



MINUTES

Ordinary Council Meeting Thursday 14 December 2023

Date: Thursday 14 December 2023

Time: 8:00AM

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

ORDER OF BUSINESS

1 OPENING.....4

2 ACKNOWLEDGEMENT OF COUNTRY.....4

3 ACKNOWLEDGEMENT OF SERVICE.....4

4 ATTENDANCE AND APPLICATIONS FOR LEAVE.....4

5 CONFIRMATION OF MINUTES5

6 DISCLOSURES OF INTEREST.....6

7 PUBLIC FORUM.....6

8 MAYORAL REPORTS/MINUTES.....7

NIL

9 MOTIONS/QUESTIONS WITH NOTICE.....7

NIL

10 GENERAL MANAGER REPORTS7

10.1 SELF-INITIATED IMPROVEMENT MANAGEMENT PLAN.....7

10.2 DRAFT GIFTS AND BENEFITS POLICY 11

10.3 REQUEST FOR ADDITIONAL SUPPORT FROM THE HENRY
LAWSON FESTIVAL OF ARTS..... 14

10.4 MODERN SLAVERY RISK ASSESSMENT PROJECT.....23

10.5 DRAFT EMERGENCY RESPONSE POLICY.....28

10.6 RESOLUTION REGISTER31

10.7 COMMUNITY SUPPORT APPLICATION | QUANDIALLA SWIMMING
CLUB - REQUEST FOR IN-KIND SUPPORT - COOLROOM HIRE.....32

10.8 GRENFELL LIONS CLUB FUNDRAISING | REQUEST FOR COUNCIL
TO SHARE THE MONIES COLLECTED.....35

11 CORPORATE SERVICES REPORTS38

11.1 ARTS, TOURISM, EVENTS AND GRANT ACTIVITIES FOR
SEPTEMBER TO DECEMBER 202338

11.2 TAYLOR PARK MASTER PLAN - PUBLIC EXHIBITION
SUBMISSIONS.....42

11.3 RATES AND CHARGES COLLECTIONS - NOVEMBER 2023.....46

11.4 STATEMENT OF BANK BALANCES49

11.5 COMMUNITY SUPPORT APPLICATION | GRENFELL LIONS
CLUB/COMMUNITY CHRISTMAS CARNIVAL 51

12 INFRASTRUCTURE SERVICES REPORTS55

12.1 INFRASTRUCTURE WORKS REPORT55

12.2 ROAD MAINTENANCE COUNCIL CONTRACT (RMCC)69

13 ENVIRONMENTAL SERVICES REPORTS.....72

13.1	DEVELOPMENT APPLICATION 29/2023 - CHANGE OF USE TO FOOD AND DRINK PREMISES (SMALL BAR) AND ASSOCIATED DWELLING AND ALTERATIONS TO BUILDING	72
13.2	DEVELOPMENT APPLICATION 30/2023 - ALTERATIONS AND ADDITIONS TO DWELLING HOUSE	99
13.3	DEVELOPMENT APPLICATION 24/2023 - PAINTING OF BUILDING AND INSTALLATION OF SIGNAGE	125
13.4	DEVELOPMENT APPLICATIONS, CONSTRUCTION CERTIFICATES AND COMPLYING DEVELOPMENT CERTIFICATES.....	147
13.5	KEEPING CATS SAFE AT HOME PROGRAM	149
13.6	DEVELOPMENT CONSENT 13/2019 - MULTI DWELLING HOUSING - 11 NORTH STREET GRENFELL - APPLICATION TO MODIFY DEVELOPMENT CONSENT	151
14	DELEGATE(S) REPORTS.....	176
	NIL	
15	MINUTES OF COMMITTEE MEETINGS	176
15.1	COUNCIL COMMITTEE REPORT REQUIRING ACTION - MINUTES OF THE WEDDIN SHIRE WEEDS COMMITTEE MEETING HELD 7 SEPTEMBER 2023.....	176
15.2	COUNCIL COMMITTEE REPORT REQUIRING ACTION - MINUTES OF THE AUSTRALIA DAY EXECUTIVE MEETING HELD 21 NOVEMBER 2023	177
16	CLOSED COUNCIL	178
16.1	MAYORAL MINUTE - GENERAL MANAGER'S PEFORMANCE AGREEMENT	178
16.2	NOTICE OF MOTION ALL COMMUNICATION ADDRESSED TO COUNCILLORS IS INCLUDED IN THE MONTHLY COUNCIL BUSINESS PAPERS	178
16.3	NOTICE OF MOTION COUNCIL QBRs STATEMENTS; REQUEST FOR RESOURCE ENGAGEMENT AND AMENDED QBRs CORRECTING ERRORS AND OMISSIONS BE PRESENTED.....	178
17	RETURN TO OPEN COUNCIL	179
18	REPORT ON CLOSED COUNCIL	179
19	CLOSURE.....	180

**MINUTES OF WEDDIN SHIRE COUNCIL
ORDINARY MEETING
HELD AT THE COUNCIL CHAMBERS, CNR CAMP & WEDDIN STREETS,
GRENFELL NSW 2810
ON THURSDAY 14 DECEMBER 2023 AT 8:00AM**

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 Glenda Howell, Cr Stuart McKellar, Cr Warwick Frame, Cr Jan Parlett

IN ATTENDANCE:

Mr Luke Sheehan (Acting General Manager / Director Environmental Services)
Waliul Islam (Acting Director Infrastructure Services)

APOLOGIES

Nil

LEAVE OF ABSENCE

Nil

LEAVE OF ABSENCE APPLICATION

5 CONFIRMATION OF MINUTES

RESOLUTION 278/23

Moved: Cr Parlett

Seconded: Cr Diprose

That Council amend the Minutes of the Ordinary Council Meeting held 16 November 2023 as per:

- Item 10 'Correspondence' to be removed
- Item 11.5 'QBRs Motion; QBRs to be included in the Minutes
- Item 16.5 'Closed Council' - Cr Cook to be recorded as no vote
- Item 17.4 'Closed Council' - Cr Cook to be recorded as no vote (not abstained)
- The amended Minutes of the Ordinary Council Meeting held 16 November 2023 be taken as read and CONFIRMED.

THE MOTION WAS CARRIED UNANIMOUSLY

MOTION TO MOVE AN AMENDMENT

Moved: Cr Parlett

Seconded: Cr Diprose

That Council amend the Minutes of the Ordinary Council Meeting held 16 November 2023 as per:

- Item 10 'Correspondence' to be removed
- Item 11.5 'QBRs Motion; QBRs to be included in the Minutes
- Item 16.5 'Closed Council' - Cr Cook to be recorded as no vote
- Item 17.4 'Closed Council' - Cr Cook to be recorded as no vote (not abstained)
- The amended Minutes of the Ordinary Council Meeting held 16 November 2023 be taken as read and CONFIRMED.

THE MOTION WAS PUT AND CARRIED

6 DISCLOSURES OF INTEREST

ITEM NUMBER & TITLE	13.1 – DEVELOPMENT APPLICATION 29/2023 – CHANGE OF USE TO FOOD AND DRINK PREMISES (SMALL BAR) AND ASSOCIATED DWELLING AND ALTERATIONS TO BUILDING
NAME	DEPUTY MAYOR, CR PAUL BEST
TYPE OF INTEREST	PECUNIARY / NOT SIGNIFICANT / LEAVING THE CHAMBER
INTEREST DESCRIPTION	OWNER OF BUSINESS IN THE MAIN STREET

ITEM NUMBER & TITLE	10.8 – GRENFELL LIONS CLUB FUNDRAISING REQUEST FOR COUNCIL TO SHARE THE MONIES COLLECTED
NAME	CR MICHELLE COOK
TYPE OF INTEREST	PECUNIARY / NOT SIGNIFICANT / LEAVING THE CHAMBER
INTEREST DESCRIPTION	POSSIBLE CARAVAN PARK INTEREST

ITEM NUMBER & TITLE	16.1 – MAYORAL MINUTE – GENERAL MANAGER’S PERFORMANCE AGREEMENT (CLOSED COUNCIL)
NAME	CR MICHELLE COOK
TYPE OF INTEREST	PECUNIARY / SIGNIFICANT / LEAVING THE CHAMBER
INTEREST DESCRIPTION	ONGOING LEGAL MATTERS

ITEM NUMBER & TITLE	10.8 – GRENFELL LIONS CLUB FUNDRAISING REQUEST FOR COUNCIL TO SHARE THE MONIES COLLECTED
NAME	CR PHILLIP DIPROSE
TYPE OF INTEREST	PECUNIARY / SIGNIFICANT / LEAVING THE CHAMBER
INTEREST DESCRIPTION	GRENFELL MEN’S SHED TREASURER; EARLY PLANNING STAGES OF JOINT EVENT WITH GRENFELL LIONS CLUB

ITEM NUMBER & TITLE	11.5 – COMMUNITY SUPPORT APPLICATION GRENFELL LIONS CLUB/COMMUNITY CHRISTMAS CARNIVAL
NAME	CR PHILLIP DIPROSE
TYPE OF INTEREST	PECUNIARY / SIGNIFICANT / LEAVING THE CHAMBER
INTEREST DESCRIPTION	GRENFELL MEN’S SHED TREASURER; EARLY PLANNING STAGES OF JOINT EVENT WITH GRENFELL LIONS CLUB

ITEM NUMBER & TITLE	13.1 – DEVELOPMENT APPLICATION 29/2023 – CHANGE OF USE TO FOOD AND DRINK PREMISES (SMALL BAR) AND ASSOCIATED DWELLING AND ALTERATIONS TO BUILDING
NAME	CR JASON KENAH
TYPE OF INTEREST	PECUNIARY / SIGNIFICANT / LEAVING THE CHAMBER
INTEREST DESCRIPTION	OWNER OF ADJACENT PROPERTY

ITEM NUMBER & TITLE	13.1 – DEVELOPMENT APPLICATION 29/2023 – CHANGE OF USE TO FOOD AND DRINK PREMISES (SMALL BAR) AND ASSOCIATED DWELLING AND ALTERATIONS TO BUILDING
NAME	CR JAN PARLETT
TYPE OF INTEREST	PECUNIARY / SIGNIFICANT / LEAVING THE CHAMBER
INTEREST DESCRIPTION	OWNER OF PROPERTY, MAIN STREET (NEIGHBOURING)

7 PUBLIC FORUM

- Belinda Power, President, Grenfell Henry Lawson Festival of Arts
Agenda item 10.3 | Request for additional support from the Henry Lawson Festival of Arts Committee.

8 MAYORAL REPORTS/MINUTES

Nil

9 MOTIONS/QUESTIONS WITH NOTICE

Nil

10 GENERAL MANAGER REPORTS**10.1 SELF-INITIATED IMPROVEMENT MANAGEMENT PLAN****File Number:****Author:** General Manager**Attachments:** 1. Self-Initiated Improvement Management Plan**CSP Objective:** Democratic and engaged community supported by efficient internal systems**Precis:** Resolution 221/23 required the General Manager to table the self-initiated improvement plan to Council**Budget:** Nil.**RECOMMENDATION**

That Council:

1. Note the information contained in this report.
2. Endorses the Weddin Shire Council Self-Initiated Performance Management Improvement Plan.
3. Endorses the General Manager to continue to add or amend the Plan as required and actions and amendments are reported to the Audit, Risk and Improvement Committee and then to Council.

RESOLUTION 279/23

Moved: Cr Frame

Seconded: Cr Howell

That Council:

1. Note the information contained in this report.
2. Endorses the Weddin Shire Council Self-Initiated Performance Management Improvement Plan.
3. Endorses the General Manager to continue to add or amend the Plan as required and actions and amendments are reported to the Audit, Risk and Improvement Committee and then to Council.

THE MOTION WAS CARRIED

MOTION TO MOVE AN AMENDMENT

Moved: Cr Diprose

Seconded: Cr Parlett

That Council:

1. Note the information contained in this report.
 2. Endorses the Weddin Shire Council Self-Initiated Performance Management Improvement Plan.
 3. Endorses the General Manager to continue to add or amend the Plan as required and actions and amendments are reported to the Audit, Risk and Improvement Committee and then to Council.
-

THE MOTION WAS PUT AND CARRIED

PURPOSE

To provide Council the Performance Management Improvement Plan that has been self-initiated by Council to help overcome some immediate issues and challenges relating Council's financial sustainability and resourcing.

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.

Council engaged the services of Luka Group to undertake the preparation of the Draft Annual Financial Statements for the 2022-2023 period. The Draft Annual Financial Statements for 2022-2023 will be audited in November 2023. For now, 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 and now reflect those discussions.

ISSUES AND COMMENTS**Self-Initiated Improvement Management Plan**

A working draft of the Self-Initiated Improvement Management Plan ('the Plan') is provided for Council, in accordance with Resolution 196/23 and 221/23, which required a draft and

update to be tabled to the 19 October 2023 Ordinary Meeting. It was determined to push the plan to the December meeting to allow the new Director of Corporate Services to have a level of input. The role remains vacant due to personal circumstances however Council has dedicated a resource to focus on the strategic and procedural requirements of the Plan.

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.
- Similar to what was tabled at the 28 September 2023 and 19 October 2023 meetings, 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.

In moving forward, the items will be reported to Council and actioned accordingly.

The working draft was tabled to the Audit, Risk and Improvement Committee (ARIC) who provided comment and changes. An additional action relating to contract management was added into the Plan in the operational/short term actions.

The document will be updated as required, including reflecting once Council receives its Audited Financial Statements.

POLICY/LEGAL IMPLICATIONS

There are no direct policy or legal implications arising from this report. However as identified, such a plan will have sensitivities to manage with staff due to the increased volume of reporting and meetings and should be appropriately consulted with the workforce.

FINANCIAL/RESOURCE IMPLICATIONS

The improvement plan incorporates some actions that will require future funding. The plan commits staff to additional responsibilities and this does have a resource implication and should be appropriately consulted with the workforce. Although Council is without a Director of Corporate Services, a resource has been utilised to immediately work on the strategic and procedural actions of this Plan.

INTERNAL/EXTERNAL CONSULTATION

The ARIC considered this on 27 November 2023 and have endorsed the plan to go to Council. The Plan is a live document and will be amended from time-to-time. The Plan will

be tabled to the ARIC first for updates including status of actions before it is submitted to Council.

CONCLUSION

The Self-Initiated Improvement Management Plan is an opportunity for Council 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 DRAFT GIFTS AND BENEFITS POLICY**File Number:****Author:** General Manager**Authoriser:** General Manager**Attachments:** 1. Draft Gifts and Benefits Policy**CSP Objective:** Shire assets and services delivered effectively and efficiently**Precis:** The Draft Gifts and Benefits Policy has been developed to provide guidance on the handling of Gifts and Benefits and Council Officials general obligations.**Budget:** Nil**RECOMMENDATION**

That Council

1. Place the draft Gifts and Benefit Policy on public exhibition for a period of 49 days with the purpose of inviting submissions from the public and staff.
2. Request the General Manager present a further report to Council with all the submissions received at the 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 and changes, as a Policy.

RESOLUTION 280/23

Moved: Cr Frame

Seconded: Cr Kenah

That Council

1. Place the draft Gifts and Benefit Policy on public exhibition for a period of 49 days with the purpose of inviting submissions from the public and staff.
2. Request the General Manager present a further report to Council with all the submissions received at the 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 and changes, as a Policy.

THE MOTION WAS CARRIED**PURPOSE**

The purpose of this report is to provide the Draft Gifts and Benefits Policy to Council for public exhibition. The Draft Gifts and Benefits Policy provides further guidance to Council's Code of Conduct and Procedures relating to gifts and benefits.

BACKGROUND

A gift or a benefit is something offered to or received by a Council Official or someone personally associated with them for their personal use and enjoyment. Council's Code of Conduct and Procedures sets a number of provisions relating to Gifts and Benefits. The Draft Gifts and Benefits Policy ('Draft Policy') provides further Council's requirements in relation to gifts and benefits. The Draft Policy makes clear Council's actions to provide accountability and transparency in relation to the disclosure of offers and acceptance of gifts and benefits by Council Officials.

ISSUES AND COMMENTS

Development of Draft Gifts and Benefits Policy

Council historically has relied on the provisions outlined in the Council's Code of Conduct and Procedures surrounding gifts and benefits. The FY2023 Audit flagged that Council did not have a Gifts and Benefits Policy. In addition, the FY2023 Audit also queried Council's public Gifts and Benefits register which currently does not exist on Council's website.

A review was undertaken of other council policies, the draft is now presented to Council.

The purpose of the Draft Gifts and Benefits Policy is to:

- ensure that Council Officials are made aware of their obligations and responsibilities concerning the offer or acceptance of any gift or benefit, and
- provide guidance to Council Officials in identifying, assessing and managing offers of gifts or benefits to ensure they do not constitute or are perceived to constitute as serious wrongdoing as defined in the *Public Interest Disclosure Act 2022*.

The objectives of this Policy are to:

- Ensure Council Officials are required to act with integrity at all times and meeting their obligations under the Council's Code of Conduct and Procedures.
- Provide Council Officials a clear framework on how to deal with gifts and benefits.
- Provide Council a means of declaration and recording of the management of offers of gifts and benefits.
- Ensures that Council complies with its necessary legislative reporting requirements.

POLICY/LEGAL IMPLICATIONS

Council has traditionally had a 'Gifts and Benefits Register Form' for Council Officials to declare. The form does not satisfy the necessary legislative reporting requirements. The Policy provides a local policy that supports the new *Public Interest Disclosure Act 2022* and ensures that Council meets its obligations to 'authorised proactive release of government information' under the Government Information (Public Access) Act 2009. The Draft Policy provides a clear framework to support Council's Code of Conduct and Procedures.

FINANCIAL/RESOURCE IMPLICATIONS

There are no direct financial or resource implications relating to the Draft Policy.

INTERNAL/EXTERNAL CONSULTATION

The Draft Policy will be on public exhibition for 49 days. This relates to days between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition in accordance with Council's Community Public Participation Plan. Although this plan deals with community participation in planning, it is good practice to apply this to the public exhibition of draft policies in the lead up to the end of year shutdown.

CONCLUSION

The Draft Gifts and Benefits Policy ('Draft Policy') provides further Council's requirements in relation to gifts and benefits that supports the Code of Conduct and Procedures. The Draft Policy makes clear Council's actions to provide accountability and transparency in relation to the disclosure of offers and acceptance of gifts and benefits by Council Officials.

That Council support the new Draft Gifts and Benefits Policy is placed on public exhibition for a period of 49 days.

10.3 REQUEST FOR ADDITIONAL SUPPORT FROM THE HENRY LAWSON FESTIVAL OF ARTS**File Number:****Author: General Manager****Authoriser: General Manager****Attachments:**

1. 2023 Henry Lawson Festival Report
2. Letter of Request from HLF Committee
3. Email Additional Request from HLF
4. HLF Financial Report 2023

CSP Objective: Shire assets and services delivered effectively and efficiently**Precis: To provide the additional request for support from the Henry Lawson Festival of Arts Committee****Budget: \$19,500 from Henry Lawson Festival of Arts account****MOTION
MOVE TO COMMITTEE OF THE WHOLE**

Moved: Cr Parlett
Seconded: Cr Cook

THE MOTION WAS CARRIED**MOVE OUT OF THE COMMITTEE OF THE WHOLE**

Moved: Cr Kenah
Seconded: Cr McKellar

THE MOTION WAS CARRIED**RECOMMENDATION**

That Council

1. Note the information contained in this report.
2. Agree to the responsibility for the functions of risk management and waste management and that this is funded/continued to be funded within the in-kind contribution to the Henry Lawson Festival of Arts.
3. Undertakes the traffic management and traffic control utilising either in-house or external contractor services and that this is funded through the Henry Lawson Festival's account for the 2024 financial year and for future festivals as requested by the Committee.
4. Approves for the procurement of banners of up to \$2,500 to be funded through the Henry Lawson Festival Account.
5. Request the Committee provides Council a pre-application form for Council staff to submit the application for grants.

-
6. Approves for the Event Management and Marketing to be increased to \$30,000 and that the residual funding is funded the Henry Lawson Festival's account.
-

RESOLUTION 281/23

Moved: Cr Kenah

Seconded: Cr McKellar

That Council

1. Note the information contained in this report.
2. Agree to the responsibility for the functions of risk management and waste management and that this is funded/continued to be funded within the in-kind contribution to the Henry Lawson Festival of Arts.
3. Undertakes the traffic management and traffic control utilising either in-house or external contractor services and that this is funded through the Henry Lawson Festival's account for the 2024 financial year and for future festivals as requested by the Committee.
4. Approves for the procurement of banners of up to \$2,500 to be funded through the Henry Lawson Festival Account.
5. Request the Committee provides Council a pre-application form for Council staff to submit the application for grants.
6. Approves for the Event Management and Marketing to be increased to \$30,000 and that the residual funding is funded the Henry Lawson Festival's account.

**THE MOTION WAS CARRIED
AGAINST: CR COOK, CR PARLETT**

Cr Diprose left the room at 9:01am.

Cr Diprose entered the room at 9:05am.

MOTION

That Council break for 5 minutes

Moved: Cr Frame

Seconded: Cr Kenah

That Council Break For 5 Minutes.

THE MOTION WAS CARRIED

Council break at 9:02am

MOTION

That Council return from Break.

Moved: Cr Diprose

Seconded: Cr Best

That Council return from Break.

THE MOTION WAS CARRIED

Council return at 9:06am

PURPOSE

To provide Council two (2) requests from the Henry Lawson Festival of Arts Committee regarding additional funding and actions.

BACKGROUND

Council is in receipt of two requests from Council's Section 355 Henry Lawson Festival of Arts Committee ('Committee') for additional funding and actions. Under s. 355 of the Local Government Act, the Council has delegated the Committee functions for the organisation and fundraising activities for the Festival. Under s. 356 of the Act, Council contributes money or otherwise financial assistance to persons for the purpose of exercising its function. For the 2023-2024 financial year, Council has agreed to contribute:

Council contribution	2023-2024 Amount	2022-2023 Actual
Event Management	\$20,000	\$22,810.49 (\$20,000)
In-kind support	\$20,000	\$23,940.10 (\$20,000)
Purchase of Art	\$1,500	\$750 (\$1,500)
Marketing and advertising	\$3,500	\$3,075.00 (\$3,000 from staffing training vote)
Invoices from 2022 on FY2023 ledger paid out of unrestricted cash		\$9,209.55 (No allocation)
TOTAL	\$45,000	\$59,785.14 (\$44,500)

ISSUES AND COMMENTS

HIGHLIGHTS FROM THE FESTIVAL REPORT - 2023

- The 2023 Festival saw an estimated crowd of over 10,000 persons over the entire festival period.
- Digital platforms saw increase numbers, including increase in facebook followers (14.21%), website traffic (57.14%) and digital marketing impressions (58.44%).
- Very positive feedback from locals with regards to the festival with 58% of survey respondents citing the 2023 festival was better than anticipated.
- 42% of Grenfell residents who responded to the survey hosted family and friends.

The following provides Council two letters of request from the Committee.

LETTER ONE – REQUEST NUMBER ONE AND TWO

<p>Committee:</p> <p>Motion One</p>

“It is agreed that the following functions are the responsibility of Weddin Shire Council to support 2024 and all future festivals:

- Traffic Management including the plans and staff to provide the traffic management.
- Waste Management
- Risk Management”

Motion Two

“All Traffic Management including the TCG be done in house by Weddin Shire Council for 2024 and all future festivals.”

