building on Lot 7369 DP 1179298, known as the Grenfell Cemetery (development site) was approved by Council at its Ordinary Meeting held on 16 June 2022. The application was lodged by Mr Alan Lindsay on behalf of Weddin Shire Council.

The applicant has lodged an application under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* to modify the Development Consent. The application proposes the following changes:

1. Change building from brick building with two (2) accessible toilets, to a single modular building with a single accessible toilet.
2. Change the location of the amenities building by moving the building slightly further to the west, due to the presence of unidentified grave sites.

### **Description of Site**

The development site is Crown Land for which Weddin Shire Council is the Crown Land Manager. The site forms part of the Grenfell Cemetery which is located on the western side of Henry Lawson Way. The allotment has a total area of 11698.29m<sup>2</sup> and contains a small number of established trees. The allotment is boarded by internal roads to the south and west and contains a small number of graves on the northern portion of the site. The amenities building is proposed on the southern portion of the allotment, with a setback of approximately three (3) metres from the adjacent internal road. The site has a gentle fall from west to east.

Figure 1 below provides a location plan and aerial photo indicating the location of the development site in relation to its surrounds.



**Figure 1.** Locality Map

Figure 2 below provides a photo of the new location of the amenities building.



**Figure 2.** Location of proposed amenities building on development site.

**Description of Proposal**

The modification application proposes colorbond modular amenities building. The proposed building is 3.4 metres wide and 4.55 metres long, with a height of 2.89 metres. The applicant has provided the following colour schedule for the modular building:

| <b>Building Element</b> | <b>Colour</b> |
|-------------------------|---------------|
| Roof Sheets             | Deep Ocean    |
| Wall Sheets             | Terrain       |
| Wall Trims              | Paperbark     |
| Roof Trims              | Deep Ocean    |
| Doors                   | Terrain       |
| Louvres                 | Paperbark     |
| Cladding                | Paperbark     |

Ground penetrating radar was undertaken in the location of the proposed amenities building. This work identified potential unidentified grave sites in the original location of the amenities building. Further investigations have been undertaken to establish a new proposed location for the amenities building, which is slightly further to the west, and is clear of potential grave

sites. There are some tree roots in the new location, however it is not expected to impact on the proposed building and associated on-site effluent management system.

A copy of the new site plan, elevation plans and floor plan for the proposed modular building are provided in **Attachment 1**.

### ***Environmental Planning & Assessment Act 1979***

An application to modify a consent must be assessed in accordance with clause 4.55 of the *Environmental Planning and Assessment Act 1979*. The applicant has lodged an application under clause 4.55(2). Below is an assessment of the application in accordance with clause 4.55(2)

#### 4.55(2) Other modifications

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- (a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and
- (c) it has notified the application in accordance with—
  - (i) the regulations, if the regulations so require, or
  - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.

The proposed modification is assessed as being substantially the same development for which consent was originally granted and therefore complies with the requirements of (a) above.

The development site is Crown Land for which Weddin Shire Council is the Crown land manager. Clause 2.23 of the *Crown Land Management Act 2016* provides that the Minister is taken to have given written consent on behalf of the Crown for its Crown land manager to make a development application for certain types of development, which includes a toilet block. Therefore, further consultation with the Department of Lands is not required for this application. The subject modification application did not require any other consultation with public authorities. It is assessed that the requirements of (b) above have been satisfied.

The modification application was both notified and advertised in accordance with the Council-Related Development Application Conflict of Interest Policy. No submissions were



received as a result of the public consultation process. As such the requirements of (c) and (d) have been satisfied.

#### Clause 4.55 (3)

In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

### **Environmental Impact Assessment**

The following section provides an evaluation of the relevant Section 4.15 Matters for consideration for the modification of DA 17/2022:

#### **S4.15(1)(a)(i) Any Environmental Planning Instrument**

##### **Weddin Local Environmental Plan 2011**

The subject land is zoned RU1 – Primary Production under the provisions of Weddin Local Environmental Plan 2011. The proposed amenities building, which is associated with the Grenfell Cemetery, is permissible with consent in the RU1 Primary Production zone.

Clause 2.3(2) of the Weddin Local Environmental Plan 2011 requires that “The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone”. The objectives of the RU1 Primary Production Zone are as follows:

##### **Zone RU1 Primary Production**

###### **Objectives of zone**

- To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.
- To encourage diversity in primary industry enterprises and systems appropriate for the area.
- To minimise the fragmentation and alienation of resource lands.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

The development site forms part of the Grenfell Cemetery which was established in the 1800's. A cemetery is permissible within the RU1 zone and therefore it is assessed that the proposed amenities building is consistent with the objectives of the land use zone.

#### Clause 5.10 Heritage Conservation

The subject allotment is not located within a Heritage Conservation Area and does not contain any listed heritage items. The location of the proposed amenities building is close to the new lawn cemetery area, rather than within the older section of the site. It is assessed that the proposed building will not have a significant impact on heritage conservation within the area.