At present, Council Officers cover the waste management and will continue to undertake this activity. It is agreed with the Committee that Council staff undertake risk management as this has been requested by Statewide Mutual that they deal directly with Council staff. It is important that Council and the Council Committee work together to ensure that the footprint remains in the same precinct to assist in expediting the risk management and traffic management and does not cross the Mid Western Highway.

In relation to traffic management, Council’s in-house services requires staff to be paid to carry out the activities. Traffic management and traffic control is currently grant funded which has allowed Council to increase its capacity in traffic control and employ additional traffic controllers. However, as staff are employed on casual arrangements, Council has recently lost a number of traffic controllers to external permanent arrangements. In theory, Council staff have no issue with carrying out the traffic management and traffic control, however requires the ability to outsource these services in the event that there are not enough officers to work the June long weekend or other competing priorities such as emergency call outs.

In order for Council to carry out the traffic management, it is recommended that Council undertake this role with the funds existing from the Henry Lawson Festival account. Due to the competing priorities and costs, the operational budget for the financial year and future financial years is a lean operating budget. Council has further issues relating to the management of its landfill sites, which it will now require to externally restrict funds for waste management. In the past, waste charges went into the general fund for other areas of use. Council has a number of compliance costs such as internal audit and service reviews. Council has also had to wear the full cost of the emergency services levy. Into the future as Council are aware, the general fund will also need to accommodate for the sewer fund in future years. Council’s financial situation is not just a point in time issue at 30 June 2023. There are serious questions on Council’s ability to fund ongoing expenses without a strategic consideration of Council’s financial sustainability. The Strategic Business Plan for the festival did not consider Council’s competing pressures, compliance requirements or Council’s general operating requirements when undertaking this review.

In every circumstance, Council will try to reduce the cost of services, however noting that reference to the Festival having to use their ‘own funds’ is incorrect. The Committee is a section 355 Committee of Council and do not own these funds. There is no scope for this to come out of Council’s in-kind budget or operating budget.

Recommendation One: That Council agree to the responsibility for the functions of risk management and waste management and that this is funded/continued to be funded within the in-kind contribution.

Recommendation Two: That Council undertakes the traffic management and traffic control utilising either in-house or external contractor services and that this is funded through the

Henry Lawson Festival's account for the 2024 financial year and for future festivals as requested by the Committee.

LETTER ONE: REQUEST NUMBER THREE

Motion Three

"Council staff will work with The Grenfell Henry Lawson Festival Committee to reduce costs and wherever possible identify in house resources to assist."

Council Officers meet with the Committee once a month and at more frequent intervals leading up to the festival. We are committed to helping the Committee in reducing the costs. There is no need for a recommendation given this is already occurring and has occurred for a number of years.

LETTER ONE: REQUEST NUMBER FOUR

Motion Four

"Due to the Main Street renewal new banners and signage for the entrances to Grenfell"

Council recently purchased the banners for the Main Street for Christmas and purchased the clips for other banners. A budget allowance of \$2,500 should assist with procuring the banners. However due to Council's limited budget resources, it is recommended that this is funded through the Henry Lawson Festival Account.

Recommendation Three: That Council approves for the procurement of banners of up to \$2,500 to be funded through the Henry Lawson Festival Account.

LETTER ONE: REQUEST NUMBER FIVE AND SIX

Motion Five

"To complete grant applications on behalf of the Committee"

Motion Six

"The Festival be considered for Capital Grants"

Council staff are constantly on the lookout for grants for all organisations and will forward this on. Council now seeks all officers who wish to apply for grants to fill out a pre-application form. This ensures that prior to application, Council's Grants and Procurement Team can consider if there is enough resources and in some instances council co-contribution to manage the grant.

The Committee can provide Council the one-page form, which outlines the information of who is managing the grant, why there is an application and the amount of council resources to oversee and acquit the grant. Council staff are more than willing to apply for the grants, however noting that due to the Committee being a Council Committee and that the festival is an existing festival, this has generally ruled the festival in being able to apply for grants.

Regarding Motion 6, the Committee can provide staff with a pre-application form. Council staff met with the Henry Lawson Festival Committee on 6 December 2023 to discuss the meaning of 'capital grants'. It was indicated the Committee would like the ability to apply for equipment such as moveable stage and chairs and other equipment for the festival. Nevertheless, by filling out the brief form will allow Council Officers to have a better understanding of 'Capital Grants' and the request that the Committee are after.

Recommendation Four: That the Committee provides Council a pre-application form for Council staff to submit the application for grants.

LETTER ONE: REQUEST NUMBER SEVEN AND LETTER TWO: REQUEST FOR ADDITIONAL EVENT MANAGEMENT AND MARKETING

Motion 7

“For ongoing yearly budget allocations as follows

1. Minimum \$30,000 In Kind
2. Minimum \$30,000 for Marketing
3. Minimum \$20,000 additional cash contribution”

Last year was the first time ever that the Henry Lawson Festival Committee paid for the Traffic Management which totalled \$6,496.38.

I have provided the following excerpts from Council Meetings to support this request.

- Mayoral Minute Ordinary Council Meeting Minutes 18 March 2021
- Extra-Ordinary Meeting 30 November 2021
- Ordinary Council Meeting 18 August 2022
- Ordinary Council Meeting 15 September 2022

(please refer to attachment for excerpts)

LETTER TWO

The Festival received only one quote for Marketing and Event Management which was above the funding approved by Council. We are therefore asking that Council provide an additional \$6500 which will increase the Event Management and Marketing budget to \$30,000. This would also include the previously approved Print Advertising \$3,500.

As above at Request One and Two. Council is not in a financial position to provide additional funds. Noting that nearly \$10,000 of costs from the 2022 year was paid by Council following the closing of end of year processing during the 2023 financial year. The additional expenditure for marketing and event management to cover the cost of the quotation received should come out of the Henry Lawson Festival’s Account.

The historical information provided shows that a \$20,000 contingency budget is provided, not a \$20,000 cash contribution. Council staff consider that the contingency budget is captured in the Henry Lawson’s Festival account. Furthermore Council is not in a position to provide further funds, given the Henry Lawson Festival of Arts did not provide the financial information for Audit. In discussions with the Accountant, it was advised that Council would be in breach of providing funds from its general fund without an audited financial statement. It is noted that invoices were not accrued from the previous financial year and provided to Council staff on 11 October 2023. It is noted that invoices from the 2022 festival were submitted as late as 27 April 2023. This resulted in Council paying these debts against the restricted cash.

Council staff met with the President on 6 December 2023 to discuss the \$20,000 cash contribution discussion and stated in this meeting that the Strategic Business Review indicates that this is a contingency budget. Utilising this contingency budget on an annual basis would indicate that it is part of the operational budget.

A financial report was provided to Council on 5 December 2023, noting that they did not form part of the Financial Statements or Audit. The President has confirmed that no other invoices should be received from the 2023 festival.

Recommendation Five: That Council approves for the Event Management and Marketing to be increased and that the residual funding is funded the Henry Lawson Festival's account.

POLICY/LEGAL IMPLICATIONS

Under s. 355 of the Local Government Act, the Council has delegated the Committee functions for the organisation and fundraising activities for the Festival. Under s. 356 of the Act, Council contribute money or otherwise financial assistance to persons for the purpose of exercising its function.

FINANCIAL/RESOURCE IMPLICATIONS

The following is a breakdown of the request by the Committee and the staff recommendations moving forward:

Council contribution	APPROVED 2023-2024 Amount	2022-2023 Actual (Approved)	PROPOSED RECOMMENDATIONS
Event Management	\$20,000	\$22,810.49 (\$20,000)	\$10,000 includes marketing and advertising
In-kind support	\$20,000	\$24,690.70 (\$20,000)	-
Purchase of Art	\$1,500	\$1,500 (\$1,500)	-
Marketing and advertising	\$3,500	\$3,075.00* (\$3,000)	-
Invoices from 2022 on FY2023 ledger paid out of unrestricted cash		\$9,209.55	-
Traffic Control			Approximately \$7,000 for allowance for external contractors. Amount will be less if utilising staff.
Purchase banners			\$2,500
TOTAL	\$45,000	\$61,285.74	\$19,500

*Final advertising invoice for the 2023 festival sent to Council for payment on 11 October 2023. This was past the closing date to be able to journal this to the 2023 ledger and therefore has been manually placed against this item.

There is no proposal to increase the in-kind contribution, noting that a number of costs such as officers attending meetings and other organisational work are not costed onto timesheets. Council exceeded its in-kind contribution for staff wages over the long weekend, fees and charges that are donated to the festival and other use/hiring of plant and equipment.

It is recommended that the additional request by the Committee is endorsed and that under s. 356 of the Act, Council contribute money or otherwise financial assistance to persons for the purpose of exercising its function from the Henry Lawson Festival Account of \$19,500.

It is recommended that the costs to undertake traffic management for future festivals is provided through the Henry Lawson Festival account. Noting that the Committee are delegated to undertake fundraising activities including sponsorship, the account will have continued income through these activities.

INTERNAL/EXTERNAL CONSULTATION

Internal consultation with the Traffic Management team has determined there is enough signage for in-house traffic control, however the cost to pay staff wages is currently unfunded. Council is encouraged to consider a contingency to utilise an external traffic controller in the event that Council is unable to manage this in-house, due to staff availability or emergency call outs.

CONCLUSION

Council's s. 355 committee, the Henry Lawson Festival of Arts have submitted a request for additional funds. In the first instance the \$19,500 of additional funds should be approved utilising the Henry Lawson Festival account as Council does not have the operational budget. Future traffic management should be managed through the festival's account.

10.4 MODERN SLAVERY RISK ASSESSMENT PROJECT**File Number:****Author:** Executive Assistant to the General Manager**Authoriser:** General Manager**Attachments:** 1. ATTACHMENT 1 - CNSWJO MODERN SLAVERY QUESTIONNAIRE**CSP Objective:** Collaborative wealth building (strong, diverse and resilient local economy)**Precis:** To provide Council with a progress update on the modern slavery risk assessment.**Budget:** Nil**RECOMMENDATION**

That Council note the progress of the regional modern slavery compliance project supported by Central NSW Joint Organisation (CNSWJO)

RESOLUTION 282/23

Moved: Cr Frame

Seconded: Cr McKellar

That Council note the progress of the regional modern slavery compliance project supported by Central NSW Joint Organisation (CNSWJO)

THE MOTION WAS CARRIED**PURPOSE**

The *NSW Modern Slavery Amendment Act 2021* requires all Local Government Sites to take reasonable steps to ensure that goods and services procured by and for Council are not the product of modern slavery.

Modern Slavery is defined as the severe exploitation of other people for personal or commercial gain. It is estimated that globally 50 million people are trapped in modern slavery. It has been identified that there are around 41,000 potential victims in Australia.

Modern slavery comes in many forms. The most common forms are:

- Human trafficking – involves transporting, recruiting, or harbouring people for the purpose of exploitation, using violence, intimidation, threats or coercion.
- Forced labour – any work or services which people are forced to do against their will under the threat of some form of punishment this includes debt bondage, child slavery and servitude.

Slavery exists in all stages of the supply chain, from the picking of raw materials to the manufacturing of goods and at the later stages of shipping and delivery to consumers.

BACKGROUND

CNSWJO, at the request of members is developing a regional approach to compliance that will:

- offer efficiencies and reduce council resource required;
- manage an ongoing supplier risk assessment; and
- be the one point of contact for suppliers for councils in the region to minimise the extent to which businesses need to respond to the modern slavery risk assessment process.

Project Objectives: This project serves to provide CJSWJO, its member and associate member councils that the suppliers they are engaged with are not providing goods and services that are the product of modern slavery, and it will allow an assessment of all the suppliers across councils. It will require suppliers to demonstrate their compliance with the regulations and ensure they are thinking about modern slavery and implementing practices and policies in their workplace to avoid inappropriate workplace practices.

Project Deliverables: This project will consist of a survey distributed to the member council's suppliers. CNSWJO will facilitate an evaluation detailing each supplier's risk rating.

Flow Chart



ISSUES AND COMMENTS

Efficiencies and other value to councils

A regional approach to modern slavery will enable efficiencies by shifting the focus from an individual council process to a regional collaborative effort to understand the region's suppliers and conduct assessments from a regional point through the Joint Organisation. Completing this assessing work through the Joint Organisation will lessen the burden on

suppliers who are utilised across councils throughout the region in responding to multiple surveys requesting the same or similar information. This work will result in a central data list that will be accessible for informational purposes to councils.

Council resources will still be required, as outlined in the above flow chart, in annually updating supplier lists and in keeping data accurate and up to date; however, councils will not be required to conduct the risk assessment each year, as this task will fall upon the Joint Organisation. With this process being an annual task, councils will then be able to report as required on the progress and status of keeping up to date with modern slavery legislation and taking a proactive stance in addressing modern slavery in their supply chains.

Manage an ongoing supplier risk assessment

The Joint Organisation will manage an ongoing/ annual supplier risk assessment as per the flow chart provided above. The steps taken will allow the Joint Organisation and member councils to keep track of suppliers utilised throughout the region and their risk levels concerning modern slavery.

The Joint Organisation, at the discretion of member councils, will advise suppliers of their risk rating when it exceeds a low rating. Any supplier with a medium to high-risk rating will be advised by the Joint Organisation of this rating and offered support to reduce their risk or modern slavery practices in their supply chains, where possible.

One point of contact for suppliers for councils in region to minimise the extent to which businesses need to respond to the modern slavery risk assessment process.

The new modern slavery regulations are applicable across the board for Organisations with a supply chain, if each individual organisation or council were to approach these requirements individually the number of surveys being distributed for completion would be excessive. Particularly throughout regions such as Central NSW where councils in utilise the same or similar suppliers for the provision of goods and services. When factoring this in, it is optimal for the surveying to be completed through one point of contact to minimise the duplication and work required of the regions suppliers.

Risk Assessment Evaluation Criteria

Collaboration with Bathurst Regional Council has informed the following risk evaluation process.

The criteria used in evaluating a supplier's modern slavery risk rating will include:

- Council spend with a supplier over \$100K (annual spend below \$100K is considered minor and will therefore be allocated a low rating);
- Modern Slavery Ratings List; and
- Country of origin in supply chain.

CATEGORY	OCCUPATIONS	RATING
ARTISTS	ARTISTS, PERFORMERS, BANDS, WRITERS, SPEAKERS, MCEE	LOW
CONSULTANTS	ARCHITECTS, PLANNERS, HERITAGE CONSULTANTS, INSPECTORS, SURVEYORS, DOCTORS, SOLICITORS, VALUERS	LOW
EMPLOYMENT	EMPLOYMENT, LABOUR HIRE, STAFF	LOW
FINANCIAL	AUDITORS, FINANCIAL CONSULTANTS, ACCOUNTANTS, SOLICITORS, BANKS, INSURANCE	LOW
FOOD	RESTAURANTS, FOOD VENDORS, JAMS AND PICKLES, CATERERS	LOW
GOVT	LOCAL, FEDERAL & STATE GOVERNMENT, LGP, TENDERLINK, AUST POST, INDUSTRY STANDARDS, LEGISLATION, ATO	LOW
HIRE	VENUE HIRE, EQUIPMENT HIRE, LEASES, STAGES ETC	LOW
LANDSCAPING	ARBORISTS, MOWING, MAINTENANCE, LANDSCAPERS, PLANTS, FLORISTS, GRAVEL	LOW
MEDIA	MAGAZINES, NEWSPAPERS, INFLUENCERS, TV, RADIO, SUBSCRIPTIONS, PHOTOGRAPHERS, MARKETING, PRINTING, WEB DESIGN	LOW
MEMBERSHIP	ASSOCIATIONS, BOARDS, SOCIETIES, SUBSCRIPTIONS, LICENCES, BUY LOCAL	LOW
MUSEUMS	ART GALLERIES, MUSEUMS, LIBRARIES, BOOKS	LOW
SOFTWARE	SOFTWARE, INTERNET, SUBSCRIPTIONS AND LICENCES, LINE RENTAL	LOW
TRAINERS	TRAINERS, CONFERENCES, WORKSHOPS, SEMINARS, WEBINARS	LOW
EVENTS	MAJOR HIRE OF PRODUCTS IE FERRIS WHEEL, ICE RINK	MED
SERVICES	PERFORMING A SERVICE IE PLANT HIRE, EQUIPMENT SERVICES, INSPECTIONS, CALIBRATIONS, PAINTERS, TRANSPORT & FREIGHT COMPANIES, DELIVERY SERVICES	MED
CHEMICALS	CLEANING COMPANIES, CHEMICAL COMPANIES, GAS, FUEL, ADDITIVES, ASBESTOS,	HIGH
CLOTHING	UNIFORMS, PPE	HIGH
CONSTRUCTION	MATERIALS USED FOR ANY BUILDING OR CONSTRUCTION INCLUDING PLUMBERS AND ELECTRICIANS; MACHINERY PURCHASES OR REPAIRS	HIGH
ENERGY	ENERGY COMPANIES, SOLAR PANELS AND LITHIUM BATTERIES	HIGH
HARDWARE	COMPUTER HARDWARE, CABLES ETC, PHONES, TABLETS	HIGH
MISC PRODUCTS	MUSEUMS STOCK, MISC PRODUCTS, ONE OFFS, SUPERMARKETS, SOUVENIERS, FURNITURE, ELECTRICAL ITEMS, SECURITY	HIGH
VEHICLES	CAR, TRUCKS, TRAILERS, LAWNMOWERS & OTHER EQUIPMENT INCLUDING ALL PARTS & SERVICES	HIGH
OTHER	CASE BY CASE TO BE DETERMINED: OVERSEAS PRODUCTS	TBA
REMOVED FROM LIST	EMERGENCY SERVICES, FUNDING, GRANTS, DONTATIONS, SPONSORSHIP, SCHOOLS UNIVERSITIES AND ALL GOVERNMENT DEPARTMENT DEPARTMENTS.	

Evaluation of High-Risk Respondents

Once suppliers have responded to the surveying, they will receive a risk rating.

Low risk countries/regions - Australia, New Zealand, UK, Canada, Europe

Medium risk countries - Malaysia, Mexico, Nepal, Philippines, Singapore, Sri Lanka, Thailand

High risk countries/regions - North Korea, Eritrea, Mauritania, Saudi Arabia, Türkiye, Tajikistan, United Arab Emirates, Russia, Afghanistan, Kuwait, India, China, North Korea, Pakistan, Russia, Indonesia, Nigeria, Türkiye, Bangladesh, United States

FINANCIAL/RESOURCE IMPLICATIONS

CNSWJO will manage the process including costs of surveys and the evaluation of the surveys.

No costs are anticipated to councils at this time.

CONCLUSION

This project anticipates completion by 30 June 2024 with ongoing support provided to councils. The report is provided for noting.

10.5 DRAFT EMERGENCY RESPONSE POLICY**File Number:****Author:** Acting WHS Officer**Authoriser:** General Manager**Attachments:** 1. Draft Emergency Response Policy**CSP Objective:** Shire assets and services delivered effectively and efficiently**Precis:** The Draft Emergency Response Policy has been developed to provide guidance on responding to emergencies within business hours and out of office hours. Detailing a 24/7 response by council workers, including definition of response, safety, staffing and remuneration.**Budget:** Nil**RECOMMENDATION**

That Council

1. Place the draft Emergency Response Policy on public exhibition for a period of 49 days with the purpose of inviting submissions from the public and staff.
2. Request the General Manager present a further report to Council with all the 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 and changes, as a Policy.

RESOLUTION 283/23

Moved: Cr Frame

Seconded: Cr Diprose

That Council

1. Place the draft Emergency Response Policy on public exhibition for a period of 49 days with the purpose of inviting submissions from the public and staff.
2. Request the General Manager present a further report to Council with all the 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 and changes, as a Policy.

THE MOTION WAS CARRIED UNANIMOUSLY**PURPOSE**

The purpose of this report is to provide the Draft Emergency Response Policy to Council for public exhibition. The Draft Emergency Response Policy provides further guidance to Council's Code of Conduct, Transport for NSW contract and Procedures relating to Council works.

BACKGROUND

To ensure the Weddin Shire Council has consistent and strong internal controls around responding to emergencies and to manage the expectations of staff and management involved in emergency response. To ensure expedient, coordinated, appropriately resourced, and safe responses to road and road-related incidents across the Weddin Shire during business hours, outside of standard work hours, on weekends and public holidays.

ISSUES AND COMMENTS

The objectives of this Policy are to:

- Establish principles around Weddin Shire Council's emergency situation(s) that are a result or will result in a direct impact on public health and safety and/or Council's infrastructure, where immediate action is required of Council.
- Apply principles of work health and safety (WHS) management and risk management when responding to emergencies to make safe hazards relating to council assets.
- Establish an emergency response team to respond to hazards identified by service requests from the general public, council staff, Transport for NSW and emergency services.
- Establish a reasonably practicable timeframe for the treatment of identified hazards having regard to the resources available.
- Establish balance and equity between staff involved in the delivery of the service, whilst also ensuring that staff are appropriately trained and skilled to deal with the unique demands associated with the emergency response function.
- Establish a system to record and document the hazards and remediation undertaken.

POLICY/LEGAL IMPLICATIONS

The Policy is a local policy that supports the following legislation:

- Work Health & Safety ACT 2011
- Roads Act 1993
- Civil Liability Act 2002
- Companion Animals Act 1998
- Local Government Act 1993
- Local Government (General) Regulation 2021
- Local Government State Award 2023

FINANCIAL/RESOURCE IMPLICATIONS

The emergency response function is an existing service performed by Council and forms part of Council's contract with Transport for NSW. This policy has been drafted to support the work already undertaken by council. It is expected that this policy will assist in managing the Council's resources and provide structure around managing the financial and resources

involved with emergency response management. Additional costs and resources are not expected, outside what is already budgeted.

INTERNAL/EXTERNAL CONSULTATION

A drafting working group undertook a reading of the policy and the working draft procedure. This included staff who currently undertake the call out role for Council on 7 November 2023 and senior management, which resulted in some changes.

The Draft Policy will be on public exhibition for 49 days. Days between 20 December and 10 January (inclusive) is excluded from the calculation of a period of public exhibition in accordance with Council's Community Public Participation Plan. Although this plan deals with community participation in planning, it is good practice to apply this to the public exhibition of draft policies in the lead up to the end of year shutdown.

The Draft Policy will also be formally consulted with the WHS and Staff Consultative Committee and the broader workforce through sharing of policies in designated noticeboards and notices on payslips.

CONCLUSION

The Draft Emergency Response Policy ('Draft Policy') defines an emergency situation and details how Council will manage responses to emergency situations. The Draft Policy makes clear Council's actions to provide accountability and transparency with regard to response to emergencies, staffing, safety, remuneration and document control.

That Council support that the new Draft Emergency Response Policy is placed on public exhibition for a period of 49 days.

10.6 RESOLUTION REGISTER

File Number: C2.3.3
Author: Executive Assistant to the General Manager
Authoriser: General Manager
Attachments: 1. ATTACHMENT 1 - RESOLUTION REGISTER AS AT 6 DECEMBER 2023
CSP Objective: Shire assets and services delivered effectively and efficiently
Precis: Council Resolution/Action Register Update
Budget:

RECOMMENDATION

That Council:

1. Note the attached Resolution / Action Register as at 6 December 2023
2. Note the action required by relevant Councillors to provide an update on actions allocated to them by 29 January 2024.

RESOLUTION 284/23

Moved: Cr Frame
Seconded: Cr Cook

That Council:

1. Note the attached Resolution / Action Register as at 6 December 2023
2. Note the action required by relevant Councillors to provide an update on actions allocated to them by 29 January 2024.