### **State Environmental Planning Policies (SEPP)**

The following State Environmental Planning Policies are considered relevant to Council's assessment of the development proposal:

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 3 of the SEPP requires Council to assess if the development site is core Koala habitat and if the proposed development will have any impact on that habitat. There is no evidence to suggest that the development site is core Koala habitat. The site of the proposed amenities building does not contain any significant native vegetation and the proposed development will not require the removal of any trees. It is assessed that the proposed development will not impact on Koala habitat.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The proposed amenities building is not a BASIX affected building and therefore the requirements of the SEPP do not apply.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

The proposed development is not identified as being either exempt or complying development in accordance with the SEPP. The application has lodged a development application for the proposed development. Therefore, the requirements of SEPP (Exempt and Complying Development Codes) 2008 do not apply.

State Environmental Planning Policy (Housing) 2021

The proposed development does not include a dwelling. The requirements of the SEPP do not apply to the proposal.

State Environmental Planning Policy (Industry and Employment) 2021

An assessment of the proposed development has revealed that there are no applicable requirements under SEPP (Industry and Employment) 2021 that apply to the development.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

The proposed development does not propose a residential flat development and therefore the requirements of SEPP No. 65 – Design Quality of Residential Flat Development, do not apply.

State Environmental Planning Policy (Planning Systems) 2021

The proposed development is not assessed as being State Significant or Regionally Significant development and therefore the requirements of the SEPP are not applicable.

State Environmental Planning Policy (Precincts-Regional) 2021

An assessment of SEPP (Precincts-Regional) 2021 has identified that there is no part of the SEPP which apply to the proposed development.

### State Environmental Planning Policy (Primary Production) 2021

The proposed development does not include State Significant Agricultural Land and does not propose a farm dam or other small scale and low risk artificial waterbodies. It is assessed that there are no requirements under the SEPP which would apply to the proposed development.

### State Environmental Planning Policy (Resilience and Hazards) 2021

Under Clause 4.6 of the SEPP a consent authority must not consent to the carrying out of and development on land unless:

- (a) it has considered whether the land is contaminated, and
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.

There are no known prior land-uses on the site that are likely to have resulted in the contamination of the land. Site inspection carried out did not reveal any evidence of contamination of the site. The SEE submitted with the application does not mention any previous land uses that are likely to have resulted in contamination of the site. Ground penetrating radar has been undertaken in the proposed new location for the amenities building, to ensure that the site is clear of unidentified grave sites.

### State Environmental Planning Policy (Resources and Energy) 2021

There are no requirements within the SEPP which are applicable to the proposed development.

### State Environmental Planning Policy (Transport and Infrastructure) 2021

The proposed development is not within or immediately adjacent to an easement for electricity purposes or an electricity substation and is not within 5 metres of an exposed overhead electricity power line. Therefore, the application is not required to be referred to the electricity supply authority.

The proposed development is not classified as a traffic-generating development under Schedule 3 and therefore was not required to be referred to Transport for NSW under the provisions of the SEPP. It is intended to utilise the existing vehicular access to the development site to service the proposed carports. It is assessed that the existing access arrangement is suitable to service the proposed development.

#### **S4.15 (1) (a) (ii) Any draft Environmental Planning Instrument**

There are no draft Environmental Planning Instruments that apply to the development.

#### **S4.15 (1) (a) (iii) Any Development Control Plan (DCP)**

### Weddin Shire Development Control Plan 2014

#### *Chapter 9 – Rural Development*

It is assessed that the proposed development is consistent with the applicable requirements of Chapter 9 of the DCP.

#### *Chapter 15 – Public Consultation*

The modification application was advertised and notified in accordance with Council-related Development Application Conflict of Interest Policy. No submissions were received as a result of the public consultation process.

#### **S 4.15(1)(a)(iiia) provisions of any Planning Agreement(s)**

There is no planning agreement that has been entered into under Section 7.4 of the *Environmental Planning and Assessment Act 1979* by the applicant in relation to the development proposal. Similarly, the applicant has not volunteered to enter into a draft planning agreement for the development proposal.

#### **S4.15(1)(a)(iv) The EP & A Regulations**

Section 4.15(1)(a)(iv) requires Council to also consider Clauses 61, 62, 63, & 64 of the Environmental Planning and Assessment Regulation 2021. The following provides an assessment of the relevant Clauses of the Regulation:

- Clause 61 – The proposal does not involve the demolition of a building and therefore the requirement to consider AS 2601 is not relevant.
- Clause 62 – The proposal does not involve the change of a building use for an existing building and therefore an assessment under the clause has not been undertaken.
- Clause 63 – The proposal does not involve the erection of a temporary structure and therefore the requirements to consider fire safety and structural adequacy is unnecessary.
- Clause 64 – The proposal does not involve the rebuilding, alteration, enlargement or extension of an existing building or place of public entertainment.

#### **S4.15(1)(b) The likely impact on the natural and built environment(s) and the likely social and/or economic impact on the locality**

Section 4.15(1)(b) requires the Council to consider the likely impacts of the development, including environmental impacts on both the natural and built environments as well as the social and economic impacts in the locality. The following provides an assessment of the likely impacts of the development:

#### Context and Setting

The development site forms part of the Grenfell Cemetery, which is located on Henry Lawson Way, approximately 2.5km south of Grenfell town centre. The entire cemetery site has an area of approximately 7 hectares and was established in the 1800's. The new location of the proposed amenities building is adjacent to an internal road on the site and is clear of significant vegetation and graves. The location has been chosen to be close to the lawn cemetery section of the site where the majority of burials now take place.

The allotment on which the proposed amenities building is to be constructed is surrounded by other land used in conjunction with the cemetery. The larger cemetery site is boarded by residential land to the north, Henry Lawson Way to the east and rural land to the south and west.

It is assessed that the proposed development is consistent with the character and setting of the area.

### Access, Transport and Traffic

Vehicular access to the cemetery site is currently gained via Henry Lawson Way, which is a sealed classified road. Access to the location of the proposed amenities building can be gained by a number of internal sealed roads within the site.

It is assessed that the proposed development will not impact on the existing access arrangements for the site or significantly increase traffic in the area.

### Public Domain

The proposal will not have a negative impact on public recreational opportunities or public spaces in the locality. The development will provide a significant improvement to the amenities available at the Grenfell Cemetery.

### Heritage

The development site is not located within a heritage conservation area and does not contain any items of environmental heritage listed in schedule 5 of the Weddin Local Environmental Plan 2011. It is assessed that the proposed development will not impact on any heritage items in the vicinity.

### Other Land Resources

The land does not contain any recorded mineral deposits and the proposal will not negatively impact any water catchment areas.

### Water, Sewerage and Stormwater

The application will not impact on existing water, sewer or stormwater infrastructure. The application is unlikely to create any adverse impacts on surface water or groundwater.

### Soils

The application will not have a negative impact on soils in the locality.

### Air and Microclimate

Minimal amounts of dust may be generated during the construction period. Once construction works are complete the development will not impact on air quality.

### Flora and Fauna

The proposal does not require the removal of any trees. The development is not expected to impact on any critical habitats or threatened species.

### Waste

Any construction waste will be removed from the site and appropriately recycled or catered for at a licensed waste management facility. It is considered that the development will only generate a small amount of waste during its use. The amenities building will be regularly cleaned by Council staff and waste removed and appropriately disposed of.

### Energy

The proposed building is not expected to greatly increase the use of energy. The development is not BASIX affected development and therefore a BASIX certificate is not required under the Environmental Planning and Assessment Regulation 2021. The design of the amenities building incorporates LED lighting to reduce electricity consumption.

### Noise and Vibration

Some noise will occur during the construction period but is not expected to adversely impact on any surrounding land uses. Council's standard condition regarding construction hours is recommended. Construction noise will also be appropriately managed during any funerals which may take place during the construction of the building.

### Natural Hazards

The land is not mapped as being bushfire prone or flood prone. There are no other identified natural hazards affecting the development site.

### Technological Hazards

There are no identified technological hazards affecting the land.

### Safety, Security and Crime Prevention

This development will not generate any activity likely to promote any safety or security problems to the subject land or surrounding area.

### Social and Economic Impacts on the locality

The proposed development will not result in any negative social or economic impacts. The proposed amenities building will provide a significant improvement to amenities at the Grenfell Cemetery.

### Site Design and Internal Design

The design of the development is satisfactory for the site and without any identified adverse impacts. The design and location are consistent with the master plan approved for the site. The new location of the amenities building has been chosen based on ground penetrating radar investigations to clear the site of unidentified graves.

### Construction

The proposed development will be built in accordance with the Building Code of Australia. No adverse impacts are anticipated to occur as a result of the development.

### Cumulative impacts

The proposal is not expected to generate any ongoing negative cumulative impacts. A minimal increase in traffic activity on site will occur during the construction phase. The amenities building will provide a significant improvement to the amenities available at the Grenfell Cemetery.

#### **S4.15 (1)(c) The Suitability of the Site for the Development**

The proposed modification is consistent with the zone objectives and consideration has been given to the impacts the development will have within the locality. It is considered that the proposed development will not create adverse impacts within its local setting. It is assessed that the development will not impact upon any existing services. The site is not constrained by natural features, and the location of the proposed amenities building is consistent with the approved master plan for the site. The proposed development is considered suitable subject to the imposition of the original conditions of consent.

#### **S4.15 (1)(d) Any submissions made in accordance with the Act or Regulation(s)**

##### Public Consultation

The modification application was advertised and notified in accordance with the Council-Related Development Application Conflict of Interest Policy. No submission were received as a result of the public consultation process.

##### Public Authority Consultation:

The development site is Crown Land for which Weddin Shire Council is the Crown land manager. Clause 2.23 of the *Crown Land Management Act 2016* provides that the Minister is taken to have given written consent on behalf of the Crown for its Crown land manager to make a development application for certain types of development, which includes a toilet block. Therefore, consultation with the Department of Lands is not required for this application.

The subject modification application did not require any other consultation with public authorities.

#### **S4.15 (1)(d) The Public Interest**

##### Community Interest

The modification application has been considered in terms of the context and setting of the locality in previous sections to this report. The proposed development will not impose any identified adverse economic or social impacts on the local community. The amenities building will provide a significant improvement in the toilet facilities provided for visitors to the Grenfell Cemetery.

#### **Section 7.11 & 7.12 Contributions**

Council does not have a Section 7.11 or Section 7.12 Contributions Policy and therefore such contributions are not applicable to the proposed development.

#### **Conclusion**

Development Application No. 17/2022 for a new amenities building on Lot 7369 DP 1179298, Henry Lawson Way, Grenfell, was approved by Council at its Ordinary Meeting held on 16 June 2022.