CARRIED

PURPOSE

To provide Council with an update on the current outstanding Resolution Register action items as at 9 November 2023.

ISSUES AND COMMENTS

There are a few items on the register that have not been action or updated in some time, it would be appreciated if Councillors could please provide an update directly to the Executive Assistant no later than 29 January 2024 to enable the updates to be included in the business paper for the February 2024 Ordinary Council Meeting.

10.7 COMMUNITY SUPPORT APPLICATION | QUANDIALLA SWIMMING CLUB - REQUEST FOR IN-KIND SUPPORT - COOLROOM HIRE

File Number:	C1.1.3
Author:	Executive Assistant to the General Manager
Authoriser:	General Manager
Attachments:	1. ATTACHMENT 1 COMMUNITY SUPPORT APPLICATION - QUANDIALLA SWIMMING CLUB
CSP Objective:	Culturally rich, vibrant and inclusive community
Precis:	Council has received a Community Support Application from the Quandialla Swimming Club
Budget:	\$805.00 IN-KIND – COMMUNITY SUPPORT VOTE

RECOMMENDATION

That Council provide support to the Quandialla Swimming Club by providing in-kind hire of the coolroom trailer from 29 February 2024 – 4 March 2024 inclusive.

RESOLUTION 285/23

Moved: Cr Frame

Seconded: Cr Cook

That Council provide support to the Quandialla Swimming Club by providing in-kind hire of the coolroom trailer from 29 February 2024 – 4 March 2024 inclusive.

THE MOTION WAS CARRIED UNANIMOUSLY

PURPOSE

To report to Council on the request from the Quandialla Swimming Club to hire (for free) the Coolroom Trailer for the period 29 February 2024 – 4 March 2024 inclusive.

BACKGROUND

The Quandialla Swimming Club hold their annual Swimming Carnival in early March, in 2024 it will be held on 2 March. This annual event is the Quandialla Swimming Clubs annual fundraising event.

ISSUES AND COMMENTS

In order to have maximum space for the volunteers running the BBQ, Canteen to enable the catering to be well managed, the Quandialla Swimming Pool are seeking in-kind hire of the Coolroom Trailer.

POLICY/LEGAL IMPLICATIONS

There are no direct implications arising from this report.

FINANCIAL/RESOURCE IMPLICATIONS

COMMUNITY PROJECT APPLICATIONS 2024 FINANCIAL YEAR						
Organisation	Event	Request	Resolution	Forecast Amount	Type (Hire, In-kind, donation)	Actual Amount
Caragabal Country Club	Caragabal Sheep Races	Coolroom	143/23	\$805.00	Hire/In-kind	\$ 805.00
Caragabal Country Club	Caragabal Sheep Races	Bollards/Mesh	143/23		Hire/In-kind	\$ 32.00
20230803 - GIVE - Giving Individuals Value Everyday	R U OK Day & World Suicide Prevention Day	Catering & Resources	175/23	\$1,000.00	Donation	\$ 1,000.00
20230808 - Grenfell Christian Bookshop Inc	Rebate of 25% on rates	Rate rebate	176/23	\$422.56	Donation	\$ 422.56
20230810 - Grenfell Jockey Club	Henry Lawson Loaded Dog Handicap - 23 September 2023	Coolroom Bins Bin liners Coolroom	173/23	\$333.00	In-kind	
20230810 - Grenfell Jockey Club	Henry Lawson Loaded Dog	Donation	173/23	\$200.00	Donation	\$ 200.00
20230817 - Weddin Shire Council	Clare Hunt Civic Reception		161/23	\$1,000.00	Hire/In-kind	
20230821 - Weddin Community Native Nursery	Rebate of 25% on rates	Donation	203/23	\$383.86	Donation	\$ 383.86
20230821 - Grenfell RSL Sub-Branch	2023 Remembrance Day Commemorative Service	Traffic Control for Event	199/23	\$1,000.00	In-kind	\$ 1,000.00
20230822 - Gonyah Craft Shop Inc	Rebate of Rates	Rate rebate	201/23	\$480.56	Donation	\$ 480.56
20230829 - Grenfell P.A.H & I Association Inc.	Waiver or Reduction to Sewerage Rates	Waiver or Reduction to Sewerage Rates	200/23	\$1,425.00	Donation	\$ 1,425.00
20230908 - Grenfell P.A.H & I Association Inc.	Grenfell Team Sorting - 14 & 15 October 2023	2 portable toilets 10 garbage bins Bin Liners Cool Room hire	202/23	\$701.00	Hire/In-kind	\$ 701.00

20230912 - Cargo 2 Grenfell	Fundraiser Walk March 2024	2 Traffic Controllers 2 vehicles 1 Portaloo	204/23	\$885.00	\$500 Donation in lieu of request + In-kind portaloo	\$ 885.00
20231031 - Henry Lawson High School	Presentation Day	Donation	261/23	\$100.00	Donation	\$100.00
20231102 - Grenfell Public School	Presentation Day	Donation	261/23	\$100.00	Donation	\$100.00
20231102 - Saint Joseph's Primary School Grenfell	Presentation Day	Donation	261/23	\$100.00	Donation	\$100.00
20231102 - Quandialla Public School	Presentation Day	Donation	261/23	\$100.00	Donation	\$100.00
20231102 - Caragabal Public School	Presentation Day	Donation	261/23	\$100.00	Donation	\$100.00
20231102 - Greenethorpe Public School	Presentation Day	Donation	261/23	\$100.00	Donation	\$100.00
20231107 - Grenfell Racecourse Land Manager	Request for waiver of DA Fees and Charges	Donation	262/23	\$897.00	Donation	\$897.00
20231027 - Quandialla Soldiers' Memorial Hall Association	Completion of flooring	Donation	263/23	\$1,500.00	Donation	\$1,500.00
20231130 - Grenfell Lions Club	Community Christmas Carnival	Use of Vaughn Park Otto Bins + Liners Barricades to block Melyra St Toilets to remain open until 10:00pm Gate open in Cross Street Power Box access in Melyra St		\$800.00	Hire/In-kind	
20231120 - Quandialla Swimming Club	Annual Swimming Carnival	Coolroom for 5 x days		\$805.00	Hire/In-kind	
				Total	\$13,237.98	\$ 10,331.98
				Budget	\$25,000	\$ 25,000.00
				Budget Remaining	\$ 11,762.02	\$ 14,668.02

INTERNAL/EXTERNAL CONSULTATION

Consultation with Infrastructure Services Department to ensure availability of the asset for the period requested.

CONCLUSION

Council has received a Community Support letter from the Quandialla Swimming Club for in-kind donation of the use of the Coolroom Trailer for the Annual Quandialla Swimming Carnival. It is recommended that Council provide the in-kind support as requested.

10.8 GRENFELL LIONS CLUB FUNDRAISING | REQUEST FOR COUNCIL TO SHARE THE MONIES COLLECTED

File Number: C1.3.7

Author: Executive Assistant to the General Manager

Authoriser: General Manager

Attachments: 1. ATTACHMENT 1 - LETTER FROM GRENFELL LIONS CLUB REQUESTING DONATIONS BE SHARED

CSP Objective: Shire assets and services delivered effectively and efficiently

Precis: A request from the Grenfell Lions Club regarding the money collected from the Railway precinct

Budget: 50% of Donations

Cr Cook left the room at 9:16 am.

Cr Diprose left the room at 9:16 am.

Cr Cook entered the room at 9:22 am.

Cr Diprose entered the room at 9:22 am.

RECOMMENDATION

That Council:

1. Rescind Council resolution 319/2019 (iv).
2. Approves the sharing of donations split at 50/50 between Council and the Grenfell Lions Club collected from the Grenfell Railway Station.
3. Approves that the sharing of donations for a set period of time being ____.

RESOLUTION 286/23

Moved: Cr Frame

Seconded: Cr Parlett

That Council:

1. Rescind Council resolution 319/2019 (iv).
2. Approves the sharing of donations split at 50/50 between Council and the Grenfell Lions Club collected from the Grenfell Railway Station.
3. Approves that the sharing of donations for a set period of time being 12 month time frame.

THE MOTION WAS CARRIED UNANIMOUSLY

MOTION TO MOVE AN AMENDMENT

Moved: Cr Best

Seconded: Cr Kenah

That Council amend point 3 'that Council approves the sharing of donations for a set period of time being 12 month time frame'.

THE AMENDMENT WAS PUT AND CARRIED

PURPOSE

To seek Council's approval to split the proceeds (50/50) collected by the Grenfell Lions Club at the Grenfell Railway Station at the free-camping area.

BACKGROUND

The Secretary of the Grenfell Lions Club wrote to Council on 7 November 2023 requesting Council consider sharing the monies donated at the Grenfell Railway Station due to a reduction in the community donations received through their other fundraising opportunities.

The Grenfell Lions Club has operated their fundraising out of the Railway Hotel for many years. One of the club's major fundraising efforts is the Friday night meat raffles which usually nett the club \$300 - \$400 per night. Along with the Mini Lotto each Thursday night, the club was able to donate significant amounts of money to local and Lion's charities each year.

This along with the Mini Lotto of a Thursday night allows the club to donate between \$20,000 to \$30,000 to local and Lions charities each year.

Unfortunately, the Railway Hotel Owners decided to close the Hotel which has left the Grenfell Lions Club with a significant reduction in donations from the raffles. The Grenfell Lions Club have relocated to the Albion Hotel for the return of the weekly raffles however the return from the raffles is about a quarter of what was received from when they were operating out of the Railway Hotel.

Since the free-camping area at the Grenfell Railway Station has been operating, the Lions Club has been clearing the donation and shower box daily and returns the money to Council at the end of each month.

The Grenfell Lions Club are seeking Council to share the monies collected 50/50 between Council and the Grenfell Lions Club to assist with their declining income.

ISSUES AND COMMENTS

Donations are provided by people utilising the shower box or donations for the free-camping area. The donations are collected by the Grenfell Lions Club and directly provided to Council on a monthly basis. The collection of donations is placed into Council's sundry income.

In 2019, Council considered the development of a shower to the existing amenities at the Railway Park. Council previously resolved for the donations to contribute to Council's servicing costs. Council at its 21 February 2019 meeting (Resolution 319/2019) resolved that:

Resolution 319/2010:

iv. all monies collected by Council as a contribution to servicing costs.

Council is recommended to rescind the previous Council resolution and to agree to the request, noting the Grenfell Lions Club contribution to our community.

POLICY/LEGAL IMPLICATIONS

There are no direct policy or legal implications arising from the 50/50 split. However it is recommended that Council considers a timeframe or a threshold on the arrangement. For example, in the event that Grenfell Lions Club can fundraise and gain donations at similar levels prior to the current situation, then the donations comeback to Council.

FINANCIAL/RESOURCE IMPLICATIONS

The following provides a breakdown of the donations received by Council from the Railway Donations Box.

2023	\$9,455.21
2022	\$7,071.35
2021	\$7,971.40

Council is able to cover the existing staffing costs that is allocated to the Railway Station amenities and site within its current operating budget.

INTERNAL/EXTERNAL CONSULTATION

The Grenfell Lions Club contacted Council to discuss the matter prior to submitting the letter.

CONCLUSION

The Grenfell Lions Club donates and supports a number of local and Lions charities each year. In recent times, the Grenfell Lions Club have had a reduction in fundraising funds. The 50/50 split on donations received at the free camping at the Grenfell Railway Station should be supported to help the club continue to support our community.

11 CORPORATE SERVICES REPORTS

11.1 ARTS, TOURISM, EVENTS AND GRANT ACTIVITIES FOR SEPTEMBER TO DECEMBER 2023

File Number: C2.6.43
Author: Arts, Tourism & Events Coordinator
Authoriser: General Manager
Attachments: Nil
CSP Objective: Culturally rich, vibrant and inclusive community
Precis: Arts, Tourism, Events and Grant Activities – Sep to Dec 2023
Budget: Nil

RECOMMENDATION

That Council note the report.

RESOLUTION 287/23

Moved: Cr Frame
Seconded: Cr Best

That Council note the report.

THE MOTION WAS CARRIED UNANIMOUSLY

PURPOSE

The purpose of this report is to provide Council the Arts, Tourism, Events and Grants information for the period of 19 September to 1 December 2023.

Statistics

Month	No. of visitors	Sales
September	532	Merchandise: \$1,471.80 Services: \$1,828.10 Gallery: \$5,060.00
October	563	Merchandise: \$1,280.60 Services: \$1,836.95 Gallery: \$2,115.00
November	496	Merchandise: \$2,913.15 Services: \$2,189.25 Gallery: \$2,845.50

Internal Events

- Grenfell Art Gallery Exhibition Openings:
 - Lisa-Jane Van Dyk – 22 September 2023
 - Osla Thomason, Bronwyn Evelyn & G.G Jolliffe – 10 November 2023
- Department of Regional Youth Spring Holiday Break event – Bubble games (Post event report attached)
- Main Street Official Opening - 18th November

Activities

- 2 day photography, videography and drone shoot in the Weddin Mountains National Park
- Mastering Social Media & Artificial Intelligence staff training
- Manage social media accounts for WSC and WMR – posts, monitoring.
- Manage tourism website – updates, product uploads, events.
- Weekly business contact – emails, face to face.
- ABC Talk of the Town – monthly interview.
- Grants and procurement meetings
- Destination Network Central West – Industry Development Workshop and Experimental ID meeting
- Lachlan Valley Public Art & Nature Based Tourism Strategy Workshop
- RTO Digital Transformation Webinar
- Department of Regional NSW – meetings and site visit
- Tourism Committee Meeting
- Australia Day Committee Meeting

Projects and Grants

Grant	Project	Status
LRCI phase 3	Festoon lighting	Project management: Tender report submitted to October Council Meeting. LRCI phase 4 project funding submitted.

Grant	Project	Status
SCCF-r1	Main St Infrastructure Revitalisation	Grant Management: Acquittal submitted. Awaiting outcome.
SCCF-r4 – 0650	Village Streetscapes	Project management: Engineering committing staff.
	Tourism Wayfinding Signage	Grant Management: 21 foundations out of 22 has been completed. Signage - first stage will start mid of February 2024 and second stage will start mid of March 2024.
SCCF-r4 - 0782	Grenfell Rugby Union Grounds Irrigation	Project management: Irrigation installed, works progressing on water connections and tank inspection points, meter and Company Dam connection.
	Committee Training	Project management: Workshops scheduled for 7 th December 2023
SCCF-r5	Taylor Park Redevelopment and Inclusive Playspace	Project management: Draft Master Plan has finished public exhibition with a report to council with community feedback.
	Strengthen villages by enhancing sports / showground facilities and providing freedom camping areas (Caragabal, Quandialla and Greenethorpe)	Project management: Have met with some villages. Approval requirements to be looked at.
RNIG-r2	Main St Infrastructure Revisualisation	Grant Management: Acquittal submitted. Awaiting outcome.
LSCA		Project management: Information session attended. Waiting for further grant information from Steph Cooks office.
Department of Regional Youth Spring Holiday Break	Bubble Games	Successful - \$8,000. Event successfully held. See attached report. Acquittal submitted.
Department of Regional Youth Summer and Autumn 2023/2024	Summer and Autumn school holiday events	Application submitted for \$22,000
Department of Communities & Justice	Seniors Festival Grant	Unsuccessful

Grant	Project	Status
Australia Day 2024 Community Grant	Weddin Shire Australia Day Ceremonies	Successful \$10,000
Creative Capital	Grenfell Art Gallery Upgrades	Project management: Climate control upgrades started. AV upgrades about to commence.
2023-24 Crown Reserves Improvement Fund (CRIF)	Taylor Park Inclusive Upgrades - Stage 2	Application submitted for \$781,859.76 Outcome announced May 2024.

11.2 TAYLOR PARK MASTER PLAN - PUBLIC EXHIBITION SUBMISSIONS

File Number:	G2.55.1
Author:	Arts, Tourism & Events Coordinator
Authoriser:	General Manager
Attachments:	1. Attachment 1 - Taylor Park Master Plan Final 2. Attachment 2 - Draft Taylor Park Master Plan Submissions and Replies
CSP Objective:	Culturally rich, vibrant and inclusive community
Precis:	Inform council of the submissions received from the public exhibition of the draft Taylor Park Master Plan.
Budget:	\$629, 797 funded by the Department of Regional NSW through their Stronger Country Community Fund round 5 (SCCFr5)

**MOTION
MOVE TO COMMITTEE OF THE WHOLE**

Moved: Cr Diprose
Seconded: Cr Kenah

THE MOTION WAS CARRIED

MOVE OUT OF THE COMMITTEE OF THE WHOLE

Moved: Cr Howell
Seconded: Cr Diprose

THE MOTION WAS CARRIED

RECOMMENDATION

1. That council note information contained in this report.
2. Endorse the attached final Taylor Park Master Plan (Attachment 1), reflecting the below amendments based on the submissions received during the public exhibition.
3. That Council accept Stage 1 and proceed, and that Stage 2 will be reconsidered at a later date prior to commencement of project development of that stage.

RESOLUTION 288/23

Moved: Cr Frame
Seconded: Cr Parlett

1. That council note information contained in this report.
2. Endorse the attached final Taylor Park Master Plan (Attachment 1), reflecting the below amendments based on the submissions received during the public exhibition.
3. That Council accept Stage 1 and proceed, and that Stage 2 will be reconsidered at a later date prior to commencement of project development of that stage.

THE MOTION WAS CARRIED

MOTION TO MOVE AN AMENDMENT

Moved: Cr Kenah

Seconded: Cr Cook

That Council accept Stage 1 and proceed, and that Stage 2 will be reconsidered at a later date prior to commencement of project development of that stage.

THE AMENDMENT WAS PUT AND CARRIED

MOTION TO MOVE AN AMENDMENT

Moved: Cr Cook

Seconded: Nil

That Council cost the Masterplan in stages with the full proposed total project cost before the additional stages.

THE AMENDMENT WAS PUT AND LOST

PURPOSE

The purpose of this report is to present to Council the submissions received on the draft Taylor Park Master Plan and for the endorsement of the final attached plan (Attachment 1).

BACKGROUND

A report went to the 19 October 2023 Ordinary Council Meeting requesting that Council endorse the draft Taylor Park Master Plan and it be placed on public exhibition for a period of 28 day with the purpose of inviting submissions from the public.

This report outlines the submissions received.

ISSUES AND COMMENTS

Council received four submissions relating to the draft Taylor Park Master Plan. Of the 4 submissions, all but one was supportive of an inclusive playspace at Taylor Park. One submission requested an alternative location. Attachment 2 provides the summary of submissions and the detailed information in reply to the submissions received.

Common themes identified in the submissions included:

- Support for the palm trees to remain. Although the draft plans did not identify their removal, the submissions were firm in their view on ensuring that the palms remain. We have requested that the Master Plan clearly shows that the palms are to remain to avoid any confusion.
- Support for the rotunda to remain. Again, although the draft plans did not identify that the rotunda would be demolished, there is strong support for the rotunda to remain. As a result the draft Master Plan ensures that this is visible that the rotunda is intended to remain to avoid any confusion.

Other one off submissions for consideration included:

- Support for a bubbler (which is identified in the Master Plan).
- Requested to have the inclusive playspace moved to an alternative location. The following reasons are provided on why it could not be moved:
 - The SCCFR5 funding is for the Taylor Park site.

- At the time Council lodged the application to Regional NSW, the Taylor Park site had been discussed and endorsed by Council at its August 2022 meeting.
- Taylor Park was selected because of the availability of space and the access to existing inclusive amenities.
- Any other alternative site would require a variation to be applied to Regional NSW, a new unfunded masterplan including new amenities block which could cost more than \$200,000 (noting a male and female toilet costs in this vicinity and this would be more to include a disabled access toilet).

Overall the submissions were supportive of an inclusive playspace.

The design/plan for the construction of new infrastructure. Council has noted the submissions relating to maintenance and the rotunda which is separate to this project.

POLICY/LEGAL IMPLICATIONS

There are no direct policy or legal implications.

FINANCIAL/RESOURCE IMPLICATIONS

As per October report: Council and Touched by Olivia Foundation went out with a request for quote (RFQ) for the Masterplan, in which sala4D were engaged to undertake. As part of their scope, Council has one opportunity to provide detailed comment to change their concept designs before we incur a cost variation. To ensure best value for money, consultation was undertaken before and after the plans were submitted. What is presented to Council has ensured the best use of these resources and to avoid additional costs to the project.

INTERNAL/EXTERNAL CONSULTATION

Council received 4 submissions relating to the draft Master Plan. The Touched by Olivia Foundation undertook extensive internal and external consultation to inform the project scope for the designers who were engaged to undertake the Master Plan work.

As per October report: Arboriculture assessment was undertaken of the trees in Taylor Park. This report has been taken into consideration by sala4D for the Master Plan. They are aware that some of the trees in the top section of Taylor Park have plaques, which will need to be relocated. Council will need to work closely with the families of those whose plaques need to be relocated. Following the endorsement of the plans, staff will write to the families to ensure they are provided plenty of notice prior to construction works.

CONCLUSION

At the August 2022 Council meeting Council initially endorsed pre-concept approval of the Taylor Park inclusive playspace and was notified of their successful SCCFr5 grant application in January 2023. The Touched By Olivia foundation has been involved from the very beginning, including in pre-design with extensive consultation right across the community. The landscape architects used the feedback from the community consultation, as well as Touched By Olivia to produce the draft Master Plan. The draft Master Plan went to the October Council meeting for endorsement and then on public exhibition which included social media, Council website and in the local paper.

Four submissions were received while the draft plan was on public exhibition which are addressed in attachment 2.

Based on feedback received from the community it is recommended that Council endorse the attached final Taylor Park Master Plan.

11.3 RATES AND CHARGES COLLECTIONS - NOVEMBER 2023

File Number: A3.4.3
Author: Rates Clerk
Authoriser: General Manager
Attachments: Nil
CSP Objective: Shire assets and services delivered effectively and efficiently
Precis: November 2023, monthly report on the rates and charges collection.
Budget: Nil

RECOMMENDATION

That Council note the information update on rates and charges collection for November 2023.

RESOLUTION 289/23

Moved: Cr Best
 Seconded: Cr McKellar

That Council note the information update on rates and charges collection for November 2023.

THE MOTION WAS CARRIED UNANIMOUSLY

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 November 2023.

BACKGROUND

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

ISSUES AND COMMENTS

The annual rate charges are set out within Council’s 2023/24 Operational Plan and the following provides a summary at 30 November 2023.

	30 November 2023	30 November 2022
Rates and Charges	\$ 2,363,786.41	\$ 2,159,131.68
Total	\$ 2,363,786.41	\$ 2,159,131.68

Rates and Charges

	30 Nov 2023	30 Nov 2022
Rates/Charges in arrears as at 30 June 2023	\$ 387,037.04	\$ 368,537.15
Rates/Charges levied & adjustments for 2023/24	\$ 4,524,387.46	\$ 4,116,939.65
Pension Concession – Granted with Annual Levy	(\$ 138,418.78)	(\$ 137,926.00)
Amount collected as at 30 November 2023	\$ 2,409,219.31	\$ 2,188,419.12
Arrears, Instalment 1 & 2 Outstanding	\$ 761,073.67	-
Instalment 3 Outstanding	\$ 790,734.04	-
Instalment 4 Outstanding	\$ 811,978.70	-
Total Rates and Charges to be Collected	\$ 2,363,786.41	\$ 2,159,131.68

The amount levied for rates and charges for 2023/2024 includes the current year's annual rates and charges and any interest added since the date the rates notices were issued. The amount received as of 30 November 2023 includes receipts for both arrears and current year's amounts outstanding.

It should be noted that the rates and charges 2023/2024 levied amount is reduced by the pensioner concession of \$138,418.78; reducing the amount of income derived from these rates and charges. Of this concession, Council's contribution is 45%, which represents an amount of \$62,288.45.

Council has submitted a claim for the 55%, which was due on 1 October 2023.

Debt Recovery Agency

During the month of November 2023 Council has been liaising with Council's Debt Recovery Agency, updating and monitoring 58 active files down from 61 active files since October.

All fees relating to recovery of outstanding rates and charges are allocated to the individual rate assessments.

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 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

Council has engaged the Council's Debt Recovery Agency and monitoring 58 active files. This does come at a collection cost to Council. There are no direct financial implications arising from this report. However, it needs to be acknowledged that post Covid-19 along with the additional increase in the cost of living could have an impact on Council's ability to collect rates and charges.

INTERNAL/EXTERNAL CONSULTATION

This report is a monthly report to Council.

CONCLUSION

Council is focused on outstanding rates collection that will be undertaken in a sensitive and timely manner.

11.4 STATEMENT OF BANK BALANCES

File Number:

Author: Team Leader - Finance

Authoriser: General Manager

Attachments: Nil

CSP Objective: Collaborative wealth building (strong, diverse and resilient local economy)

Precis: Statement of Bank Balances as at 30/11/2023

Budget: NIL

RECOMMENDATION

That Council notes the information provided.

RESOLUTION 290/23

Moved: Cr Frame

Seconded: Cr Howell

That Council notes the information provided.

THE MOTION WAS CARRIED UNANIMOUSLY

BANK BALANCES AS AT 30 NOVEMBER 2023

Bank Account	
Westpac	\$2,835,530.24
Short Term Deposits	
CBA	<u>\$8,000,000.00</u>
Total	<u>\$10,835,530.24</u>

TERM DEPOSITS

Below is a summary of Term Deposits for 2024 showing interest earned and interest rates of current investments.

DATE LODGED	BANK OR INSTITUTION	AMOUNT INVESTED	PERIOD (DAYS)	INTEREST RATE %	DUE DATE	DUE AT MATURITY	INTEREST EARNED	TOTAL INT. EARNT	
							0.00		
5/06/2023	CBA.62	\$1,000,000.00	88	4.61	1/09/2023	\$1,000,000.00	\$11,128.22	\$11,128.22	
6/06/2023	CBA.63	\$500,000.00	90	4.59	4/09/2023	\$500,000.00	\$5,658.90	\$16,787.12	
6/06/2023	CBA.64	\$500,000.00	90	4.59	4/09/2023	\$500,000.00	\$5,658.90	\$22,446.02	
13/06/2023	CBA.65	\$500,000.00	90	4.76	11/09/2023	\$500,000.00	\$5,868.49	\$28,314.51	****
31/10/2023	CBA.70	\$500,000.00	30	4.22	30/11/2023	\$500,000.00	\$1,734.25	\$30,048.76	
4/09/2023	CBA.66	\$1,000,000.00	90	4.68	4/12/2023	\$1,000,000.00	\$0.00		
4/09/2023	CBA.67	\$500,000.00	90	4.68	4/12/2023	\$500,000.00	\$0.00		
4/09/2023	CBA.68	\$500,000.00	90	4.68	4/12/2023	\$500,000.00	\$0.00		
31/10/2023	CBA.69	\$1,000,000.00	90	4.84	29/01/2024	\$1,000,000.00	\$0.00		
31/10/2023	CBA.71	\$500,000.00	60	4.57	2/01/2024	\$500,000.00	\$0.00		
1/11/2023	CBA.72	\$2,000,000.00	90	4.84	30/01/2024	\$2,000,000.00	\$0.00		
3/11/2023	CBA.73	\$2,000,000.00	60	4.56	2/01/2024	\$2,000,000.00	\$0.00		
30/11/2023	CBA.74	\$500,000.00	30	4.33	3/01/2024	\$500,000.00	\$0.00		
		Interest				ON CALL	\$0.00		
	1/66080/501/601	\$30,048.76	Westpac - Interest		30/11/2023		\$30,048.76		
	**** Returned to Everyday Bank Account								

11.5 COMMUNITY SUPPORT APPLICATION | GRENFELL LIONS CLUB/COMMUNITY CHRISTMAS CARNIVAL**File Number:** P2.11**Author:** Executive Assistant to the General Manager**Authoriser:** General Manager**Attachments:** 1. Att 1 | Grenfell Lions Club Community Christmas Carnival Support Letter**CSP Objective:** Culturally rich, vibrant and inclusive community**Precis:** Council has received a Community Support Application from the Grenfell Lions Club**Budget:** \$800.00 | COMMUNITY SUPPORT VOTE

Cr Diprose left the room at 9:47am.

Cr Diprose entered the room at 9:48am.

RECOMMENDATION**That Council support the request for in-kind support for the Grenfell Lions Club Community****RESOLUTION 291/23**

Moved: Cr Parlett

Seconded: Cr McKellar

That Council support the request for in-kind support for the Grenfell Lions Club Community

THE MOTION WAS CARRIED**PURPOSE**

To seek Council's approval to donate the following items for the Grenfell Lions Club Community Christmas Carnival:

- Approval to use Vaughn Park from 5:00pm – 10:00pm on Friday 15 December 2023
- Council to provide barricades to block off the park side of Melyra Street
- Council to provide additional Otto Bins and liners
- Council to open the gate in Cross Street to enable access for the Lions Club set up
- Access to the power box in Melyra Street.

BACKGROUND

In previous years the Combined Service Clubs' Christmas Carnival has been held in Vaughn Park with Council providing in-kind assistance.

The Grenfell Lions Club are hosting the Community Christmas Carnival this year and have sought Council's assistance for in-kind support as outlined above.

The winners of the Christmas Lights/Decorations will be announced at the Community Christmas Carnival.

ISSUES AND COMMENTS

This is an annual event and should be supported.

POLICY/LEGAL IMPLICATIONS

There are no direct implications arising from this report, noting that the Grenfell Lions Club has public liability insurance for the event.

FINANCIAL/RESOURCE IMPLICATIONS

COMMUNITY PROJECT APPLICATIONS 2024 FINANCIAL YEAR						
Organisation	Event	Request	Resolution	Forecast Amount	Type (Hire, In-kind, donation)	Actual Amount
Caragabal Country Club	Caragabal Sheep Races	Coolroom	143/23	\$805.00	Hire/In-kind	\$ 805.00
Caragabal Country Club	Caragabal Sheep Races	Bollards/Mesh	143/23		Hire/In-kind	\$ 32.00
20230803 - GIVE - Giving Individuals Value Everyday	R U OK Day & World Suicide Prevention Day	Catering & Resources	175/23	\$1,000.00	Donation	\$ 1,000.00
20230808 - Grenfell Christian Bookshop Inc	Rebate of 25% on rates	Rate rebate	176/23	\$422.56	Donation	\$ 422.56
20230810 - Grenfell Jockey Club	Henry Lawson Loaded Dog Handicap - 23 September 2023	Coolroom Bins Bin liners Coolroom	173/23	\$333.00	In-kind	
20230810 - Grenfell Jockey Club	Henry Lawson Loaded Dog	Donation	173/23	\$200.00	Donation	\$ 200.00
20230817 - Weddin Shire Council	Clare Hunt Civic Reception		161/23	\$1,000.00	Hire/In-kind	
20230821 - Weddin Community Native Nursery	Rebate of 25% on rates	Donation	203/23	\$383.86	Donation	\$ 383.86
20230821 - Grenfell RSL Sub-Branch	2023 Remembrance Day Commemorative Service	Traffic Control for Event	199/23	\$1,000.00	In-kind	\$ 1,000.00
20230822 - Gunyah Craft Shop Inc	Rebate of Rates	Rate rebate	201/23	\$480.56	Donation	\$ 480.56
20230829 - Grenfell P.A.H & I Association Inc.	Waiver or Reduction to Sewerage Rates	Waiver or Reduction to Sewerage Rates	200/23	\$1,425.00	Donation	\$ 1,425.00
20230908 - Grenfell P.A.H & I Association Inc.	Grenfell Team Sorting - 14 & 15 October 2023	2 portable toilets 10 garbage bins Bin Liners Cool Room hire	202/23	\$701.00	Hire/In-kind	\$ 701.00
20230912 - Cargo 2 Grenfell	Fundraiser Walk March 2024	2 Traffic Controllers 2 vehicles 1 Portaloo	204/23	\$885.00	\$500 Donation in lieu of request + In-kind portaloo	\$ 885.00
20231031 - Henry Lawson High School	Presentation Day	Donation	261/23	\$100.00	Donation	\$100.00
20231102 - Grenfell Public School	Presentation Day	Donation	261/23	\$100.00	Donation	\$100.00
20231102 - Saint Joseph's Primary School Grenfell	Presentation Day	Donation	261/23	\$100.00	Donation	\$100.00
20231102 - Quandialla Public School	Presentation Day	Donation	261/23	\$100.00	Donation	\$100.00
20231102 - Caragabal Public School	Presentation Day	Donation	261/23	\$100.00	Donation	\$100.00
20231102 - Greenethorpe Public School	Presentation Day	Donation	261/23	\$100.00	Donation	\$100.00
20231107 - Grenfell Racecourse Land Manager	Request for waiver of DA Fees and Charges	Donation	262/23	\$897.00	Donation	\$897.00
20231027 - Quandialla Soldiers' Memorial Hall Association	Completion of flooring	Donation	263/23	\$1,500.00	Donation	\$1,500.00

20231130 - Grenfell Lions Club	Community Christmas Carnival	Use of Vaughn Park Otto Bins + Liners Barricades to block Melyra St Toilets to remain open until 10:00pm Gate open in Cross Street Power Box access in Melyra St		\$800.00	Hire/In-kind	
20231120 - Quandialla Swimming Club	Annual Swimming Carnival	Coolroom for 5 x days		\$805.00	Hire/In-kind	
Total				\$13,237.98		\$ 10,331.98
Budget				\$25,000		\$ 25,000.00
Budget Remaining				\$ 11,762.02		\$ 14,668.02

INTERNAL/EXTERNAL CONSULTATION

Consultation with Infrastructure Services Department to ensure staffing and asset availability.

CONCLUSION

Council has received a Community Support letter from the Grenfell Lions Club for in-kind donations for the Community Christmas Carnival. It is recommended that Council provide the in-kind support as requested.

12 INFRASTRUCTURE SERVICES REPORTS**12.1 INFRASTRUCTURE WORKS REPORT**

File Number: C2.8.16
Author: Acting Director Infrastructure Services
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 November 2023 and planned works for December 2023 and January 2024.

RESOLUTION 292/23

Moved: Cr McKellar
Seconded: Cr Frame

That Council receive and note the information provided on infrastructure works completed in November 2023 and planned works for December 2023 and January 2024.

THE MOTION WAS CARRIED UNANIMOUSLY

EXECUTIVE SUMMARY

The following information is to update Councillors and the community on matters associated with construction and maintenance of Roads, Parks and Gardens, Sewerage and Plant for works undertaken in November 2023 and planned works for December 2023 and January 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.

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 Storm Emergency Work:

AGRN - Event	Phase - Package	\$ Value	Status
987 - 9 November 2021	EW	\$539,000	Approved, payment received.
1001 - 5 January 2022 onwards	EW	\$233,000	Approved, payment received.

AGRN - Event	Phase - Package	\$ Value	Status
1030 - 4 August 2022 onwards	EW	\$184,777.81	<ul style="list-style-type: none"> - Council provided all the remaining photographic evidence. - Finalise claim submitted to TfNSW (16 Oct 2023).
1034 - 14 September 2022 onwards	EW	\$719,993.85	<ul style="list-style-type: none"> - Council provided all the remaining photographic evidence. - Finalise claim submitted to TfNSW (16 Oct 2023).
1034 - 14 September 2022 onwards	EPA-RW - P1 MGW	\$1,129,634 for 80% completed works. Dispute of additional scope not approved by TfNSW.	<ul style="list-style-type: none"> - Mary Gilmore Way - \$1.129m submitted to TfNSW. - Dispute of additional area sent to TfNSW not approved. - Council to proceed with final seal from RERRF Money.
1034 - 14 September 2022 onwards	EPA-RW - P2 General Works	TBC	<ul style="list-style-type: none"> - DCPM submitted scope of work to TfNSW for approval. - Scope includes: <ul style="list-style-type: none"> o Unsealed roads (non-priority) o Tree & vegetation clearing - Roads included are: <ul style="list-style-type: none"> • Abbots Lane • Adams Lane • Adams Lane North • Adelargo Road • Andersons Road • Arramagong Road • Back Piney Range Road • Bald Hills Road • Beazleys Lane • Bembricks Lane • Berendebba Lane • Bewleys Road • Bimbi-Caragabal Road • Caragabal-Quandialla Road • Bobelar Lane • Campbells Lane • Clay Pit Road • Dixons Lane • Dunkleys Lane • Eualdrie Road • Eves Lane • Gerrybang Road

AGRN - Event	Phase - Package	\$ Value	Status
			<ul style="list-style-type: none"> • Gerrybang Road-II • Gibraltar Rocks Road • Goodes Lane • Grants Lane • Grimms Lane • Hancock-Flinns Road • Hancock-Williams Road • Hazells Road • Healys Road • Heathcotes Lane • Holy Camp Road • Kangaroooby Road • Major West Road • McCanns Lane • McDonalds Lane • Melyra Street • Napiers Road • O'Loughlins Lane • Peaks Creek Road • Piney Range Hall Road • Pinnacle Road • Reeves Lane • Sandy Creek Road • South Street • Taylors Road • Yambira Road
<p>1034 - 14 September 2022 onwards</p>	<p>EPA-RW - P3 Priority Patches</p>	<p>\$8,828,278</p>	<ul style="list-style-type: none"> - \$8.8m submitted, subject to TfNSW review. Tender submission submitted to TfNSW for upper limit approval. - Tendering and negotiations with TfNSW are completed regarding the upper limit for the package. Waiting for final approval from TfNSW before issuing purchase order to selected contractor on each road. - Scope includes: <ul style="list-style-type: none"> ○ Deaths Lane (80% completed by Council's own crew as Deaths Lane was unsafe) ○ Henry Lawson Way - Young ○ Henry Lawson Way - Forbes ○ Driftway Road ○ Morangarell Road ○ Quandialla-Caragabal Road

AGRN - Event	Phase - Package	\$ Value	Status
1034 - 14 September 2022 onwards	EPA-RW - P4 - North Patching	\$7,053,249.65	<ul style="list-style-type: none"> - With TfNSW for approval (31 Oct 2023) - Roads included in the package are: <ul style="list-style-type: none"> o Adelargo Road o Bald Hills Road - East West Ballendene o Bewleys Road o Goodes Lane o Gooloogong Road (MR237) o Hunters Road o Keiths Lane o Mortray Road o Muncks Lane o Piney Range Hall Road o Sandy Creek Road
1034 - 14 September 2022 onwards	EPA-RW - P5 - South Patching	TBC	<ul style="list-style-type: none"> - DCPM Submitted scope of works to TfNSW for approval. - Scope of works include <ul style="list-style-type: none"> o Back Piney Range Road o Berrys Road o Bimbi-Quandialla Road o Bimbi-Thuddungra Road o Bland Road o Edward Square Greenethorpe o Eualdrie Road o Gambarra Road o Gerrybang Road o Gooloogong Road (R096/MR237) o Greenethorpe-Bumbaldry Road o Greenethorpe-Koorawatha Road o Grenfell Street o Holy Camp Road o landra Road o James Street o Martins Lane o Melyra Street o Murrays Lane o Newton Street o Nowlans Road o Old Forbes Road o Sale Street

AGRN - Event	Phase - Package	\$ Value	Status
			<ul style="list-style-type: none"> ○ Second Street ○ South Street ○ Talbot Street ○ Third Street ○ Third Street ○ Tyagong Creek Road ○ Wirega-Greenethorpe Road
1034 - 14 September 2022 onwards	EPA-RW - P6 - Priority Unsealed	\$1,941,823	<ul style="list-style-type: none"> - Waiting for final approval from TfNSW. Negotiations are ongoing for finalising heavy formation and light formation grading unit rates. - Scope includes medium and heavy formation grading. - Roads included are: <ul style="list-style-type: none"> ○ Arramagong Road ○ Bald Hills Road ○ Barkers Road East ○ Barkers Road North ○ Gannons Lane ○ Lynchs Road ○ Maddens Lane ○ McCanns Lane ○ Napiers Road ○ Nealons Lane ○ Reeves Lane
1034 - 14 September 2022 onwards	EPA-RW - P7 - Drain Cleaning	TBC	<ul style="list-style-type: none"> - Council providing scope and photos. - Once all other packages are approved, Council will begin with scope of work.
1034 - 14 September 2022 onwards	EPA-RW - P7 - Sinking Culverts	TBC	<ul style="list-style-type: none"> - Council providing scope and photos. - Once all other packages are approved, Council will begin with scope of work.

STATE ROADS

All 2023/24 RMCC Contract documentation has been completed.

Council has submitted the 2023/24 Routine Maintenance Annual Program (RMAP) rates for TfNSW review and acceptance.

Newell Highway

- A work order for shoulder repair on asphalt sections of the Newell Highway has been received and Council has scheduled this work to commence on 11 December 2023.

- Spotting has been undertaken in preparation for line marking on the September 2023 Heavy Patches.
- Tenders for stabilisation and bitumen seal programs went out via “Venderpanel’ on the 17 November 2023 for 21 days.
- 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

- Routine maintenance (potholes) continues.
- September 2023 Heavy Patching Program line mark spotting has been undertaken with work to commence prior to Christmas break.
- Tenders for stabilisation and bitumen seal programs went out via “Venderpanel’ on the 17 November 2023 for 21 days.
- Draft funding allocations have been received from TfNSW and Council is prioritising and planning these works.
- Traffic control work to be undertaken by Council’s own works staff under the required G Registration to carry out work on State Roads.
- For the RMCC works, refer to the separate report provided to Council.

MAJOR WORKS

Pullabooka Road Rehabilitation

- Council will commence drainage work on Pullabooka Road early in the New Year, 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 commenced on culvert extensions.
- Pavement works to commence in the New Year.

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.

- Project work is expected to start in February 2024.
- Project works are expected to be completed by February 2025.

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.

Heathcotes Lane Culvert Replacement

- Precast concrete box culverts have been installed.
- Concreting works have commenced, however due to the recent rain event this has held up these works.

Adelargo Road Culvert Replacement

- Project under Bridge Renewal Program (BRP) Round 5. The project involves replacing the existing culvert and installation of guardrails.
- 100% of the culvert work has been completed.
- Council has submitted the Post Completion Report (PCR) for payment of the final project cost.

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 geotechnical investigation.
- Contractor is currently doing a DBYD (service search) and foundation works almost complete.
- The Contractor, Armsign Pty Ltd have advised Council the signs will be constructed on site in February / March 2024.

Railway Walking Track

- Council staff will be constructing the walking track in January 2024 to be completed by March 2024.

Caragabal Shared Pathway

- Construction of the share pathway has commenced.

Grenfell Cemetery Amenities

- Council has accepted a quotation for the supply and construction for the supply and construction of the new amenities building.
- Council is in the process of submitting a DA modification for the amenities block.



Water Meter Installation According to Water NSW Requirement

- Supply and install water meter at two (2) locations: Caragabal (Lic. No: 70CA614170) and Bogolong Dam (Lic. No: 70CA614157) according to Water NSW requirement. J & G Bowerman was awarded this contract on 8 August 2023 for up to \$21,554.94.
- Council held a community consultation and awareness meeting in Caragabal Hall on Tuesday, 14 November 2023 regarding water meter installation.
- Site work will commence by December subject to availability of water meter with telemetry system and contractor availability.

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

Roads	Commencement	Completion
Morangarell Road	25/05/2023	Ongoing
Bewleys Road	22/06/2023	Ongoing
Quandialla-Caragabal Road	29/06/2023	Ongoing
Gerrybang Road	31/10/2023	Ongoing
Greenethorpe-Wirega Road	14/11/2023	Ongoing
Driftway Road (Section only)	5/12/2023	Ongoing
Deaths Lane (Section only)	6/11/2023	Ongoing

Maintenance Grading - Works Planned: 1 December 2023- 31 January 2024

- Martins Lane
- Nealons Lane
- Brundah Hall Road
- Gannons Lane
- Hazell Road
- Maddens Lane
- Napiers Road
- Lynches Road
- Eves Lane

Gravel Re-sheeting

At this present time there is no re-sheeting happening as Council is attending to emergency road repairs.

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
- Repaired water leak at Vaughn Park
- Replaced faulty irrigation pump in Taylor Park
- Repaired sprinkler system in Rotary Park
- Hedges the photinias at Camp Street Roundabout
- 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 Guardrailing
- 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	Blown air bags	Replace both 3rd axle RHS & LHS
3960	Tri axle	Blown hydraulic hose	Replace hydraulic hose and refill oil tank
3960	Triaxle	A brakes	Adjust all
3965	Garbage truck	Brakes	Replace all boosters and slack adjusters
1114	Taxi	Change over vehicles	Replace tyres x 4
2083	Nissan patrol	Battery	Replacement
5417	Duro fuel trailer	Damaged LHS side	Cut and rebuild LHS side of pump compartment
4111	Multi-pac roller	Repair front axle	Remove rebuild and replace
4109	Multi-pac roller	Water in fuel	Remove and replace all filters. test run
4102	Grader	Blade movement	Replace all shims and cutting edges
4121	Grader 140	Blade movement	Replace all shims
3965	Garbage truck	Exhaust and reverse lights	Replace all
3952	Kenworth t401	Air governor	Replace
4106	Backhoe	Loss of power	Check intercooler for leaks, replace top hose joiner
4107	Patch truck	Engine light	Replace intercooler system
1132	Toyota service	Full service	

Plant Report			
Plant Number	Plant Description	Fault	Repairs
1114	Taxi	Battery	Replace
4119	Caravan	Battery replacement	Replace
BFO6203	RFS truck	Spray cables seized	Replace
BFO6807	RFS truck	Mobile antenna	Replace
4110	Toro mower	Blades	Replace
BFO5198	RFS truck	Battery replace	Replace, repair aux pump
4117	Toro blades	Blade and pulley and drive belt	Replace
3952	Kenworth	Water leak	Bottom hose replaced
4116	Toro mower	Pulley and blade	Replacement
5368	Portable toilet	Draw bar drop leg damaged	Replacement
5311	Mtd mower	Rebuild deck	Replace spindles and belts
4120	Volvo	Oil leak	Replace O-rings

BIOSECURITY

ACTIVITY	LOCATION
Administration	<ul style="list-style-type: none"> <input type="checkbox"/> Monthly report, mapping, BIS uploads, inspections and weeds loaded on Roam, email replies to relevant emails, review weed spraying program and plan of action, review relevant budget totals and review/reply service requests.
Public Awareness	<ul style="list-style-type: none"> <input type="checkbox"/> New merchandise arrived - handing out to raise weed awareness. <input type="checkbox"/> Power Point presentation on Chrysolina Beetle completed.
Mapping	<ul style="list-style-type: none"> <input type="checkbox"/> Weed information mapped, synced and uploaded to DPI. <input type="checkbox"/> Working on inputting data when drone is used. <input type="checkbox"/> Working with additional staff on using ROAM. <input type="checkbox"/> Request to trial new app developed by Chartis technology.
Meetings	<ul style="list-style-type: none"> <input type="checkbox"/> CWRWC at Condobolin. <input type="checkbox"/> WAP Operational at Condobolin. <input type="checkbox"/> Weddin Weed Meeting.
Training	<ul style="list-style-type: none"> <input type="checkbox"/> Chairs training. <input type="checkbox"/> Cert III in aviation (remote pilot) ongoing 12 months <input type="checkbox"/> Continual in-house drone training.
Private Property Inspections	<ul style="list-style-type: none"> <input type="checkbox"/> Informal inspections using drone for training. <input type="checkbox"/> Information packages for landholders to receive during inspections or on request. <input type="checkbox"/> Authorisation update in progress.
Roadside Inspections and On-ground Control, if Required	<ul style="list-style-type: none"> <input type="checkbox"/> Continuous roadside inspections and control when required and environmental conditions allow.
Council Owned Land	<ul style="list-style-type: none"> <input type="checkbox"/> Council owned /managed vacant land, cemeteries, Grenfell and village areas.