The applicant has lodged an application under Section 4.55(2) of the *Environmental Planning and Assessment Act 1979* to modify the Development Consent. The application proposes the following changes:

- (d) Change building from brick building with two (2) accessible toilets, to a single modular building with a single accessible toilet.
- (e) Change the location of the amenities building by moving the building slightly further to the west, due to the presence of unidentified grave sites.

The proposed modification has been assessed to meet the requirement to be considered as a modification of the original development consent. The proposed modification has also been assessed to be consistent with the requirements of the Weddin Local Environmental Plan 2011, relating to development in the RU1 Primary Production zone and is consistent with the existing land-use activities of the locality.

The modification application was notified and advertised in accordance with the Council-Related Development Application Conflict of Interest Policy. No submission were received as a result of the public consultation process.

Having considered the documentation supplied by the applicant, the findings of site inspection(s) and the comments made from consultation, it is assessed that the impacts of the proposal and the likely environmental interactions between the proposed development and the environment are such that Council should not refuse the modification application. Accordingly, it is recommended that the modification application be approved subject to the original conditions of consent which are included in **Appendix A**.



**APPENDIX A**

**GENERAL CONDITIONS**

1. Development is to be in accordance with approved plans.

The development is to be implemented in accordance with the plans and supporting documents stamped and approved and set out in the following table except where modified by any conditions of this consent.

| Plan No./<br>Supporting Document   | Prepared<br>by/Reference Details   | Weddin Shire Council<br>Reference |
|------------------------------------|------------------------------------|-----------------------------------|
| Modus Proposal P15112              | Modus Australia<br>Pages 1-20      | Stamped No. 17/2022               |
| Modus Floor Plan                   | Modus Australia<br>Dated 1/12/2023 | Stamped No. 17/2022               |
| Modus Roof Plan                    | Modus Australia<br>Dated 1/12/2023 | Stamped No. 17/2022               |
| Modus Front Elevation<br>Plans     | Modus Australia<br>Dated 1/12/2023 | Stamped No. 17/2022               |
| Modus Right Side<br>Elevation      | Modus Australia<br>Dated 1/12/2023 | Stamped No. 17/2022               |
| Modus Left and Rear<br>Elevations  | Modus Australia<br>Dated 1/12/2023 | Stamped No. 17/2022               |
| Modus Detail and<br>Specifications | Modus Australia<br>Dated 1/12/2023 | Stamped No. 17/2022               |

| Plan No./<br>Supporting Document      | Prepared<br>by/Reference Details      | Weddin Shire Council<br>Reference |
|---------------------------------------|---------------------------------------|-----------------------------------|
| Modus Concrete and<br>Plumbing Layout | Modus Australia<br>Dated 1/12/2023    | Stamped No. 17/2022               |
| Modus Panel and<br>Column Layout      | Modus Australia<br>Dated 1/12/2023    | Stamped No. 17/2022               |
| Modus Mounting Details                | Modus Australia<br>Dated 1/12/2023    | Stamped No. 17/2022               |
| Colour Schedule                       | Applicant                             | Stamped No. 17/2022               |
| Site Plan                             | Applicant                             | Stamped No. 17/2022               |
| Statement of<br>Environmental Effects | ARL Consulting<br>Dated November 2023 | Stamped No. 17/2022               |

In the event of any inconsistency between conditions of this development consent and the plans/supporting documents referred to above, the conditions of this development consent prevail.

- The applicant shall comply with all relevant prescribed conditions of development consent under Part 6, Division 8A of the Environmental Planning and Assessment Regulation 2000 (see attached Advisory Note).

**CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF WORKS**

- The Applicant is to obtain a Construction Certificate from either Council or an Accredited Certifier, certifying that the proposed works are in accordance with the Building Code of Australia and applicable Weddin Shire Council Engineering Standards prior to any building and or subdivision works commencing. No building, engineering or excavation work is to be carried out in relation to this development until the necessary construction certificates have been obtained. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of

Australia and applicable engineering standards in the case of building work and the applicable Council Engineering Standards in the case of subdivision works. This may entail alterations to the proposal so that it complies with these standards.

4. The Applicant is to submit to Weddin Shire Council, at least two days prior to the commencement of any works, a 'Notice of Commencement of Building Works'.
5. The Applicant is to obtain all relevant approvals to carry out sewerage work, to carry out stormwater drainage work and to carry out water supply work from Weddin Shire Council prior to commencing works to and comply with any conditions of that permit. All work shall be carried out by a licensed plumber and drainer and to the requirements of the Plumbing Code of Australia. The licensed plumber or drainer must submit a Notice of Works form to Council prior to the commencement of any plumbing and drainage works and a Certificate of Compliance at the completion of the works. The plumbing and drainage works must be inspected by Council at the time specified below:
  - (a) Internal Drainage: When all internal drainage work is installed and prior to concealment. Pipes should be under water test.
  - (b) External Drainage: When all external drainage work is installed and prior to concealment. Pipes should be under water test.
  - (c) Water Supply: Hot and cold water supply pipework, when the pipework is installed and prior to concealment. Pipes should be under pressure test.
  - (d) Stormwater: When the stormwater and roof water drainage system has been completed.
6. The Applicant is to obtain all relevant approvals to Install and Operate an On-Site Sewage Management System from Weddin Shire Council prior to commencing works to install the system and comply with any conditions of that approval.

All work must be carried out by a licensed plumber or drainer and to the requirements of NSW Environment and Health Protection Guidelines, Plumbing Code of Australia and Australian Standard/ New Zealand Standard 1547:2000 On-Site Domestic Wastewater Management. The licensed plumber or drainer must notify Weddin Shire Council at least 48 hours before each required inspection needs to be carried out.

7. Prior to the commencement of work on the site, all erosion and sediment control measures shall be implemented and maintained prior to, during and after the construction phase of the development. Controls shall be installed in accordance with the 'Guidelines for Erosion and Sediment Control on Building Sites' developed by the Department of Land and Water Conservation 2001 as published on the NSW Department of Planning, Industry and Environment website - <https://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Land-and-soil/guidelines-erosion-sediment-control-building-sites.pdf>

### **CONDITIONS TO BE COMPLIED WITH DURING CONSTRUCTION**

8. All construction work shall be carried out within the confines of the property unless separate written permission is obtained from the relevant landowner and/or authority in control of the land. A copy of any written notices authorising off-site construction operations shall be submitted to Council prior to any operations commencing on the affected land.

9. All building rubbish and debris, including that which can be windblown, shall be contained on site in a suitable container for disposal at an approved Waste Landfill Depot. The container shall be erected on the building site prior to work commencing and shall be maintained for the term of the construction to the completion of the project. No building rubbish or debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road. The waste container shall be regularly cleaned to ensure proper containment of the building wastes generated on the construction site.
10. Any damage caused to footpaths, roadways, utility installations and the like by reason of construction operations shall be made good and repaired to a standard equivalent to that existing prior to commencement of construction. The full cost of restoration/repairs of property or services damaged during the works shall be met by the Applicant.
11. All storage of goods and building materials and the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. All vehicles must be parked legally and no vehicles are permitted to be parked over the public footpath. The unloading of building materials over any part of a public road by means of a lift, hoist or tackle projecting over the footway will require separate approval under Section 68 of the Local Government Act 1993.
12. Building activities and excavation work involving the use of electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 6.00 pm on weekdays and 8.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
13. All roofed and paved areas are to be properly drained in accordance with the Plumbing Code of Australia and discharged to a suitable location on the site approved by Council and in a manner that does not cause soil erosion or nuisance to adjoining properties.

#### **CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION OR COMMENCEMENT OF USE**

14. The Applicant must not commence occupation or use of the amenities building until a Whole or Partial Occupation Certificate has been issued from the Principal Certifier appointed for the subject development.

#### **ADVICE**

##### Aboriginal Heritage

If, during work, an Aboriginal object is uncovered then WORK IS TO CEASE IMMEDIATELY and the Office of Environment & Heritage is to be contacted urgently on (02) 6883 5300. Under the National Parks and Wildlife Act 1974 it is an offence to harm an Aboriginal object or place without an 'Aboriginal heritage impact permit' (AHIP). Before making an application for an AHIP, the applicant must undertake Aboriginal community consultation in accordance with clause 80C of the NPW Regulation.

##### Dial Before You Dig

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

#### Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: Telstra's Network Integrity Team on Phone Number 1800 810443.

#### Water Supply

Reticulated water mains in the Weddin Shire Council are controlled and managed by Central Tablelands Water. Where a new or modified connection to the water mains system is needed, you must contact Central Tablelands Water on 02 63917200 or at [water@ctw.nsw.gov.au](mailto:water@ctw.nsw.gov.au)

**13.6 KEEPING CATS SAFE AT HOME PROGRAM**

|                       |   |
|-----------------------|---|
| <b>File Number:</b>   | <b>A4.4.10</b>  |
| <b>Author:</b>        | <b>Executive Assistant to the General Manager</b>   |
| <b>Authoriser:</b>    | <b>General Manager</b>  |
| <b>Attachments:</b>   | <b>Nil</b>  |
| <b>CSP Objective:</b> | <b>Innovation in service delivery (healthy, safe and educated community)</b>  |
| <b>Precis:</b>        | The purpose of this report is to provide an update on the ongoing rollout of the Keeping Cats Safe At Home Program, which was launched by the RSPCA NSW in June 2022. |
| <b>Budget:</b>        | <b>Nil</b>  |

The purpose of this report is to provide an update on the ongoing rollout of the Keeping Cats Safe At Home Project, which was launched by the RSPCA NSW in June 2022. Since the launch Council has continued to work with RSPCA NSW and Weddin Landcare to develop and implement the specific stages of the project.

As previously reported December 2023, the first stage of the program was to offer residents of the Weddin Shire free desexing and microchipping of their cats. In October 2022 after only a four month period the 100<sup>th</sup> cat was desexed and microchipped under the program at the local Grenfell Lachlan Valley Vets. As the initial stage of the program proved to be so popular and in demand it was decided to continue the offer, thus allocating additional funding to this initiative. As of June 2024 the team from Lachlan Valley Vets Forbes will travel to Grenfell on the first Thursday of each month, specifically for the purpose of continuing to desex as many cats as possible.

On Thursday 6 June 2024 the Weddin Shire reached the milestone of the 300<sup>th</sup> cat being desexed. This is a massive achievement. The desexing and microchipping program will run until December 2024 or until allocated funding is exhausted.