TSR Inspections	<ul style="list-style-type: none"> <input type="checkbox"/> SH6, Driftway Road, Bimbi Quandialla road, Forbes Road.
Rail Inspections	<ul style="list-style-type: none"> <input type="checkbox"/> Caragabal, Quandialla areas.
Other High Risk Sites	<ul style="list-style-type: none"> <input type="checkbox"/> Cemetery, silos, camping areas, including National Parks and rest areas.
Sucker Control	<ul style="list-style-type: none"> <input type="checkbox"/> Sucker spraying ongoing, treated on sighting, when conditions allow. Road inspections to prioritise.
Biological Control	<ul style="list-style-type: none"> <input type="checkbox"/> St John’s Wort & Biological control field day held 28th November - approx. 40 attendees. <input type="checkbox"/> Positive feedback received and outcomes of trials shared.
Other	<ul style="list-style-type: none"> <input type="checkbox"/> Mentoring staff members in biosecurity. <input type="checkbox"/> Familiarising Central West Regional Strategic Weed Management Plan 2023 - 2027. <input type="checkbox"/> Rockstar Device and TracPlus Cloud training.

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 293/23

Moved: Cr Frame

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 2022/2023 and 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.

However, due to natural disaster events, the value of the 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 \$1.88 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 RMCC Co-Ordinator has taken part in the weekly budget meetings and feels with the RMCC teams commitment to the new systems implemented by the finance team, will help ensure that council continue to strengthen financial position for the future.

Council's RMCC staff will also 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 during

these projects. RMCC staff will use the new 'Request for New Work Order' template for initiating this process.

2022-2023 RMCC Works Payment Received

Date	Reference	Amount	Received
14 July 2023	RMCC P11 WO 23.6	\$354,805.50	Received
14 July 2023	RMCC P11 WO 23.8	\$967,915.14	Received
14 July 2023	RMCC P11 WO 23.9	\$401,500.00	Received
3 July 2023	RMCC P11 WO 23.7	\$154,000.00	Received
11 Oct 2023	RMCC PC12 RQ4S	\$33,423.50	Received
11 Oct 2023	RMCC PC12 RQ4C	\$76,997.25	Received
11 Oct 2023	RMCC PC12 RQ4A	\$88,114.88	Received
25 Oct 2023	RMCC P13 WO 23.12	\$605,410.03	Received
25 Oct 2023	RMCC P13 WO 23.13	\$2,025,321.10	Received
25 Oct 2023	RMCC P13 WO 23.14	\$40,982.70	Received
25 Oct 2023	RMCC P13 WO 23.15	\$858,439.45	Received
25 Oct 2023	RMCC P13 WO 23.16	\$456,390.00	Received
		\$6,063,298.85	

Noting that the RMCC debtor at 30 June 2023 was approximately \$1.3M higher than what was reported at the presentation of the Draft Financial Statements and has subsequently been adjusted. However, there was a material issue that had occurred during the audit with RMCC accruals that were for this financial year but accrued for last financial year, this included two work orders which are now show in the 2023/2024 Ordered Work Program.

2023/2024 Ordered Work Program

Council has completed all planned heavy patching work for this calendar year and will look to go out to tender for further works later in the financial year. The September Heavy Patch program was been completed and work orders issued at the agreed rate of \$85/m².

Works carried out from the 2022-2023 program were carried out in September and October 2023:

Date	Reference	Amount	Received
11 Oct 2023	483.21.10	\$601,680.20	Received
12 Oct 2023	RMCC PC12 W23.11	\$1,272,348.00	Received

Council has received the following preliminary allocations (future works) for the current financial year. It is to be noted that this allocation may vary due to other competing works that TfNSW may have within their network:

Road	Description	Allocation
Newell Highway	Heavy Patch	\$ 53,000
Newell Highway	Reseal	\$ 345,000
Newell Highway	Resurface Improvement	\$ 200,000
Mid Western Highway	Heavy Patch	\$ 53,000

Mid Western Highway	Reseal	\$ 435,000
Mid Western Highway	Resurface Improvement	\$ 380,000
	Total allocation	\$1,466,000

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 now paid Council for all claimed Work Orders under the new assessment and approval process for the RMCC. Future works with TfNSW will come under these same conditions and it is important that Council is aware of the new conditions.

13 ENVIRONMENTAL SERVICES REPORTS

13.1 DEVELOPMENT APPLICATION 29/2023 - CHANGE OF USE TO FOOD AND DRINK PREMISES (SMALL BAR) AND ASSOCIATED DWELLING AND ALTERATIONS TO BUILDING

File Number: DA 29.2023

Author: Director Environmental Services

Authoriser: Director Environmental Services

Attachments:

1. Attachment 1 - SEE 60 Main Street
2. Attachment 1 - DA 29-2023 Public Exhibition Site Plan
3. Attachment 1 - DA 29-2023 Public Exhibition Proposed Elevation Plans

CSP Objective: Sustainable natural, agricultural and built environments

Precis: 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 60 Main Street, Grenfell. The application is referred to Council for determination as the applicants seeks to rely on clause 5.3 Development near zone boundaries, of the Local Environmental Plan 2011.

Budget: Nil

[Cr Best left the room at 9:54am](#)

Cr Kenah left the room at 9:54am.

Cr Parlett left the room at 9:55am.

Cr Best entered the room at 9:59am.

Cr Kenah entered the room at 9:59am.

Cr Parlett entered the room at 9:59am.

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. 29/2023, being for the change of use of an existing building to a food and drink premises (small bar) and associated 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 294/23

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. 29/2023, being for the change of use of an existing building to a food and drink premises (small bar) and associated 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

ASSESSMENT REPORT

INTRODUCTION

Development Application No. 29/2023 proposes a change of use of an existing building to a food and drink premises (small bar) and dwelling including alterations to the building located on Lot 7A Section 16 DP 758473, known as 60 Main Street, Grenfell (the property). The property has access from both Main Street and George Street. The development application was lodged by Mr Dean Pyle, who is the owner of the property.

A copy of the proposed site plan, floor plan, elevation plans and statement of environmental effects (SEE), are included in **Attachment 1** to this report. The development application was lodged by Mr D Pyle, who is also the owner of the property.

DESCRIPTION OF SITE

The property is private land being Lot 7A Section 16 DP 758473 and has an area of 372.13m². The property fronts Main Street Grenfell, which is where the main pedestrian entrance to the site is gained. Rear pedestrian and vehicular access to the property can also be gained from George Street.

The main building is located on the southern portion of the allotment and is mainly of brick construction with a sheet roof. This building also has a street awning that extends over the footpath in Main Street. A small brick out house building is also located on the northern portion of the property.

The development site is zoned B2 – 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

The main building on the property has historically has been used as a restaurant. Council records indicate that Development Consent 23/1991, being for a change of use to a coffee lounge, is the latest consent relating to the premises.

DESCRIPTION OF PROPOSAL

Development Application 29/2023 proposes the change of use of an existing building on the property to a food and drink premises (small bar) and a dwelling, including alterations to the building.

The proposed food and drink premises is proposed in the southern portion of the main building fronting Main Street. This area consists of a bar area and seating for patrons along with an accessible unisex sanitary facility. This area represents approximately 32.5% of the total floor area of the building.

The dwelling is proposed in the northern portion of the main building and includes 2 bedrooms, kitchen, dining room, living room, office and a bathroom. The dwelling is proposed to be separated from the food and drink premises with a compliant fire wall and will represent approximately 67.5% of the floor area of the building.

The proposed development includes a number of changes to the internal configuration of the building including in both the proposed food and drink premises and dwelling. A number of minor changes to the exterior of the building are also proposed including the installation of a sign to the front building façade, painting and repair of damaged external cladding.

Further details of the proposed development are included in the submitted plans and Statement of Environmental Effects 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 29/2023:

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 application proposes a food and drink premises at the front of the building, which is defined in the Weddin LEP 2011 as:

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following—

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,

(d) a small bar.

Note— Food and drink premises are a type of **retail premises**

The development also proposes a dwelling at the rear portion of the building, which 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 –

Zone E1 Local Centre

1 Objectives of zone

- 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.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- 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.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

2 Permitted without consent

Environmental protection works; Home-based child care; Home occupations

3 Permitted with consent

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

4 Prohibited

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; 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

Development for the purposes of a food and drink premises is permissible within the E1 zone with development consent. 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 a retail business, being a food and drink premises (small bar) in the front portion of the building facing Main Street. The development will provide a business in a currently vacant building which will provide a service to people living, working and visiting the area.

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

The proposal includes a food and drink premises which will involve an investment in a local commercial business 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 two (2) bedroom dwelling house will have its main access from George Street, meaning the front of the building will remain open and accessible as a retail business. The applicant proposes to reside at the property and operate the food and drink premises, which will aim to contribute to a vibrant and active local centre.

The northern side of George Street is currently zoned R1 – General Residential. There is 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 includes a retail business 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**.

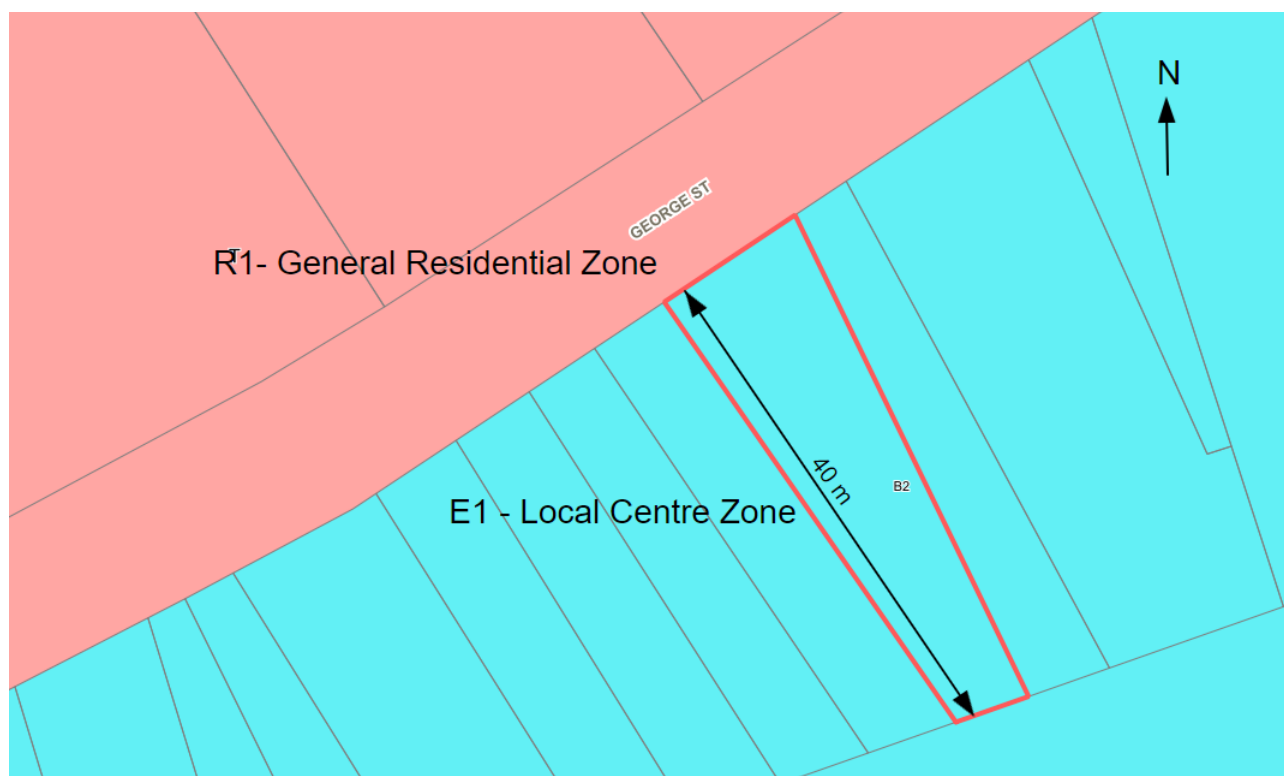


Figure 2. Location of development site in relation to zone boundaries.

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 two (2) 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 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. The adjoining property to the west of the development site also incorporates a shop top housing development.

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 provide for a further retail business in the 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:

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. The proposed development largely involves internal alterations to the building. 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 proposal does include minor modification to the external parts of the rear of the building which will form part of the dwelling house. These works will not be highly visible from George Street and are necessary to rectify termite and water damage. It is proposed to paint the front façade of the building, with the proposed colours chosen to be consistent with adjoining buildings.

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 the 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

The development includes proposed signage on the front façade of the street awning attached to the building, facing Main Street. The proposed sign will replace existing signage already attached to the building. While the specific details of the sign have not been provided, an assessment of the proposal under the SEPP has determined that the location and size of the sign is appropriate.

A condition has been included in the recommendation requiring specific details of the sign to be provided to Council for approval, prior to the issue of a construction certificate. This will ensure that an assessment of the design of the sign can be undertaken in accordance with schedule 5 of the SEPP to ensure that it is compatible with the character of the area.

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 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

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 painting of the front façade and installation of business identification signage. The external configuration of the building will remain largely unchanged.

Given the small development site, there is insufficient room on the property to provide car parking spaces for the retail component of the development. Similar to many other businesses in the CBD, the development proposes to rely on street parking in Main Street. Two parking spaces for the dwelling house component of the development are proposed. Given the size of the retail component and the likely number of customers, it is considered that parking within Main Street is sufficient to service the retail development.

The front portion of the building is largely constructed on the boundaries of the allotment. As a result landscaping is not achievable on the southern portion of the allotment. With the

exception of a small deck, the footprint of the building will not change. The existing landscaped area on the northern portion of the allotment will remain.

The development does propose footpath dining in Main Street. A condition has been included in the recommendation requiring a footpath trading approval to be obtained from council, prior to this occurring.

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 2 November 2023 to 23 November 2023. 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 adequate fire separation of the food and drink premises from the dwelling. A condition has been included in the recommendation to require smoke alarms to be installed to service the dwelling house.

The building is considered structurally adequate for the proposed uses, subject to a number of upgrade works being completed as shown on the proposed plans and included in the recommended conditions of consent.

- 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 retail 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 one (1) allotment being Lot 7a Section 16 DP 758473 DP 604531 which has an area of 372.13m². 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. A small brick outdoor toilet is also located in the north-west corner of the site.

The site is zoned E1 – Local Centre under Weddin Local Environmental Plan 2011 and borders the R1 – Residential Zone located to the north. The main building located on the site has historically been used as a restaurant. The last known development consent relating to the property was Development Consent 23/1991, being for a change of use to a coffee lounge.

The site is generally surrounded by other commercial properties, some of which include residential components. The property adjoining the site to the west includes shop top housing.

The proposed development involves mainly internal alterations to the existing building and the change of use to a food and drink premises at the front and a dwelling house at the rear. 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 provide 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 provided to the building from Main Street, which includes access for people with a disability as required by the Disability (Access to Premises — Buildings) Standards 2010. This will be the only point of entry to the proposed Food and Drink Premises for customers.

On street parking will be utilised for customers. Due to the size of the Food and Drink Premises and the likely number of customers It is assessed that development will not significantly impact on 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 proposal will provide a further service to customers and an opportunity to gather for social reasons.

Heritage

The development site does not contain an 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 proposed 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.

The Food and Drink Premises (small bar) is located within the Main Street of Grenfell. The proposed operating hours of the commercial business is 7 days a week from 12pm to 10pm. There are a range of other development including pubs in the nearby area which have similar or extended operating hours to those proposed.

Given the development will only involve a small bar with limited customers, it is assessed that the development will not create a significant noise impact in the surrounding area.

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. The development will involve obtaining a liquor license for a small bar. The development will be required to comply with all requirements of the Office of Liquor Gaming and Racing including the responsible service of alcohol.

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 provide for an additional business in Main Street and allow customers to attend the building for social gathering.

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 are 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 small bar will provide for another social outlet within the Main Street of Grenfell. It is not considered that another liquor licence for a small bar will create a significant oversupply of premises within the area holding a liquor license.

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 60 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

1	Approved Plans and Supporting Documentation				
	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 Description	60 Main Street Grenfell 2810	-	Gina Doyle	undated
	Existing Floor Plan	A01	-	Gina Doyle	1/10/23
	Existing SE, NE, NW Elevation Plan	A02	-	Gina Doyle	1/10/23
Existing SW Elevation Plan	A03	-	Gina Doyle	1/10/23	

Proposed Ground Floor Plan	A04	-	Gina Doyle	1/10/23
Proposed SE, SW Elevation Plan	A05	-	Gina Doyle	1/10/23
Proposed NE, NW Elevation Plan	A06	-	Gina Doyle	1/10/23
BASIX	1401183S_02	3	Dean Pyle	16/08/2023
Statement of Environmental Effects	60 Main Street Grenfell 2810	-	Gina Doyle	21/08/23
Statement of Heritage Impact	60 Main Street Grenfell 2810	-	Gina Doyle	21/08/23
<p>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.</p>				
<p>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.</p>				

Building Work

Before issue of a construction certificate

2	Fire Separation
	The dwelling component of the development must be adequately fire separated from the Food and Drink Premises 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.
	Condition reason: To ensure that detailed plans of the required fire separation are submitted to the certifier before the issue of a construction certificate.
3	Preparation of Construction and Fit Out Plans for Food and Drink Premises
	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.

	Condition reason: To ensure detailed construction and fit out plans are submitted which comply with the relevant standards.
4	Proposed Signage
	Prior to the issue of a construction certificate, the person acting on the consent must provide details of the proposed signage on the front façade of the street awning facing Main Street, to Weddin Shire Council for approval.
	Condition reason: To ensure that signage is appropriately designed to take into consideration the heritage conservation area.

Before building work commences

5	Appointment of Principal Certifier
	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.
	Condition reason: To meet the requirements of the Environmental Planning and Assessment Act 1979.
6	Construction Certificate
	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.
	Condition reason: To ensure compliance with legislative requirements.
7	Erosion and Sediment Control
	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.
	Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways or adjoining land.
8	Notice of Commencement

	<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>Condition reason: To meet the requirements of the Environmental Planning and Assessment Act 1979.</p>
9	<p>Plumbing and Drainage</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>Condition reason: To ensure all work complies with relevant legislation.</p>
10	<p>Signs on Development Sites</p> <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"> 1. the name, address and telephone number of the principal certifier, and 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. 3. unauthorised entry to the work site is prohibited. <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> <p>Condition reason: To meet the requirements of the Environmental Planning and Assessment Act 1979.</p>

During building work

11	<p>Aboriginal Heritage</p> <p>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 <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>Condition reason: To comply with legislative requirements and the protection of objects of potential significance during works.</p>

12	<p>Carrying out of Works in a Road Reserve</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>Condition reason: To comply with the Roads Act 1993 and ensure all work meets relevant standards and is completed in safe manner.</p>
13	<p>Confines of Work</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>Condition reason: To protect and preserve the amenity of the surrounding locality.</p>
14	<p>Construction Site Waste and Debris</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>Condition reason: To protect and preserve the amenity of the surrounding locality.</p>
15	<p>Cutting and Filling</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 & 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.</p> <p>Condition reason: To ensure all work complies with relevant legislation.</p>
16	<p>Damage to Public Assets</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>Condition reason: To ensure any damage to public infrastructure is rectified</p>

<p>17</p>	<p>Dial Before You Dig</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 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.</p> <p>Condition reason: To protect underground assets from damage during works.</p>
<p>18</p>	<p>Loading and Unloading of Goods and Materials</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>Condition reason: To protect and preserve the amenity of the surrounding locality and comply with legislative requirements.</p>
<p>19</p>	<p>Mandatory Inspections</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>Condition reason: To require approval to proceed with building work following each critical stage inspection.</p>
<p>20</p>	<p>Noise</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"> • Monday to Friday – 7.00 am to 6.00 pm, and • Saturday – 8.00 am to 1.00 pm • No noise from construction or demolition works is to be generated on Sundays or Public Holidays. <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>

	Condition reason: To protect the amenity of the surrounding area
21	Plumbing and Drainage
	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.
	Condition reason: To ensure all work complies with relevant legislation.
22	Stormwater Drainage
	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.
	Condition reason: To ensure stormwater is appropriately managed on the site.

Before issue of an occupation certificate

23	Fire Safety Certificate
	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.
	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: firesafety@fire.nsw.gov.au
	Condition reason: To ensure the building is safe for occupation and to comply with the requirements of the Environmental Planning and Assessment Act 1979.
24	Food Premises Final Inspection
	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.
	Condition reason: To enable council to ensure compliance with the Food Act 2003 before the business commences.
25	Maximum Capacity and Signage for Business Operator

	<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 the maximum number of persons permitted in the premises being:</p> <ul style="list-style-type: none"> • 30 where all patrons are seated • 50 where all patrons are standing <p>Condition reason: To provide patrons with details of the operator and maximum number of persons permitted on the premises.</p>
26	<p>Notice of Food Business</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>Condition reason: To enable council to ensure compliance with the consent when the business is operating.</p>
27	<p>Occupation Certificate</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>Condition reason: To ensure compliance with the Environmental Planning and Assessment Act 1979.</p>
28	<p>Building to be Upgraded</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"> 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. b. The exit door servicing the food and drink premises must be upgraded to comply with Part D3, Construction of exits, of the National Construction Code. c. The dwelling house must be provided with a smoke detection and alarm system complying with Part E4, Visibility in an emergency, exit signs and warning systems, of the National Construction Code. <p>Condition reason: 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

29	Annual Fire Safety Statement
----	-------------------------------------

	<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: firesafety@fire.nsw.gov.au</p> <p>Condition reason: To ensure the building is safe for occupation and to comply with the requirements of the Environmental Planning and Assessment Act 1979.</p>																											
30	<p>Managing Noise</p> <p>During ongoing use of the premises, the food and drink premises 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>Condition reason: To protect the amenity of the local area</p>																											
31	<p>Operating hours</p> <p>During ongoing use of the premises, the hours of operation of the food and drink premises are restricted to:</p> <table border="1" data-bbox="225 1267 1059 1626"> <thead> <tr> <th></th> <th>From:</th> <th>To:</th> </tr> </thead> <tbody> <tr> <td>Monday</td> <td>10:00am</td> <td>10:00pm</td> </tr> <tr> <td>Tuesday</td> <td>10:00am</td> <td>10:00pm</td> </tr> <tr> <td>Wednesday</td> <td>10:00am</td> <td>10:00pm</td> </tr> <tr> <td>Thursday</td> <td>10:00am</td> <td>10:00pm</td> </tr> <tr> <td>Friday</td> <td>10:00am</td> <td>10:00pm</td> </tr> <tr> <td>Saturday</td> <td>10:00am</td> <td>10:00pm</td> </tr> <tr> <td>Sunday</td> <td>10:00am</td> <td>10:00pm</td> </tr> <tr> <td>Public Holidays</td> <td>10:00am</td> <td>10:00pm</td> </tr> </tbody> </table> <p>Condition reason: To protect the amenity of the local area</p>		From:	To:	Monday	10:00am	10:00pm	Tuesday	10:00am	10:00pm	Wednesday	10:00am	10:00pm	Thursday	10:00am	10:00pm	Friday	10:00am	10:00pm	Saturday	10:00am	10:00pm	Sunday	10:00am	10:00pm	Public Holidays	10:00am	10:00pm
	From:	To:																										
Monday	10:00am	10:00pm																										
Tuesday	10:00am	10:00pm																										
Wednesday	10:00am	10:00pm																										
Thursday	10:00am	10:00pm																										
Friday	10:00am	10:00pm																										
Saturday	10:00am	10:00pm																										
Sunday	10:00am	10:00pm																										
Public Holidays	10:00am	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 .

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.

13.2 DEVELOPMENT APPLICATION 30/2023 - ALTERATIONS AND ADDITIONS TO DWELLING HOUSE

File Number: DA 30/2023

Author: Director Environmental Services

Authoriser: Director Environmental Services

Attachments:

1. Attachment 1 - DA 30-2023 Public Exhibition Elevation Plans
2. Attachment 1 - DA 30-2023 Public Exhibition Site Plans
3. Attachment 1 - DA 30-2023 Public Exhibition Statement of Environmental Effects

CSP Objective: Sustainable natural, agricultural and built environments

Precis: Development Application No. 30/2023 proposes alterations and additions to the existing dwelling house located on Lot 7 Section 45 DP 758473, known as 23 East Street Grenfell. The application is referred to Council for determination as it includes a request to vary the front building line setback requirement of Weddin Shire Council Development Control Plan. The application also includes a request for the finished floor level of the additions to be approximately 11mm below the flood planning level, in order to match the existing dwelling house.

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. Council approve the request to vary the front building line setback from East Street from six (6) metres to 3.76 metres, in this instance.
3. Council approve the request for the finished floor height of the proposed extensions to be below the flood planning level by approximately 11mm, in order to match the finished floor height of the existing dwelling house, in this instance;
4. Development Application No. 30/2023, being for alterations and additions to the existing dwelling located on Lot 7 Section 45 DP 758473, known as 23 East Street, Grenfell, be approved subject to the recommended conditions listed in Appendix A to the Assessment Report and be signed under delegated authority by the Director Environmental Services.
5. 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 295/23

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. Council approve the request to vary the front building line setback from East Street from six (6) metres to 3.76 metres, in this instance.
3. Council approve the request for the finished floor height of the proposed extensions to be below the flood planning level by approximately 11mm, in order to match the finished floor height of the existing dwelling house, in this instance;
4. Development Application No. 30/2023, being for alterations and additions to the existing dwelling located on Lot 7 Section 45 DP 758473, known as 23 East Street, Grenfell, be approved subject to the recommended conditions listed in Appendix A to the Assessment Report and be signed under delegated authority by the Director Environmental Services.
5. 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

ASSESSMENT REPORT

INTRODUCTION

Development Application No. 30/2023 proposes alterations and additions to the existing dwelling house located on Lot 7 Section 45 DP 758473, known as 23 East Street, Grenfell.

The Development Application includes a request to vary the front building line setback requirements of clause 5.7 of the Weddin Development Control Plan (DCP) from 6 metres to 3.76m, along with a reduction in the required flood planning level for the extension by approximately 11mm in order to match the floor level of the existing dwelling house.

A copy of the proposed site plan, elevation plans and statement of environmental effects (SEE), are included in **Attachment 1** to this report. The application was lodged by Andy’s Design and Drafting on behalf of the owner of the land Mr P Napier.

DESCRIPTION OF SITE

The development site is freehold land being Lot 7 Section 45 DP 758473, known as 23 East Street, Grenfell. The site is located on East Street which is a sealed Council road within the township of Grenfell. A two (2) bedroom dwelling house and carport are currently located on the property.

The development site is zoned R1 – General Residential under Weddin Local Environmental Plan 2011 (‘Weddin LEP’). The property is identified as being a flood control lot and is also located within the Grenfell Urban Heritage Conservation Area.

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

Lot 7 Section 45 DP 758473 has an area of 867.13m² and is dissected by an unformed roadway in the western portion of the allotment. A Council sewer main and stormwater main also traverse the property.

DESCRIPTION OF PROPOSAL

Development Application 30/2023 proposes alterations to the layout of the existing dwelling along with and additions to the building to create an additional bedroom with ensuite and wardrobe along with an attached garage. The proposed additions will be of brick veneer construction with a sheet roof.

The dwelling additions are proposed with a setback of 3.76 metres from the eastern property boundary which adjoins East Street, 1.54 metres from the northern boundary and 1.85 metres from the southern boundary.

The development application includes a request to reduce the front building line setback requirement of clause 5.7 of Weddin Development Control Plan (DCP) from six (6) metres to 3.76 metres. The proposal also includes a request for a reduction of the required flood planning level for the extension by approximately 11mm in order to match the floor level of the existing dwelling house.

Further details of the proposed development are included in the submitted plans and Statement of Environmental Effects 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 30/2023:

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 LEP 2011.

The development application proposes alterations and additions to an existing dwelling house. A dwelling house 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***—see the definition of that term in this Dictionary.

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 R1 General Residential zone –

<p>Zone R1 General Residential</p> <p>1 Objectives of zone</p> <ul style="list-style-type: none"> • 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. <p>2 Permitted without consent</p> <p>Environmental protection works; Home-based child care; Home occupations</p> <p>3 Permitted with consent</p> <p>Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Food and drink premises; Group homes; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Waste or resource transfer stations; Water recycling facilities; Any other development not specified in item 2 or 4</p> <p>4 Prohibited</p> <p>Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Public administration buildings; Recreation facilities (major); Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies</p>
--

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 proposed alterations and additions to the existing dwelling will provide for the housing needs of the current and future owners of the property. It is assessed that the proposed development is consistent with the objectives of the R1 General Residential zone.

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:

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. The proposed development is for alterations and additions to an existing dwelling house. The existing dwelling is a small clad building and does not include any significant heritage features. Buildings within the area surrounding the development site are made up of a variety of different building types and constructions.

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 the clause 5.10.

Clause 5.21 Flood Planning

Clause 5.21 states that:

Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) is compatible with the flood function and behaviour on the land, and
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
- (b) the intended design and scale of buildings resulting from the development,
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

The development site is identified as being within the flood planning area on the Flood Planning Map, as shown in **Figure 2** below:



Figure 2. Location of development site within flood planning area.

A review of the Emu Creek Floodplain Risk Management Study and Plan dated April 2012 has identified that the land is potentially subject to flooding in a 1% Annual Exceedance Probability (AEP) event and therefore an assessment in accordance with clause 5.21 is required.

It has been identified from the abovementioned plan that the development site is located within the Low Hazard Floodway. Residential development is permissible within the Low Hazard Floodway subject to meeting a number of requirements. The flood planning level for the development site has been identified as 386 Australian Height Datum (A.H.D). This level was identified by interpolation of the flood levels for the area identified in the Plan including the required 500mm freeboard. A copy of the map indicating water surface levels for the area surrounding the development site is included below in **Figure 3**.

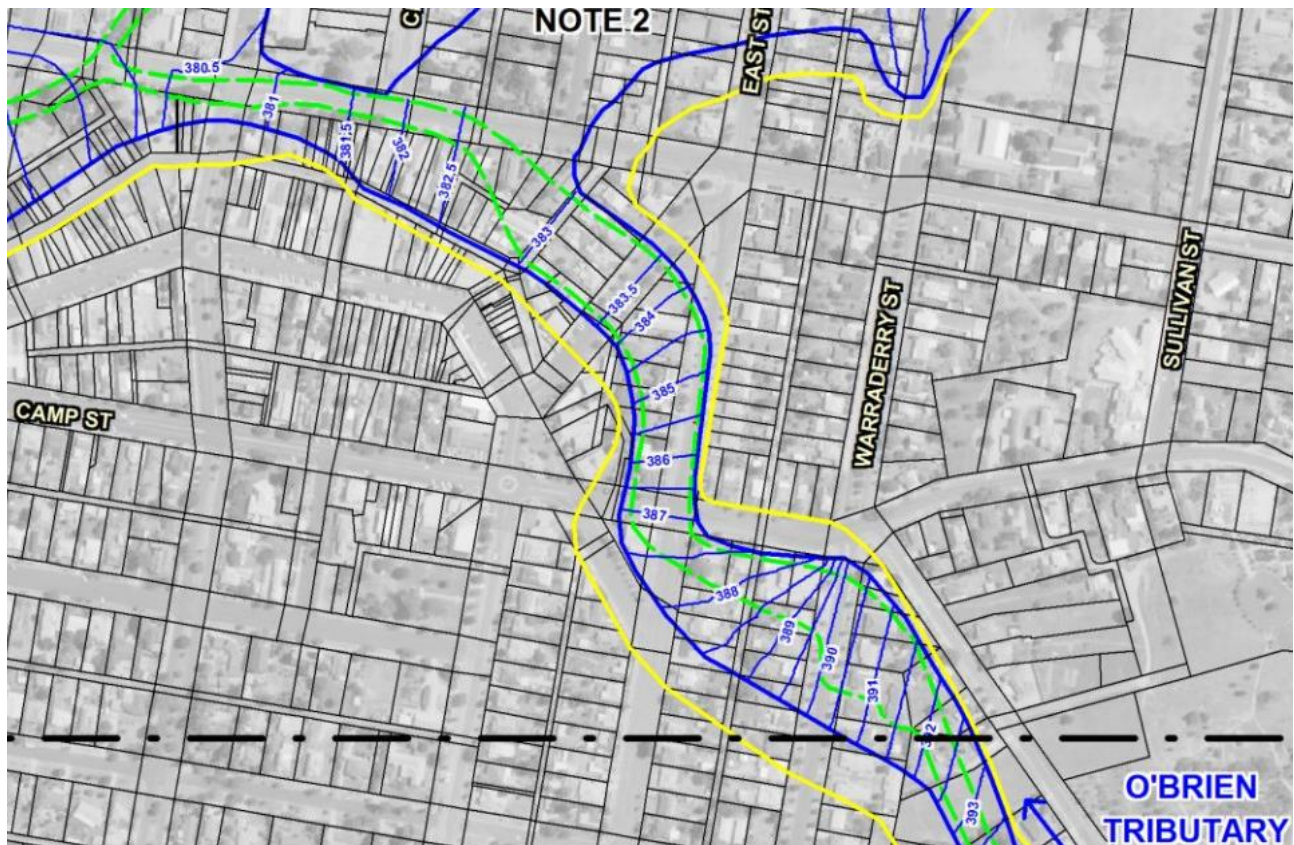


Figure 3. Flood mapping showing water surface levels.

A detailed survey report has been submitted in support of the development application. This survey indicates that the finished floor level of the existing dwelling is 385.89 A.H.D. This level is 11mm below the identified flood planning level for the site. The proposed dwelling additions are proposed with the same finished floor height as the existing dwelling. The applicant has requested a variation to the required finish floor level of the additions in order to match the floor level of the existing dwelling. An assessment of this variation is provided in the proceeding parts of this report which assess the development under the Weddin DCP 2014.

Given the limited amount of water which inundates the development site, it is assessed that the proposed development is compatible with the flood function and behavior on the land and is not likely to adversely affect flood behavior resulting in detrimental increase in the potential flood affectation of other development or properties. The area surrounding the development site is largely developed with existing buildings and structures within the flood area.

It is further assessed that the development will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood. The development will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

The development will not result in unsustainable social or economic cost to the community as a consequence of flooding.

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 dwelling on the development site is currently serviced by reticulated water and sewer services. Mains electricity is provided to the site along with Councils storm water drainage system. A vehicle access is currently provided to the site. The location of this access is considered suitable to service the new development subject to being upgraded to meet Councils current urban driveway standard. A condition has been included in the recommended conditions of consent requiring the upgrade of the driveway access.

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 does not require the removal of any significant trees to allow for the development. 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 alterations and additions are 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* apply. The application has been supported by a compliant BASIX certificate, which will be required to be complied with during the construction works. 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 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 Apartment Development

The proposed development does not propose 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 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

The proposed dwelling additions 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 5 – Urban Residential Development*

The proposed development has been assessed to comply with the applicable requirements of Chapter 5 of the Weddin DCP with the exception of clause 5.7, Setback to Street. This clause stipulates the minimum building line setback shall be 6 metres.

The objectives of this clause are:

- To ensure the established character and streetscape is retained;
- To ensure continuity within the existing streetscape;
- To integrate new development within the existing setback from the street;
- To provide sufficient space for landscaping at the front of dwellings to achieve integration with adjoining dwellings.

The alterations and additions to the existing dwelling are proposed with a building line setback of 3.76m from East Street.

An assessment of the proposed reduced building line setback has been undertaken, which identified that there is sufficient reasons and justification for the reduction, due to the following:

1. The existing dwelling house has a building line setback of approximately 4.86 metres;
2. The proposed building line setback is consistent with other development in the nearby vicinity;
3. A Council sewer main and stormwater main traverses the development site at the rear of the proposed development. This infrastructure would prevent an increased setback from the front boundary;
4. A number of other properties in the surrounding area have reduced building line setbacks and therefore the development will be consistent with the existing streetscape and character of the area;
5. A footpath area with a width of approximately six (6) metres is located between the front boundary of the property and East Street;

6. The location of the proposed building will not create any traffic or visibility issues; and
7. Existing vegetation in the area will partially screen the development when viewed from East Street. **Figure 4** below shows the development site when viewed from the intersection of Warraderry Street and Rose Street.



Figure 4. Development site viewed from East Street.

Chapter 4 Flooding and Flood Affected Land

As discussed in the previous sections of this report, the development site is identified as being within the flood planning area. The Emu Creek Floodplain Risk Management Study and Plan dated April 2012 indicates that the site is located within the Low Hazard Floodway.

Residential development is permissible within the Low Hazard Floodway subject to meeting a number of requirements including the flood planning level for the area. The flood planning level for the development site has been identified as 386 Australian Height Datum (A.H.D). This level was identified by interpolation of the flood levels indicated in the Plan for the area surrounding the development site.

A detailed survey report for the development site has identified that the finished floor level of the existing dwelling is 385.89 A.H.D. This level is 11mm below the identified flood planning level for the site. The applicant has proposed the dwelling additions with the same finished floor height as the existing dwelling. The applicant has requested a variation to the required finish floor level in order to match the existing floor level.

Clause 4.7.7 of the Weddin DCP 2014 does allow Council at its discretion to allow a reduction in minimum floor levels, provided the level is at least 500mm above natural surface level, or as otherwise nominated by Council so as to be above the level of frequent flooding and max 15% addition of habitable floor space.

While the proposed development represents more than 15% addition to the habitable floor space of the existing building, the proposed floor level is considered appropriate in this circumstance due to the following:

1. The finished floor level of the existing dwelling is slightly below the flood planning level;
2. The finished floor level of the additions represents a minor variation (approximately 11mm) from the required flood planning level;
3. The flood planning level for the site was identified by interpolation of flood levels in the area. Therefore the exact flood level for the site may vary slightly from what has been identified;
4. The habitable parts of the proposed additions to the dwelling are located at the rear of the existing dwelling, which is slightly down gradient of where the flood planning levels were identified for the site;
5. The floor level of the habitable parts of the dwelling additions will be located above the identified flood water height for the area and a minimum of 500mm above the finished ground level.

Chapter 15 – Public Consultation

The development application was advertised and notified in accordance with the requirements of Chapter 15 of Weddin DCP 2014. 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 involve the partial demolition of part of the existing dwelling and therefore appropriate conditions have been included in the recommended conditions of consent requiring compliance with AS 2601-2001: The Demolition of Structures.

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 not involve the change of a building use therefore the requirement to consider the fire protection and structural capacity of a building's proposed use is not required.
- 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 do apply to the development. An assessment has identified that the existing dwelling should be upgraded to be provided with smoke alarms complying with the current requirements of the Building Code of Australia. An appropriate condition has been 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 a single allotment being Lot 7 Section 45 DP 758473. The site is located on East Street within a residential area in Grenfell. The site is generally surrounded by other residential properties and has a slight fall from East to West.

The site is zoned R1 – General Residential under Weddin Local Environmental Plan 2011. An existing dwelling and carport is located on the property. The property is connected to water, sewer and electricity.

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

Access, Transport and Traffic

The development site is located off East Street which is a sealed Council road. An existing vehicle access is provided to the property from East Street. It is considered that the location of the existing access is suitable to service the development subject to being upgraded to comply with Councils urban vehicle entry standard.

Public Domain

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

Heritage

The development site is located within a heritage conservation area as listed in schedule 5 of the Weddin Local Environmental Plan 2011. An assessment of the development with regards to heritage has been undertaken in previous sections of this report. It is assessed that the proposed development will not impact on any heritage items in the vicinity or the heritage conservation area.

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 existing sewer and water connections to the property are capable of servicing the new development. Stormwater from the development can be adequately drained to the street drainage system.

The applicant has consulted with Councils Infrastructure Department to identify the required setbacks from the stormwater main which traverses the property. The design of the dwelling additions takes into account the required setbacks from the outside edge of the stormwater pipe.

Soils

The application will not have a negative impact on soils in the locality. The development will only require a small amount of earthworks to create a level building pad.

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 need to be dealt with.

Energy

The proposed development will not significantly increase energy usage on the site.

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 identified as being within a flood planning area. An assessment of the proposed development in accordance with the Weddin LEP 2011 and Weddin Shire Council DCP 2014 has identified that the proposal is appropriate in the circumstances. 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

This 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.

Site Design and Internal Design

The proposed development includes a request to reduce the front building line setback from six (6) metres to 3.76 metres. The design of the dwelling additions take into account large stormwater main which traverses the property. An assessment of the reduced building line setback has been undertaken in previous sections of this report. It has been assessed that it is appropriate in the circumstances.

The additions to the dwelling have been proposed with a minor variation (11mm) to the required flood planning level in order to match the finished floor level of the existing dwelling. An assessment has identified that the variation is appropriate in the circumstances.

Construction

The proposed development will be built in accordance with the Building Code of Australia and engineering standards. No adverse impacts are anticipated to occur as a result of the construction of the development. A condition has been included in the recommended schedule of conditions requiring the existing dwelling to be upgraded to be provided with smoke alarms complying with the Building Code of Australia.

Cumulative impacts

The proposal is not expected to generate any ongoing negative cumulative impacts. The development will only result in a single storey dwelling on the property.

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 application includes a request for a reduction in the front building line setback requirement of Weddin DCP. It has been assessed that the variation is reasonable and justified in the circumstances.

The site is located within a flood planning area. The application includes a request for the dwelling additions to have a finished floor level slightly below the identified flood planning level of the site. It has been assessed that the minor reduction is appropriate and justified in the circumstances.

The site is not constrained by any other 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 Council's Development Control Plan 2014 from 16 November 2023 to 30 November 2023. No submissions were received as a result of the public consultation process.

Public Authority Consultation:

The subject development application did not require any consultation with public authorities.

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. 30/2023 proposes alternations and additions to an existing dwelling located on Lot 7 Section 45 DP 758473, known as 23 East Street, Grenfell.

The Development Application includes a request to vary the front building line setback and for a minor reduction in the required flood planning level. It has been assessed that the variations are reasonable and justified in the circumstances.

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

1	Approved Plans and Supporting Documentation				
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	1/7	-	Andy's Design & Drafting	23/10/2023
	Floor Plan	2/7	-	Andy's Design & Drafting	23/10/2023
	Floor Plan Detailed	3/7	-	Andy's Design & Drafting	23/10/2023
	Elevation Plan	4/7	-	Andy's Design & Drafting	23/10/2023
	Section Plan	5/7	-	Andy's Design & Drafting	23/10/2023
	Window Schedule	6/7	-	Andy's Design & Drafting	23/10/2023
	General Building Matters	7/7	-	Andy's Design & Drafting	23/10/2023
	BASIX	A500667	-	Andy's Design & Drafting Workshop	29/06/2023

Statement of Environmental Effects	23 East St Grenfell	-	Andy's Design & Drafting	23/10/2023
Floor Level	23104-AHD-0	-	J.Livissianos Arete Survey Solutions	28/08/2023
Soil Classification Report	23049	-	Enviroseer	05/04/2023
<p>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.</p> <p>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.</p>				

Demolition Work

Before demolition work commences

No additional conditions have been applied to this stage of development.

During demolition work

2	Demolition
	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.
	Condition reason: To ensure demolition work is undertaken safely in accordance with legislative requirements.
3	Handling of asbestos during demolition
	<p>While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements:</p> <p>a) 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;</p> <p>b) 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</p>

	<p>c) Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA online reporting tool WasteLocate.</p>
	<p>Condition reason: To ensure that the removal of asbestos is undertaken safely and professionally.</p>
4	<p>Waste Disposal Verification Statement</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>Condition reason: To provide for the submission of a statement verifying that asbestos waste has been managed in accordance with legislative requirements.</p>

On completion of demolition work

No additional conditions have been applied to this stage of development.

Building Work

Before issue of a construction certificate

No additional conditions have been applied to this stage of development.

Before building work commences

5	<p>Appointment of Principal Certifier</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>Condition reason: To meet the requirements of the Environmental Planning and Assessment Act 1979.</p>
6	<p>Construction Certificate</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>

	Condition reason: To ensure compliance with legislative requirements.
7	<p>Erosion and Sediment Control</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>Condition reason: To ensure sediment laden runoff and site debris do not impact local stormwater systems and waterways or adjoining land.</p>
8	<p>Notice of Commencement</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>Condition reason: To meet the requirements of the Environmental Planning and Assessment Act 1979.</p>
9	<p>Plumbing and Drainage</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>Condition reason: To ensure all work complies with relevant legislation.</p>
10	<p>Signs on Development Sites</p> <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"> 1. the name, address and telephone number of the principal certifier, and 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. 3. unauthorised entry to the work site is prohibited. <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</p>

	work is being carried out on the site and removed when the work has been completed.
	Condition reason: To meet the requirements of the Environmental Planning and Assessment Act 1979.

During building work

11	<p>Aboriginal Heritage</p> <p>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 <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>Condition reason: To comply with legislative requirements and the protection of objects of potential significance during works.</p>
12	<p>Carrying out of Works in a Road Reserve</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>Condition reason: To comply with the Roads Act 1993 and ensure all work meets relevant standards and is completed in safe manner.</p>
13	<p>Confines of Work</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>Condition reason: To protect and preserve the amenity of the surrounding locality.</p>
14	<p>Construction Site Waste and Debris</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</p>

	<p>debris shall be placed or permitted to be placed on any adjoining public reserve, footway or road.</p> <p>Condition reason: To protect and preserve the amenity of the surrounding locality.</p>
15	<p>Cutting and Filling</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 & 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.</p> <p>Condition reason: To ensure all work complies with relevant legislation.</p>
16	<p>Damage to Public Assets</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>Condition reason: To ensure any damage to public infrastructure is rectified</p>
17	<p>Dial Before You Dig</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 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.</p> <p>Condition reason: To protect underground assets from damage during works.</p>
18	<p>Loading and Unloading of Goods and Materials</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>Condition reason: To protect and preserve the amenity of the surrounding locality and comply with legislative requirements.</p>
19	<p>Finished Floor Level</p> <p>The finished floor level of the habitable area of the dwelling additions must achieve a minimum height of 385.89 AHD.</p> <p>Condition reason: To ensure the dwelling additions achieve an appropriate flood planning height.</p>

Before issue of an occupation certificate

20	<p>Building to be upgraded</p> <p>Prior to occupation or use of the development, all smoke alarms within the entire dwelling are to be upgraded where necessary to comply with the current requirements of the National Construction Code.</p> <p>Condition reason: 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>
21	<p>Occupation Certificate</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>Condition reason: To ensure compliance with the Environmental Planning and Assessment Act 1979.</p>
22	<p>Vehicular Access</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 East Street in accordance with the approval from the roads 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>Condition reason: To ensure an appropriate and safe vehicular access is provided to the site.</p>

Occupation and ongoing use

No additional conditions have been applied to this stage of development.