The second stage of the program was rolled out in August 2023 which involved two Sydney RSPCA representatives, Council Ranger Allison Knowles and Weddin Landcare Co-ordinator Melanie Cooper visiting Greenethorpe, Quandialla, Caragabal and St Josephs primary schools to deliver an education program which engaged students in learning the following:

- aspects of cat care and welfare
- importance of desexing and microchipping
- annual number of birds and wildlife killed or injured by cats
- importance and benefits of keeping your cat indoors
- Dangers faced by roaming cats

This was demonstrated by role playing, animated videos and fun activity packs with examples such as find a word, dot to dot and colouring in to maximize interest and intake by the students.

After consultation with RSPCA NSW and Weddin Landcare it was decided the third and final stage of the project would be the allocation of a free Catnet Cat enclosure, available to all

eligible Weddin Shire Residents. This was via an application process and involved a set criteria. EOI, application submission, eligibility assessment and an initial inspection of the proposed site. Applicants had a choice of 3 sizes with a second inspection being conducted after erection. A total of 30 cat enclosures were distributed throughout the Shire through this initiative.

This giveaway tied in with RSPCA representation and stand being included in the 2024 Henry Lawson Festival.

It is intended that the ‘Keeping Cats Safe At Home’ project will also be advertised at the 2024 Grenfell Annual Show.

The Keeping Cats Safe At Home Project is scheduled to finish in December 2024.

Special thanks to Council’s Ranger/Compliance Officer Allison Knowles and the Environmental Services Team for the administering the program.



300<sup>th</sup> cat to be desexed as part of the Keeping Cats Safe at Home Program. Mel Martyn and Luke Sheehan at Lachlan Valley Vets on Thursday 6 June 2024



*One of the 30 cat enclosures that were distributed throughout the Shire through the Keeping Cats Safe at Home giveaway.*



**13.7 UPDATE ON STATUS OF QUANDIALLA AND CARAGABAL WASTE FACILITIES**

**File Number:**

**Author:** Director Environmental Services

**Authoriser:** General Manager

**Attachments:** 1. Draft Prevention Notice

**CSP Objective:** Shire assets and services delivered effectively and efficiently

**Precis:** UPDATE ON ACTIONS TAKEN RELATING TO QUANDIALLA AND CARAGABAL WASTE FACILITIES AND DRAFT PREVENTION NOTICE ISSUED BY EPA

**Budget:** Unknown at this stage

**RECOMMENDATION**

That Council writes to the Minister for the Environment outlining Councils position regarding the remediation challenges at the facilities.

**RESOLUTION 130/24**

Moved: Cr Frame

Seconded: Cr McKellar

That Council writes to the Minister for the Environment outlining Councils position regarding the remediation challenges at the facilities.

**THE MOTION WAS CARRIED**

**DIVISION** required under the *Local Government Act 1993*/called by Cr McKellar

**FOR:** Crs Bembrick, Best, Kenah, Diprose, McKellar, Frame and Parlett

**AGAINST:** Cr Cook

**RECOMMENDATION**

That Council note the report providing updates on the actions taken regarding Quandialla and Caragabal waste facilities

**AMENDMENT**

Moved: Cr Best

Seconded: Cr Diprose

That Council writes to the Minister for the Environment outlining Councils position regarding the remediation challenges at the facilities.

---

**THE AMENDMENT WAS PUT AND CARRIED  
THE AMENDMENT BECOMES THE MOTION**

---

**PURPOSE**

The purpose of this report is to provide an update to Councillors and the community on actions taken to date relating to the Quandialla and Caragabal waste facilities since their closure.

**BACKGROUND**

Council received a formal letter from the Environment Protection Authority (EPA) on 5 October 2023 raising a number of concerns regarding the operation of Council waste facilities, including potential asbestos containing material (ACM) being identified at the Quandialla waste facility. The letter required Council to undertake a number of actions to ensure the facilities were being operated to appropriate standards.

In accordance with the requirements of the EPA and recommendation of the Occupational Hygienist, the Quandialla and Caragabal waste facilities were closed to the public on 11 October 2023.

To comply with the requirements of the EPA, Council engaged Impact Environmental to prepare closure reports for each Council waste facility along with the preparation of a report investigating the actions required to bring Councils three (3) waste facilities up to EPA minimum environmental standards. In addition, Impact Environmental were also requested to prepare rehabilitation estimates for each waste facility as required by the Audit Office of NSW.

It is important to note that the preparation of a closure plan for a facility provides a framework to assist Council in the management of any potential impacts of the landfill site by providing environmental management and monitoring measures during both the pre and post closure stages. It does not necessarily indicate that a facility will be closed. Closure plans are also needed in order to justify waste reserve budgets to the Audit Office of NSW.

A response letter was sent to the EPA before the due date providing a copy of the closure plans for each waste facility and providing details of the measures taken at each site so far. In the letter Council requested that the EPA consider allowing Council to encapsulate any asbestos waste at each rural waste facility. This was the recommendation of Impact Environmental, Asbestos Contractor and Occupational Hygienist, due to the amount of potentially contaminated waste and soil and the significant cost and logistical problems with removing such waste from the sites.

**UPDATE ON ACTIONS TAKEN**

Council has continued to liaise with the EPA regarding the remediate of both the Quandialla and Caragabal Waste Facilities in order to seek the most appropriate and cost-effective clean-up of the sites.