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.

13.3 DEVELOPMENT APPLICATION 24/2023 - PAINTING OF BUILDING AND INSTALLATION OF SIGNAGE

File Number: DA 24.2023

Author: Director Environmental Services

Authoriser: Director Environmental Services

Attachments:

1. Attachment 1 - SEE - 41 Camp St Grenfell NSW 2810
2. Attachment 1 - Site Plan - 41 Camp St Grenfell NSW 2810
3. Attachment 1 - Elevation Plan - 41 Camp St Grenfell NSW 2810

CSP Objective: Sustainable natural, agricultural and built environments

Precis: Development Application 37/2023 proposes the installation of signage and painting of the existing building located on Lot 1 Section 4 DP 758473, known as 41 Camp Street Grenfell. The application is referred to Council as one (1) submission was received as a result of the public consultation process.

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. 24/2023, being for the installation of signage and painting of the existing building located on Lot 1 Section 4 DP 758473, known as 41 Camp Street Grenfell, be approved subject to the recommended conditions listed in Appendix A to 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 296/23

Moved: Cr Diprose

Seconded: Cr Best

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. 24/2023, being for the installation of signage and painting of the existing building located on Lot 1 Section 4 DP 758473, known as 41 Camp Street Grenfell, be approved subject to the recommended conditions listed in Appendix A to 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

INTRODUCTION

Development Application No. 24/2023 proposes the installation of signage and the painting of the existing building located on Lot 1 Section 4 DP 758473, known as 41 Camp Street, Grenfell.

As part of the public consultation process, Council received one (1) submission in relation to the proposal. As a result of an assessment of the original painting design, Council requested a number of design changes to take into consideration the surrounding heritage conservation area. The applicant submitted amended plans indicating a new colour scheme for the building.

A copy of the proposed site plan, elevation plans and statement of environmental effects (SEE), are included in **Attachment 1** to this report. The application was lodged by Mr Hector Johnson, with the property being owned by Mr M Mitton.

DESCRIPTION OF SITE

The development site is freehold land being Lot 1 Section 4 DP 758473, known as 41 Camp Street, Grenfell. The site has an area of 900.78m² and is located on the corner of Camp Street and Wood Street within the township of Grenfell. An existing single storey industrial building is located on the property, which is used to operate a tyre business.

The development site is zoned R1 – General Residential under Weddin Local Environmental Plan 2011 ('Weddin LEP') and is located within the Grenfell Conservation Area No. 2.

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 24/2023 proposes the painting of the existing building located on the development site along with the installation of new corporate business identification signage.

It is proposed to paint the building and fencing in a two tone grey horizontal design to replace the existing orange and blue colour design. It is also proposed to install corporate business identification signage on the northern and western walls of the building in the Goodyear corporate blue and yellow colours.

Further details of the proposed development are included in the submitted plans and Statement of Environmental Effects 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 Act)*. The following section provides an evaluation of the relevant Section 4.15 Matters for consideration for DA 24/2023:

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 LEP 2011. While a vehicle repair stations is not permissible within the current R1 zone,

development consent for an office and workshop on the property was previously granted under a prior environmental planning instrument as part of Development Consent 69/2000.

Clause 4.65 of the Act describes the definition of existing use.

4.65 Definition of “existing use”(cf previous s 106)

In this Division, existing use means—

- (a) the use of a building, work or land for a lawful purpose immediately before the coming into force of an environmental planning instrument which would, but for this Division, have the effect of prohibiting that use, and
- (b) the use of a building, work or land—
 - (i) for which development consent was granted before the commencement of a provision of an environmental planning instrument having the effect of prohibiting the use, and
 - (ii) that has been carried out, within one year after the date on which that provision commenced, in accordance with the terms of the consent and to such an extent as to ensure (apart from that provision) that the development consent would not lapse.

It is assessed that the current use of the property as vehicle repair station falls within the current development consent applying to the land (Development Consent 69/2000). The property has generally been continually operated for the approved purpose since the adoption of the Weddin LEP 2002 and subsequent Weddin LEP 2011. Therefore in accordance with clause 4.65(b) of the Act, the current use is assessed as being an existing use for the purposes of the Act.

Clause 4.67 of the Act provides for the continuance of an existing use and in this case the continuance of the use of the property for a vehicle repair station. Therefore the proposed painting of the existing building and business identification signs are considered permissible as an existing use.

As provided for under Clause 4.67 of the Act, clause 163 of the Environmental Planning and Assessment Regulation 2021 (Regulation) stipulates that an existing use may be altered or extended. Clause 165 of the Regulation states that development consent is required for an alteration of a building or work used for an existing use, and the alteration must be:

- (a) for the existing use of the building or work and for no other use, and
- (b) erected or carried out only on the land on which the building or work was erected or carried out immediately before the relevant day.

The proposed development is only for the painting of an existing building and the installation of updated business identification signage. It is considered that the proposed development satisfies the requirements of the Regulation regarding alterations to an existing use.

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 R1 General Residential zone –

Zone R1 General Residential
<p>1 Objectives of zone</p> <ul style="list-style-type: none"> • 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.
<p>2 Permitted without consent Environmental protection works; Home-based child care; Home occupations</p>
<p>3 Permitted with consent Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Food and drink premises; Group homes; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Waste or resource transfer stations; Water recycling facilities; Any other development not specified in item 2 or 4</p>
<p>4 Prohibited Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Public administration buildings; Recreation facilities (major); Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies</p>

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 proposed development includes minor works to an existing business located within the R1 zone. The business provides a service to residents in order to meet their day to day needs by providing tyre related sales and service. It is assessed that the proposed

development is consistent with the objectives of the R1 General Residential zone, and as stated above is permissible as an existing use.

Clause 5.10

The development site is not a listed heritage item, but is located within the Grenfell Conservation Area No. 2, as identified within the Weddin LEP 2011. Clause 5.10(4) states that:

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).

The original plans for the development included the painting of large parts of the building and fencing in the corporate Goodyear colours of yellow and blue. A photo montage of the original design is included in **Figure 2** below.



Figure 2. Photo montage of original design.

An assessment of the original design identified that it was not compatible with the existing and desired character of the area. The applicant was requested to make a number of amendments to the proposed development to ensure that it would not unduly detract from the surrounding heritage conservation area and nearby heritage items.

Amended plans were submitted by the applicant which propose to paint the building and fence in a two tone grey horizontal design. Yellow and blue corporate building identification signage is also proposed on the northern and western elevations. A photo montage of the new design is included in Figure 3 below.



Figure 3. Photo montage of new design.

In accordance with clause 5.10(4) an assessment of the effects that the proposed new design may have on the heritage conservation area has been undertaken. The new design will result in the majority of the building being painted in grey tones, replacing the current blue and orange colours. The corporate Goodyear colours have been limited to the business identification signage.

It is assessed that the proposed new design will be less intrusive and will not have a have any significant adverse effect on the heritage conservation area and therefore complies with the requirements of the clause 5.10.

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 serviced by reticulated water and sewer services, mains electricity and Council storm water drainage system. A vehicle access is currently provided to the site from Wood Street. The proposed development will not impact on these existing services.

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 does not require the removal of any significant trees to allow for the development. It is assessed that the proposed development will not impact any Koala habitat.

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

The proposed development is not 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 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 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 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 Apartment Development

The proposed development does not propose 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 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.

The proposed development is only for the repainting of the existing building and fence on the property and the installation of corporate business identification signage. Site inspection carried out did not reveal any evidence of contamination of the site. The SEE submitted with the application does not mention any potential land contamination. 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 is 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 15 – Public Consultation*

The development application was advertised and notified in accordance with the requirements of Chapter 15 of Weddin DCP 2014. One (1) submission was received as a result of the public consultation process which will be discussed in the proceeding parts of this report.

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, does not apply.

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 not involve the change of a building use therefore the requirement to consider the fire protection and structural capacity of a building's proposed use is not required.
- 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 do apply to the development. The proposal only proposed the painting of the existing building and fence and the installation of corporate business identification signs. No upgrading works are consider necessary.

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 a single allotment being Lot 1 Section 4 DP 758473. The site is located on the corner of Camp Street and Wood Street. An existing building is located on the property which is used for the purposes of a vehicle repair station. The property is located within the R1 zone and is surrounded by a mixture of residential and commercial premises. A petrol station, vehicle repair station and coffee shop are adjoining and adjacent to the development site.

The existing building is painted in the corporate colours of a Beaurepairs and also contains corporate signage. The proposed development will involve the painting of the building in two

grey tones and the installation of Goodyear corporate signage. The proposed new colour scheme is less intrusive on the heritage conservation area than the current colour scheme.

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

Access, Transport and Traffic

The development site is located on the corner of Camp and Wood Street, with vehicular entrance to the property being provided from Wood Street. The proposed development will not impact on the existing access arrangements to the site or create any additional traffic.

Public Domain

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

Heritage

The development site is located within a heritage conservation area as listed in schedule 5 of the Weddin Local Environmental Plan 2011. An assessment of the development with regards to heritage has been undertaken in previous sections of this report. It is assessed that the proposed new colour scheme and signage will not significantly impact on any heritage items in the vicinity or the heritage conservation area.

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 property is connected to water, sewer and stormwater mains. The proposed development will not impact on these existing services.

Soils

The application will not have a negative impact on soils in the locality. The development will not require any excavation works.

Air and Microclimate

It is not anticipated that the proposed development will create any dust or have any impact on the microclimate.

Flora and Fauna

The development does not propose any earthworks or the removal of any 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 proposed development will not create any significant waste streams which need to be dealt with.

Energy

The proposed development will not impact on energy usage on the site.

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 prone or bushfire prone area under the Weddin LEP 2011. 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

This 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 allow for the continued operation of an existing business on the site under different corporate franchise.

Site Design and Internal Design

The proposed development will not impact on the size or layout of the existing building located on the property. As a result of a request from Council, the applicant amended the original colour scheme proposed which will result in the majority of the building being painted in grey tones in order to replace the current blue and orange colours. The corporate Goodyear colours have been limited to the proposed business identification signage.

It is assessed that the proposed new design will be less intrusive and will not have a have any significant adverse effect on the heritage conservation area.

Construction

The proposed development includes the installation of corporate signage on the building. The signage will be installed in accordance with the Building Code of Australia and

engineering 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 development will not significantly impact on the operation of the existing business.

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 constrained by any 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 Council's Development Control Plan 2014 from 28 September 2023 to 19 October 2023. One (1) submission was received as a result of the public consultation process. Below is a summary of the concerns raised in the submission along with a corresponding assessment comment:

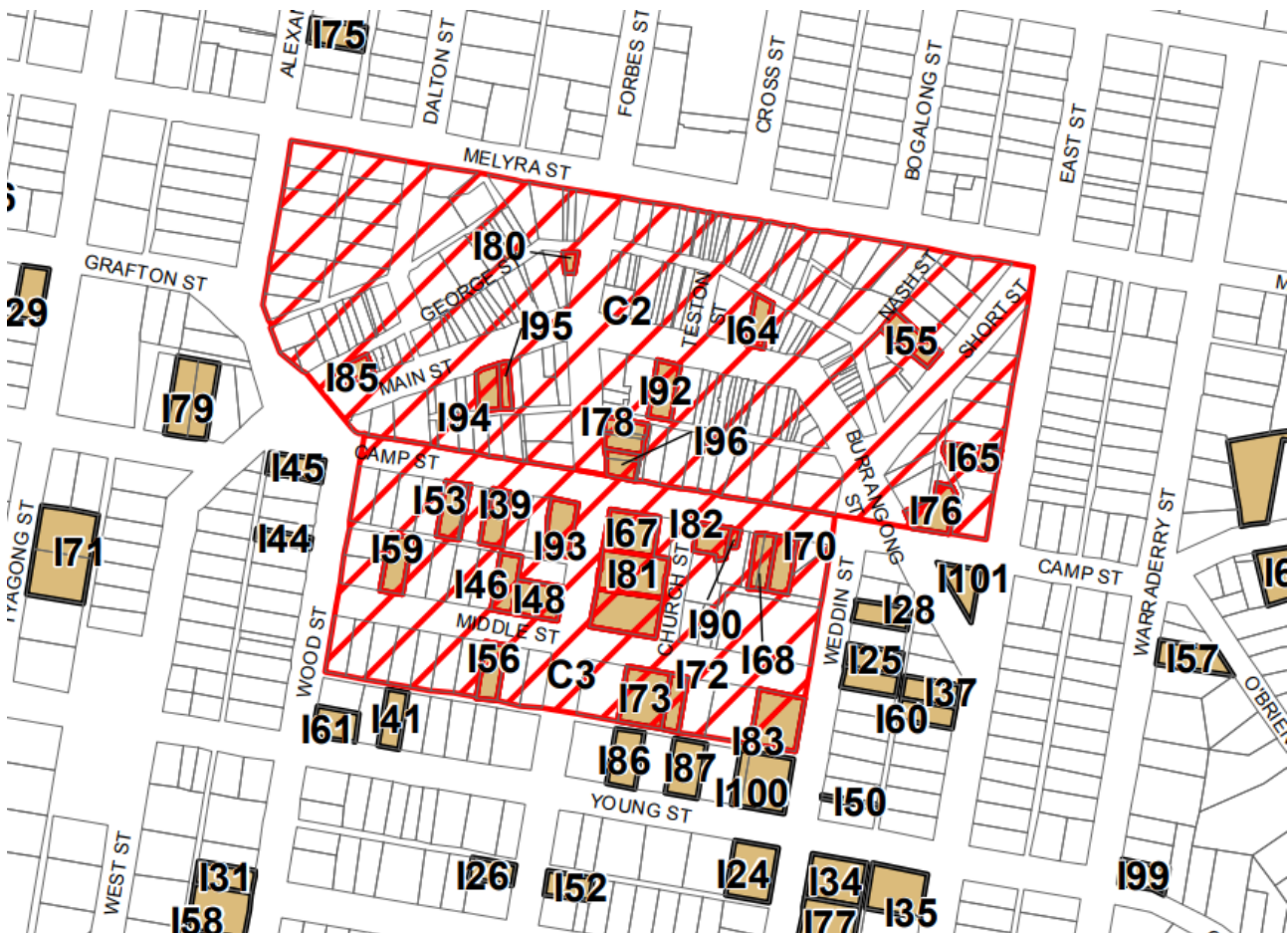
Issue

"Whilst we have no objection to the premises being painted as it keeps business in town and employs local people, I'd like the following to be considered:

Firstly, I would like some feedback on the 'heritage precinct' that I was told via a Council letter, which incorporated a map that can be viewed on the website, that encompassed Middle Street in the south, Melyra St in the north along Wood Street, Camp St and Alexandra St and Weddin St in the east. Does this precinct still exist?

Comment

Grenfell has two (2) Heritage Conservation Areas which are identified in Part 2 of Schedule 5 of the Weddin LEP 2011. Figure 4 below indicates the location of each conservation area.



The development site is located within the Grenfell Conservation Area No. 2, as identified within the Weddin LEP 2011. The original plans for the development included the painting of large parts of the building and fencing in the corporate Goodyear colours of yellow and blue. An assessment of the original design identified that it was not compatible with the existing and desired character of the area. The applicant was subsequently requested to make a number of amendments to the proposed development to ensure that it would not unduly detract from the surrounding heritage conservation area and nearby heritage items.

Amended plans were submitted by the applicant which proposed the paint the building and fence in a two tone grey horizontal design. The yellow and blue corporate colours were limited to the building identification signage on the northern and western elevations. An assessment of the revised colour design found that it was less intrusive and will not have a have a significant adverse effect on the heritage conservation area.

Issue

“I have neighbours that have sheds that have had to comply with strict heritage requirements so their sheds ‘can’t be seen from the street’ or ‘must be of a certain colour’ yet this premises can be bright yellow.”

Comment

As discussed above, the applicant was requested to make a number of amendments to the proposed development to ensure that it would not unduly detract from the surrounding heritage conservation area and nearby heritage items. Amended plans were received which now propose the paint the building and fence in a two tone grey horizontal design. The yellow and blue corporate colours are limited to the building identification signage.

Amended plans were submitted by the applicant which proposed the painting of the building and fence in a two tone grey horizontal design. The yellow and blue corporate colours are now limited to the building identification signage on the northern and western elevations.

Issue

"I also can't recall any correspondence on when the previous owners had the bright Beaurepairs signwork completed".

Comment

A review of Council records did not indicate any development consent or approvals for the painting of the existing building in the current colour scheme.

The proposed development will replace the current colours of the building in a two (2) tone grey design, which is considered to be more suitable for the area.

Issue

"If I want to change my house colour, I have been previously been told I've needed to consult with the 'Heritage Advisor' to get the correct colours. This has never certainly been bright orange or yellow in our discussions."

Comment

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 stipulates a range of exempt development (exempt from needing development consent), including minor building alternations (external) which includes the painting of a building. Exempt development for minor building alterations cannot be undertaken on a property within a heritage conservation area, and therefore requires development consent or the prior approval of Council under clause 5.10(3) of the Weddin LEP 2011. This to ensure that the impacts that a proposal may have on the heritage conservation area can be assessed.

As discussed above, the proposed colour scheme for the painting of the building has been amended to a two (2) tone grey design.

Issue

"We are not objecting to the painting, just the discrepancies that have appeared within the Environmental Plan".

Comment

As previously discussed, Council does not have any record of development consent or approval being granted for the painting of the subject building in the current colours. There are a number of existing developments within the identified heritage conservation areas which were completed prior to these areas being formally adopted.

Weddin LEP 2011 requires any new development application for a development affecting a heritage item or within a heritage conservation area to be assessed in accordance with the requirements of clause 5.10 Heritage Conservation. This is to ensure that the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views, are maintained where possible.

Public Authority Consultation:

The subject development application did not require any consultation with public authorities.

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. 24/2023 proposes the installation of signage and the painting of the existing building located on Lot 1 Section 4 DP 758473, known as 41 Camp Street, Grenfell.

As part of the public consultation process, Council received one (1) submission in relation to the proposal. As a result of an assessment of the original painting design, Council requested a number of design changes to take into consideration the surrounding heritage conservation area. The applicant submitted amended plans indicating a new colour scheme for the building.

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

1	Approved Plans and Supporting Documentation				
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
	Cover Sheet	41 Camp Street Grenfell NSW 2810	1	Programmed	02/11/2023
	Anchoring Guide	CIM No. 51682 JOB No. 52810 Page 2	1	Programmed	02/11/2023
	Site Plan	CIM No. 51682 JOB No. 52810 Page 3	1	Programmed	02/11/2023
	Site Setbacks	CIM No. 51682 JOB No. 52810 Page 4	1	Programmed	02/11/2023
	Site Details	CIM No. 51682 JOB No. 52810 Page 5	1	Programmed	02/11/2023
	Site Details – Sign Placement Overview	CIM No. 51682 JOB No. 52810 Page 6	1	Programmed	02/11/2023
	Site Elevations – West & South	CIM No. 51682 JOB No. 52810 Page 7	1	Programmed	02/11/2023
	Site Elevations – North	CIM No. 51682 JOB No. 52810 Page 8	1	Programmed	02/11/2023
	Wall Signs	CIM No. 51682 JOB No. 52810 Page 9	1	Programmed	02/11/2023
	Wall Signs	CIM No. 51682 JOB No. 52810 Page 10	1	Programmed	02/11/2023
	Wall Signs	CIM No. 51682 JOB No. 52810 Page 11	1	Programmed	02/11/2023

Finishes Schedule	CIM No. 51682 JOB No. 52810 Page 12	1	Programmed	02/11/2023
Existing Livery	CIM No. 51682 JOB No. 52810 Page 13	1	Programmed	02/11/2023
Statement of Environmental Effects	41 Camp Street Grenfell NSW 2810	1	-	6/9/2023
<p>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.</p> <p>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.</p>				

Building Work

Before issue of a construction certificate

No additional conditions have been applied to this stage of development.

Before building work commences

2	Appointment of Principal Certifier
	<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>Condition reason: To meet the requirements of the Environmental Planning and Assessment Act 1979.</p>
3	Construction Certificate
	<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>Condition reason: To ensure compliance with legislative requirements.</p>
4	Notice of Commencement

	<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>Condition reason: To meet the requirements of the Environmental Planning and Assessment Act 1979.</p>
5	<p>Signs on Development Sites</p> <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"> 1. the name, address and telephone number of the principal certifier, and 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. 3. unauthorised entry to the work site is prohibited. <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> <p>Condition reason: To meet the requirements of the Environmental Planning and Assessment Act 1979.</p>

During building work

6	<p>Aboriginal Heritage</p> <p>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 <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>Condition reason: To comply with legislative requirements and the protection of objects of potential significance during works.</p>
7	<p>Carrying out of Works in a Road Reserve</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>Condition reason: To comply with the Roads Act 1993 and ensure all work meets relevant standards and is completed in safe manner.</p>
8	<p>Confines of Work</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>Condition reason: To protect and preserve the amenity of the surrounding locality.</p>
9	<p>Construction Site Waste and Debris</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>Condition reason: To protect and preserve the amenity of the surrounding locality.</p>
10	<p>Damage to Public Assets</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>Condition reason: To ensure any damage to public infrastructure is rectified</p>
11	<p>Loading and Unloading of Goods and Materials</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>Condition reason: To protect and preserve the amenity of the surrounding locality and comply with legislative requirements.</p>
12	<p>Mandatory Inspections</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>

	Condition reason: To require approval to proceed with building work following each critical stage inspection.
13	Noise
	All construction and demolition works that generate noise which is audible at any residential premises, must be restricted to the following times: <ul style="list-style-type: none"> • Monday to Friday – 7.00 am to 6.00 pm, and • Saturday – 8.00 am to 1.00 pm • No noise from construction or demolition works is to be generated on Sundays or Public Holidays. 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> .
	Condition reason: To protect the amenity of the surrounding area

Before issue of an occupation certificate

14	Occupation Certificate
	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> .
	Condition reason: To ensure compliance with the Environmental Planning and Assessment Act 1979.