The EPA has continued to require that all asbestos, including potentially asbestos contaminated soils be removed from the site and disposed of to a licensed waste facility. Impact Environmental has estimated that this could be in the vicinity of 2,000 – 3,000 m<sup>3</sup> at each site. The initial estimates for the removal and disposal of potentially asbestos contaminated soil was \$600,000 per site, which was not considered financially viable.

A site inspection of the both the Quandialla and Caragabal waste facilities was undertaken by Council staff and EPA Officers on 26 March 2024. During the site inspection it was identified that unauthorised entry and illegal dumping was occurring at both facilities. As a result, the EPA raised further concerns regarding security of both sites. Council was verbally advised that the encapsulation of asbestos contaminated soil on each site was not supported.

During further discussion with the EPA after the site inspection of the facilities, it was advised that further evidence including written quotations would be required to justify that the removal of potentially asbestos contaminated soils from the site, is not financially viable.

Council requested a formal quotation from a Class A Asbestos Removal Contractor, to remove all ACM from the sites, including potentially asbestos containing soil. The quotation was based on the removal of 2500m<sup>3</sup> of soil from each site, which allows for 100mm of soil removal over the area of the sites where ACM has been identified. The quotation received was for the value of \$1,722,500 per site.

The transportation of the significant amount of potentially asbestos containing soil from the sites would equate for the large majority of the costs. To remove this amount of soil would equate to approximately 60 truck and dog loads from each site.

On 2 May 2024 a Class A Asbestos Removal Contractor commenced the clean-up of the Caragabal Facility by removing visible asbestos fragments from the internal roadway within the facility, in order to provide safe access to the DrumMuster site to enable a contractor to remove stockpiled drums.

On the 8 May 2024 Council received a draft Prevention Notice from the EPA regarding the operation of the Quandialla Waste Facility. A copy of the draft Prevention Notice is provided in **Attachment 1**.

The draft Prevention Notice outlines a number of actions which the EPA intends to require Council to undertaken in regard to the facility. Some of the actions outlined in the Draft Prevention Notice has already been undertaken. It is considered that many of the requirements in the Draft Prevention Notice would only further delay the remediation of the sites and increase costs to Council, without provided any significant benefits. A response was provided to the EPA on 17 May 2024 outlining the reason why the Prevention Notice should not be issued.

An Occupational Hygienist inspected the Caragabal Waste Facility on 11 June 2024 in order to assess if safe access could be provided to the DrumMuster site. A clearance certificate was issued by the Occupational Hygienist which will now allow for the DrumMuster site to be cleared. Council has contacted DrumMuster to schedule the removal of the drums.

The Class A Asbestos Removal Contractor commenced the removing asbestos fragments from internal roadways at the Quandialla Waste Facility on 12 June 2024. The contractor is proposing to commence the necessary works to remove stockpiled scrap steel from the Quandialla facility on Monday 17 June 2024 in conjunction with an Occupational Hygienist.

In order to finalise the Management Plan for the operation of Council's Waste Facilities, and at the request of the EPA, Council has requested a quotation from a skip bin operator for the supply and regular pick up of skip bins from the Quandialla and Caragabal waste

facilities. The cost of providing such a service as part of transitioning the facilities to waste transfer stations has previously been investigated by two (2) waste consults, who advised that the proposal would be cost prohibitive. However, due to the issues raised by the EPA with regards to continuing to operate each facility as landfill site, the option to change to a transfer station is being further investigated. At the time of writing this report, Council was still awaiting a formal quotation from a skip bin operator.

Moving forward, the intention is to continue to remove as much waste as reasonably possible from both sites, including tyres, scrap steel, drums and friable asbestos. While this work is being undertaken, Council will continue to advocate to the EPA to require potentially asbestos contaminated soils to be encapsulated at both facilities, which is considered to not only be the best and safest option, but also the most financially viable.

In accordance with the requirements of the EPA, the Quandialla and Caragabal waste facilities will remain closed to the public until all necessary clean-up and remediation works have been undertaken to ensure the safety and security of the sites.

### **POLICY/LEGAL IMPLICATIONS**

Council is obligated to manage its unlicensed waste facilities in accordance with the minimum standards outlined in the Protection of the Environment Operations (Waste) Regulation 2015 (Regulation). Where Council does not meet these standards, it can be found guilty of an offence under s142A of the Act, which attracts a maximum penalty of \$2,000,000 (if the offence involved asbestos waste) or \$250,000, and in the case of a continuing offence, a further penalty of \$60,000 for each day the offence continues.

In conjunction with the works being undertaken to remediate the Quandialla and Caragabal waste facilities, Council is determining the improvements necessary and likely costs to comply with the obligations under the Regulation. This information will be included in the Weddin Landfill Environmental Improvement Plan which will be presented to Council at a future meeting.

### **FINANCIAL/RESOURCE IMPLICATIONS**

The total cost of compliance with the EPA requirements is not known at this stage. The total cost of remediating the rural waste facilities will depend on feedback received from the EPA regarding encapsulating waste at these facilities.

### **INTERNAL/EXTERNAL CONSULTATION**

Council has liaised with the EPA, an Occupation Hygienist and waste consultant regarding the required clean-up works and ongoing operation of the Quandialla and Caragabal waste facilities.

### **CONCLUSION**

Council has commenced the initial clean up actions at the Quandialla and Caragabal Waste Facilities.

A formal quotation from a Class A Asbestos Removal Contractor, to remove all ACM from the sites, including potentially asbestos containing soil was received for a total of \$1,722,500 per site.

A draft Prevention Notice was received from the EPA regarding the operation of the Quandialla Waste Facility. The draft Prevention Notice outlines a number of actions which

the EPA intends to require Council to undertake. A response was provided to the EPA outlining the reasons why the Prevention Notice should not be issued.

Council is still continuing to advocate to the EPA to allow for potentially asbestos contaminated soil to be encapsulated at each facility, which will significantly reduce the clean-up cost to Council.

The Quandialla and Caragabal waste facilities will remain closed until all necessary clean-up and remediation works have been undertaken to ensure the safety and security of the sites.

## 14 DELEGATE(S) REPORTS

Nil

## 15 MINUTES OF COMMITTEE MEETINGS

### 15.1 COMMITTEE REPORT | RECEIVE AND NOTE | DRAFT MINUTES OF THE WEDDIN SHIRE AUDIT, RISK AND IMPROVEMENT COMMITTEE MEETING HELD 27 MAY 2024

**File Number:** C2.6.48

**Author:** Executive Assistant to the General Manager

**Authoriser:** General Manager

**Attachments:** 1. ATT 1 | DRAFT Minutes\_Audit, Risk and Improvement Committee Meeting | 27 May 2024

### **RECOMMENDATION**

Except where otherwise dealt with, the Draft Minutes of the Weddin Shire Audit, Risk and Improvement Committee Meeting held 27 May 2024 be noted as presented.

---

### **RESOLUTION 131/24**

Moved: Cr Kenah

Seconded: Cr Frame

Except where otherwise dealt with, the Draft Minutes of the Weddin Shire Audit, Risk and Improvement Committee Meeting held 27 May 2024 be noted as presented.

**THE MOTION WAS CARRIED**

---

**INFORMATION**

The Weddin Shire Audit, Risk and Improvement Committee Meeting was held on 27 May 2024, the draft Minutes from the meeting are attached for Council to note.

**15.2 COUNCIL COMMITTEE REPORT | REQUIRING ACTION - MINUTES OF THE HERITAGE COMMITTEE MEETING HELD 5 JUNE 2024**

**File Number:**

**Author:** Executive Assistant to the General Manager

**Authoriser:** General Manager

**Attachments:** 1. ATT 1 | Minutes - Heritage Committee Meeting | 5 June 2024

**RECOMMENDATION**

Except where otherwise dealt with, the Minutes of the Heritage Committee Meeting held 5 June 2024 be noted and adopted as presented.

**RESOLUTION 132/24**

Moved: Cr Diprose

Seconded: Cr McKellar

Except where otherwise dealt with, the Minutes of the Heritage Committee Meeting held 5 June 2024 be noted and adopted as presented.

**THE MOTION WAS CARRIED**

**INFORMATION**

The Heritage Committee Meeting was held on 5 June 2024, the Minutes from this meeting is attached for Council to note and adopt.

**16 CLOSED COUNCIL****RECOMMENDATION**

The meeting now be closed to the public under Section 10A(2) of the *Local Government Act 1993* to consider the items following because of their confidential nature:

**16.1 ANNUAL LEAVE REQUEST, ACTING GENERAL MANAGER ARRANGEMENTS & STANDING ACTING ARRANGEMENTS**

This matter is considered to be confidential under Section 10A(2) - a of the *Local Government Act 1993*, and Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

---

**RESOLUTION 133/24**

Moved: Cr Parlett

Seconded: Cr Frame

The meeting now be closed to the public under Section 10A(2) of the *Local Government Act 1993* to consider the items following because of their confidential nature:

**16.1 ANNUAL LEAVE REQUEST, ACTING GENERAL MANAGER ARRANGEMENTS & STANDING ACTING ARRANGEMENTS**

This matter is considered to be confidential under Section 10A(2) - a of the *Local Government Act 1993*, and Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

**THE MOTION WAS CARRIED**

---

**RECOMMENDATION**

The meeting return to Open Council.

**RESOLUTION 135/24**

Moved: Cr Frame

Seconded: Cr Best

The meeting return to Open Council.

**THE MOTION WAS CARRIED**

---

**17 RETURN TO OPEN COUNCIL**

Returned to Open Council at 7:32pm

**18 REPORT ON CLOSED COUNCIL**

**RESOLUTION 134/24**

Moved: Cr Parlett

Seconded: Cr Kenah

That Council

- (i) Approves the application for leave by the General Manager for the dates specified in this mayoral minute.
- (ii) For the period of time specified in the mayoral minute, Mr Luke Sheehan be appointed as Acting General Manager with the same delegations from Council as for the General Manager for same.
- (iii) Approve a standing acting arrangement for the General Manager position with the same delegations be provided on a rotational basis (subject to staffing arrangements and employment conditions) to:
  - 1. Director Environmental Services,
  - 2. Director Infrastructure Services,
  - 3. Director Corporate Services.
- iv) That Council approve if the GM wishes to attend Ministerial or urgent meetings in the role of General Manager during a period of leave she may return to duties.

**THE MOTION WAS CARRIED**

**19 CLOSURE**

Moved: Cr Kenah

Seconded: Cr Frame

**THE MOTION WAS CARRIED**

**The Meeting closed at 7:33pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 July 2024.**

.....  
**CHAIRPERSON**