Occupation and ongoing use

15	Operating hours																											
	During ongoing use of the premises, the hours of operation of the business are restricted to:																											
	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 35%;">From:</th> <th style="width: 35%;">To:</th> </tr> </thead> <tbody> <tr> <td>Monday</td> <td>7am</td> <td>6pm</td> </tr> <tr> <td>Tuesday</td> <td>7am</td> <td>6pm</td> </tr> <tr> <td>Wednesday</td> <td>7am</td> <td>6pm</td> </tr> <tr> <td>Thursday</td> <td>7am</td> <td>6pm</td> </tr> <tr> <td>Friday</td> <td>7am</td> <td>6pm</td> </tr> <tr> <td>Saturday</td> <td>8am</td> <td>6pm</td> </tr> <tr> <td>Sunday</td> <td>8am</td> <td>6pm</td> </tr> <tr> <td>Public Holidays</td> <td>8am</td> <td>6pm</td> </tr> </tbody> </table>		From:	To:	Monday	7am	6pm	Tuesday	7am	6pm	Wednesday	7am	6pm	Thursday	7am	6pm	Friday	7am	6pm	Saturday	8am	6pm	Sunday	8am	6pm	Public Holidays	8am	6pm
	From:	To:																										
Monday	7am	6pm																										
Tuesday	7am	6pm																										
Wednesday	7am	6pm																										
Thursday	7am	6pm																										
Friday	7am	6pm																										
Saturday	8am	6pm																										
Sunday	8am	6pm																										
Public Holidays	8am	6pm																										

	All work on Sundays and Public Holidays should be undertaken in a manner to ensure that any noise emitted from the property does not impact on nearby residential properties.
	Condition reason: To protect the amenity of the local area

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.

13.4 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 November to 30 November 2023.

Budget: Nil

<p>RECOMMENDATION</p> <p>That Council note the information contained within the report.</p>
<p>RESOLUTION 297/23</p> <p>Moved: Cr Diprose Seconded: Cr Best</p> <p style="text-align: right;">THE MOTION WAS CARRIED UNANIMOUSLY</p>

Background

Under s. 4.16 of the *Environmental Planning and Assessment Act 1979*, under delegated authority Council Officers can exercise the power to determine development applications and post consent certificates such as construction certificates and complying development 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 November 2023.

Development Applications Determined by Council

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

DA NO.	Applicant	Construction	Value (\$)	Address
27/2023	Mr W J Keep	Shed with Amenities	\$77,560	LOT: 1261 DP: 754578 79 Gooloogong Road GRENFELL NSW 2810
31/2023	Ms T Basic	Alterations & Additions to Dwelling	\$90,000	LOT: 1249 DP: 754578 137 North Street GRENFELL NSW 2810
32/2023	Ms N R Case	New Dwelling	\$350,000	LOT: 2 DP: 1243779 4A Palmer Street GRENFELL NSW 2810

Complying Development Applications

The complying development certificate applications approved within the Shire in November 2023 by Council or any other Principal Certifiers.

CDC NO.	Applicant	Construction	Value (\$)	Address
NIL				

Construction Certificates

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

CC NO.	Applicant	Construction	Address
43/2016	Mr T G Mawhinney	Installation of Weighbridge only	LOT: 1 DP: 539199 Brundah Street GRENFELL NSW 2810
23/2023	Mr M Spry	Construction of single storey shed	LOT: 6 SEC: 1 DP: 758473 10 West Street GRENFELL NSW 2810
27/2023	Mr W J Keep	Shed with Amenities	LOT: 1261 DP: 754578 79 Gooloogong Street GRENFELL NSW 2810
28/2023	Mr M D Hewen	Shed	LOT: 5 DP: 1229401 20 Huckel Close GRENFELL NSW 2810

13.5 KEEPING CATS SAFE AT HOME PROGRAM

File Number: A4.4.10
Author: Executive Assistant to the Director Environmental Services
Authoriser: Director Environmental Services
Attachments: Nil
CSP Objective: Innovation in service delivery (healthy, safe and educated community)
Precis: 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.
Budget: Nil

RECOMMENDATION
 That Council note the information contained in this report.

RESOLUTION 298/23
 Moved: Cr Diprose
 Seconded: Cr Frame

THE MOTION WAS CARRIED UNANIMOUSLY

MOTION TO MOVE AN AMENDMENT

Moved: Cr Diprose
Seconded: Cr Frame

That Council note the report.

MOTION TO DISCUSS

Moved: Cr McKellar
Seconded: Cr Diprose

That Council discuss the report.

THE MOTION WAS CARRIED

Since the launch of the Keeping Cats Safe at Home Program, Council has continued to work with RSPCA NSW and Weddin Landcare to develop and implement the specific stages of the program.

As previously reported, 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 100th cat was desexed and microchipped under the program at the local Grenfell Lachlan Valley Vets. As this initial stage of the program proved to be so popular and in demand it was decided to continue this offer, thus allocating additional funding to this initiative. As of 30 November 2023 a total of 238 cats have been desexed as part of the program. The desexing program will continue 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 Joseph's 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 above education was undertaken through role playing, animated videos and fun activity packs with examples such as find a word, dot to dot and colouring in, to maximise interest and intake by the students.

As of October 2023 there was approximately \$12,500.00 funding remaining in the budget for the program. After consultation with RSPCA NSW and Weddin Landcare it was decided for the third and final stage of the project the funding would be broken down to \$2,500.00 for the continuation of the desexing and microchipping program, with the remaining \$10,000 spent on providing free outdoor cat enclosures.

The enclosures will be available to residents of the Weddin Shire via an application process. Eligibility criteria have been developed along with an application form. An inspection of each applicant’s property will be undertaken as part of the application assessment process. Applicants would have a choice of 3 enclosure sizes, with a second inspection being conducted after erection. The timeline for the rollout of this program will be:

Applications open	15 January 2024
Applications close	1 March 2024
Assessment of applications and site inspections	4 March – 12 April 2024
Notify successful applicants and order enclosures	26 April 2024
Cat enclosures completed	26 July 2024
Final inspections	30 July – 30 August 2024

It is intended that this free cat enclosure giveaway will tie in with a proposed RSPCA stand being included at the 2024 Henry Lawson Festival as well as at 2024 Grenfell Show. It is proposed to conduct a number of desexing/microchipping days in the lead up to these events, if possible.

The Keeping Cats Safe At Home Project is scheduled to finish in December 2024.

13.6 DEVELOPMENT CONSENT 13/2019 - MULTI DWELLING HOUSING - 11 NORTH STREET GRENFELL - APPLICATION TO MODIFY DEVELOPMENT CONSENT

File Number: DA 13/2019

Author: Executive Assistant to the Director Environmental Services

Authoriser: Director Environmental Services

Attachments: Nil

CSP Objective: Sustainable natural, agricultural and built environments

Precis: Development Consent 13/2019 was approved by Council on 20 May 2019 subject to conditions. An application under 4.55(1A) of the Environmental Planning and Assessment Act 1979 has been lodged by requesting condition 12(2) of the consent be modified to allow the required section 64 sewer headwork contributions to be paid prior to the issue of an occupation certificate, rather than prior to the issue of a construction certificate.

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. The section 4.55(1A) modification application to amend the requirements of condition 12(2) of Development Consent 13/2019, to enable the applicable section 64 sewer headwork contributions to be paid prior to the issue of an occupation certificate rather than prior to the issue of a construction certificate, be approved subject to the original

conditions of consent and amended condition 12(2) as listed in Appendix A to 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 299/23

Moved: Cr Best

Seconded: Cr Parlett

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. The section 4.55(1A) modification application to amend the requirements of condition 12(2) of Development Consent 13/2019, to enable the applicable section 64 sewer headwork contributions to be paid prior to the issue of an occupation certificate rather than prior to the issue of a construction certificate, be approved subject to the original conditions of consent and amended condition 12(2) as listed in Appendix A to 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

INTRODUCTION

Development Consent 13/2019 being for a multi dwelling housing development on Lot 524 DP 754578, known as 11 North Street Grenfell, was approved by Council under delegated authority of the General Manager on 20 May 2019. The approved development consisted of 12 attached dwellings and a single freestanding dwelling, along with associated driveways, parking area and associated services.

The development consent was issued subject to conditions, including a requirement to pay section 64 charges in accordance with the Weddin Shire Council Grenfell Sewer Contributions Plan.

The applicant has lodged an application to modify the development consent under section 4.55(1A) of the Environmental Planning and Assessment Act 1979. The applicant seeks to amend condition 12(2) of the Development Consent to require the applicable contributions to be paid prior to the issue of an Occupation Certificate or prior to the commencement of works, rather than prior to the issue of a construction certificate.

DESCRIPTION OF SITE

The development site is freehold land being Lot 524 DP 754578, 11 North Street, Grenfell. The site is located on the corner of Parkes Street, North Street and Star Street, which are all sealed Council roads. The site is generally vacant, with the exception of a small steel clad shed type structure.

The development site is zoned R1 – General Residential under Weddin Local Environmental Plan 2011 ('Weddin LEP'). The property is generally flat and contains an approximately 6 small trees. The southern section of the property is identified as being flood prone land.

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

The development site has an area of 8094m² and is owned by the Grenfell Senior Citizens Welfare Committee.

DESCRIPTION OF PROPOSAL

Development Consent 13/2019 was issued to conditions, including condition 12(2) as detailed below.

12(2) *Where Council is appointed as the Principal Certifying Authority the applicant is advised that prior to the issue of a construction certificate the following outstanding development fees are required to be paid:*

1)	Construction Certificate	= \$ 8,000.00
2)	Long Service Levy	= \$ 6,613.00
3)	S64 Contribution	= \$ 33,570.00
4)	Sewer Connection	= \$ 535.00
5)	Occupation certificate	= \$ 120.00
	TOTAL	= \$ <u>48,838.00</u>

Note: The above fees are for the 2018/2019 financial year. The actual fees charged will be the fees applicable in Council's Management Plan at the time of application for the Construction Certificate.

Reason: So as to comply with Council's Management Plan being the Fees and Charges policy.

The modification application seeks to modify condition 12(2) to allow the section 64 contributions to be payable either prior to the issue of an occupation certificate or prior to the commencement of works.

The applicant has advised that the proposed development is proposed to be grant funded. The owner of the site has received advice that their expression of interest for grant funding was successful. This has resulted in the owners now proceeding to lodge a construction certificate for the development in order to progress to the next stage to obtain the funding.

The reason for the request to modify condition 12(2) is that a condition of the grant funding is that the owner of the site must contribute a percentage of the total project cost. Any funds expended prior to the grant application determination cannot be used to support the required contribution. In order to address this issue the applicant seeks to modify the condition to require payment of the section 64 contributions prior to the issue of an occupation certificate or prior to the commencement of works.

ENVIRONMENTAL IMPACT ASSESSMENT

In determining an application for modification of a development consent, 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 the application to modify development consent 13/2019:

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 LEP 2011.

The current development consent is for the multi dwelling housing comprising of 13 dwellings (12 attached and 1 detached). Multi dwelling housing is defined in the Weddin LEP 2011 as:

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note—Multi dwelling housing is a type of residential accommodation—see the definition of that term in this Dictionary.

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 R1 General Residential zone –

Zone R1 General Residential
<p>1 Objectives of zone</p> <ul style="list-style-type: none"> • 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.
<p>2 Permitted without consent Environmental protection works; Home-based child care; Home occupations</p>
<p>3 Permitted with consent Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dwelling houses; Food and drink premises; Group homes; Home industries; Hostels; Kiosks; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Pond-based aquaculture; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture; Waste or resource transfer stations; Water recycling facilities; Any other development not specified in item 2 or 4</p>
<p>4 Prohibited Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Car parks; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Extractive industries; Farm buildings; Farm stay accommodation; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Industrial retail outlets; Industrial training facilities; Industries; Jetties; Local distribution premises; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Port facilities; Public administration buildings; Recreation facilities (major); Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water treatment facilities; Wharf or boating facilities; Wholesale supplies</p>

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 proposed multi dwelling housing development will provide for the housing needs of residents within the Weddin Shire. The development provides a range of housing type to

suit the aging population of the Shire. The proposed modification does not propose any changes to the design of the development. It is assessed that the proposed development and modification are consistent with the objectives of the R1 General Residential zone.

Clause 5.21 Flood Planning

Clause 5.21 states that:

Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—

- (a) is compatible with the flood function and behaviour on the land, and
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
- (b) the intended design and scale of buildings resulting from the development,
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.

The southern portion of the development site is identified as being within the flood planning area on the Flood Planning Map, as shown in **Figure 2** below:

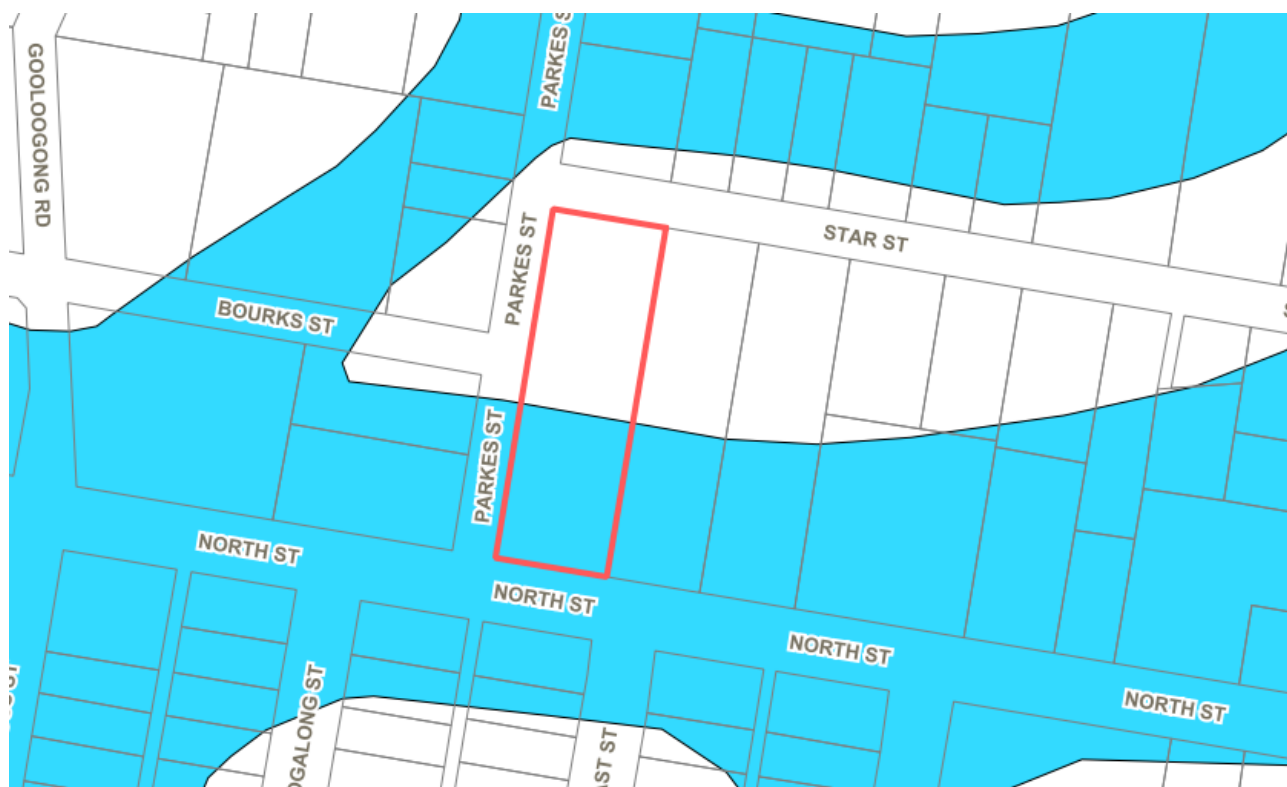


Figure 2. Location of development site within flood planning area.

An assessment of the development in regards to flooding was undertaken as part of the original development application. This resulted in a number of conditions of consent relating to flooding. The modification application does not propose any changes to the design of the development and therefore will not impact on the existing flood assessment.

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 development site is capable of being serviced by reticulated water and sewer services. Mains electricity is available to the property along with Councils storm water drainage system. A number of vehicle entrances to the site are proposed as part of the development. The modification application will not impact on the design of the approved 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 will only require the removal of limited small trees, which formed part of the original approval. The proposed modification will not impact on the design of the development or have a greater impact on existing vegetation.

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

The proposed dwellings are BASIX affected building as defined under the *Environmental Planning and Assessment Act 1979*. A BASIX certificate was approved as part of the original approval. The proposed modification will not impact on the design of the development or the approved BASIX certificate.

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 modification application to amend a condition of the existing development consent.

State Environmental Planning Policy (Housing) 2021

The proposed development does propose a form of affordable housing. The development consent was issued prior to the introduction of the SEPP. The modification does not change the design of the development and therefore the requirements of the SEPP do not apply to the proposal.

State Environmental Planning Policy (Industry and Employment) 2021

An assessment of the proposal has revealed that there are no applicable requirements under *SEPP (Industry and Employment) 2021* that apply to the modification application.

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

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

State Environmental Planning Policy (Planning Systems) 2021

The 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 part of the SEPP which apply to the proposed modification application.

State Environmental Planning Policy (Primary Production) 2021

The 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 modification application.

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.

The assessment of the original development application included consideration of land contamination. The proposed modification does not propose a change to the design of the development and therefore further assessment of land contamination is not 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

There are no part of the SEPP which would apply to the proposed modification.

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 5 – Urban Residential Development

The original development was assessed to be compliant with the requirements of the Chapter 5 of the DCP. The proposed modification will not change the design or siting of the approved development.

Chapter 4 Flooding and Flood Affected Land

As discussed in the previous sections of this report, the development site is identified as being within the flood planning area. The modification application only proposes a change to a condition of consent and will not impact on the design or siting of the approved development. As such further assessment of the modification under Chapter 4 of the DCP is not required.

Chapter 15 – Public Consultation

The original development application was advertised and notified in accordance with the requirements of the Chapter 15 of the DCP. No submission were received as a result of this public consultation.

As the proposed modification does not include any change to the design or siting of the development, it was assessed that further public consultation was not warranted.

S 4.15(1)(a)(iia) 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 or modification application.

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 modification application does not involve the demolition of any buildings and therefore the requirement to consider compliance with AS 2601-2001: The Demolition of Structures is not needed.

The land is not subject to a subdivision order or the Dark Sky Planning Guideline. While the development does include a multi dwelling housing, consideration of the *Low Rise Housing Diversity Design Guide for Development Applications* is not needed as the proposed modification does not change the design of the development.

- Clause 62 – The proposal does not involve the change of a building use therefore the requirement to consider the fire protection and structural capacity of a building's proposed use is not required.
- 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 do not apply to the development.

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 modification application, 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 a single allotment located within a residential area in Grenfell. The proposed modification application will not change the design of the already approved development and therefore will not impact on the context and setting of the surrounding area.

Access, Transport and Traffic

The approved development includes a number of proposed vehicular entrances from both the Parkes Street and Star Street. The modification application does not propose any changes to the design of the development and therefore will not impact on access, transport or traffic.

Public Domain

The proposed modification will not impact on public recreational opportunities or public spaces in the locality.

Heritage

The development site does not contain a listed heritage item and is not located within a heritage conservation area. The modification does not propose any changes to the design of the proposed development and therefore will not have any impact on heritage.

Other Land Resources

The land does not contain any recorded mineral deposits and the proposed modification will not have any impact any water catchment areas or waterways.

Water, Sewerage and Stormwater

The development will be serviced by Councils reticulated sewer and stormwater mains. The site will also be serviced by central tablelands water. The proposed modification will not impact on these existing or proposed services.

Soils

The modification application does not proposed any change to the design of the development and therefore will not have impact on soils in the locality.

Air and Microclimate

The proposed modification application will not impact on the generation of dust or the microclimate.

Flora and Fauna

The modification application will not have any impact on flora and fauna in the area.

Waste

The proposed modification will not create any additional waste streams during construction or post construction.

Energy

The proposed modification will not increase energy usage on the site.

Noise and Vibration

The existing development consent includes conditions relating to noise generated during the construction phase of the development. The modification application will not impact on noise or vibration.

Natural Hazards

Part of the development site is located within a flood planning area. The existing development consent is subject to a number of conditions relating to flooding. The modification application does not proposed any change to the design of the development and therefore does not require further assessment of natural hazards.

Technological Hazards

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

Safety, Security and Crime Prevention

The modification will not impact on safety, security or crime prevention in the area.

Social and Economic Impacts on the locality

The proposal only includes the delayed payment of sewer headwork's contributions. The modification will not have any social or economic impacts on the locality.

Site Design and Internal Design

The modification application does not propose any change to the site design or internal design of the approved development.

Construction

The modification application will not impact on the construction of the approved development. All construction works will be required to be undertaken in accordance with the Building Code of Australia.

Cumulative impacts

The modification application only proposes a change to a condition of consent and therefore will not have any cumulative impacts.

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

The approved development is consistent with the zone objectives and will not unduly impact on the locality. The modification application does not proposed any change to the design or siting of the approved development.

The modification application only proposes a change to the condition of consent relating to the payment of section 64 contributions. Therefore the development and modification is considered suitable for the development site.

Public Consultation

The original development application was advertised and notified in accordance with Council's Development Control Plan 2014, with no submissions being received. The modification application does not propose any change to the design or siting of the development and therefore was not required to be advertised or notified.

Public Authority Consultation:

The modification application did not require any consultation with public authorities.

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

Community Interest

The modification application 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 modification application.

Weddin Shire Council – Grenfell Sewer Contributions Plan

In accordance with Section 64 of the *Local Government Act 1993*, Council has adopted the Weddin Shire Council – Grenfell Sewer Contributions Plan. This plan requires developer contributions to be paid for certain developments which impose on the sewerage system. The required contributions are calculated based on the number of equivalent tenements proposed as part of the development. The contributions received are used towards the provision of sewerage infrastructure and the maintenance of this infrastructure.

The Plan describes an equivalent tenement as –

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

The approved development includes 13 two (2) bedroom dwelling houses. Based on the Plan this equates to 13 equivalent tenements. Clause 1.10 of the Plan outlines that contributions are to be paid for development applications involving building work, prior to the issue of a construction certificate. Condition 12(2) of the development consent currently requires the sewer headwork's to be paid prior to the issue of a construction certificate.

The plan and condition of consent outlines that the contribution payable is based on the charge applicable in Councils Management Plan at the time of lodgement of the construction certificate. The current contribution stipulated in Councils Operational Plan is \$4,296.00 per equivalent tenement. Based on the development including 13 equivalent tenements, a total contribution of \$55,848 would be payable for the development, if a construction certificate was lodged during the current financial year.

The applicant has submitted an application to modify the development consent, seeking to amend condition 12(2), in order to allow the contributions to be paid prior to the issue of an occupation certificate or prior to the commencement of work.

The reason for the request is that a condition of the grant funding for the completion of the development is that the owner of the site must contribute a percentage of the total project cost. Any funds expended prior to the grant application determination cannot be used to support the required contribution. In order to address this issue the applicant seeks to modify the condition to require payment of the section 64 contributions prior to the issue of an occupation certificate or prior to the commencement of works. This will enable the owner of the site to utilise more of their existing funds to allocate towards their required contribution to the overall cost of the development.

Given the important work that the Grenfell Senior Citizens Welfare Committee does in providing seniors housing within the shire, it is considered that Council should support the request to modify condition 12(2). It is considered that requiring the payment of the required contributions prior to the issue of an occupation certificate would be the most appropriate option. This will ensure that the applicant has a suitable timeframe to receive any funding to contribute to the payment of the contributions. It is considered that requiring payment prior to the commencement of works could potentially delay construction if funding is not received prior to the planned commencement date.

The applicant is required to obtain an occupation certificate, prior to the occupation or use of any of the proposed dwellings. Therefore the dwellings would not be able to be occupied until the required contribution had been paid. To ensure that the applicant is not disadvantaged in terms of the timing of the required contributions, it is considered that the applicable contribution rate listed in Councils Operational Plan relative at the date of lodgement of the construction certificate, should be used to calculate the required contribution.

CONCLUSION

Development Consent 13/2019 was issued by Council for a multi dwelling housing development on Lot 524 DP 754578, known as 11 North Street Grenfell. The approved development consists of 6 attached dwellings and a single freestanding dwelling, along with associated driveways, parking area and associated services.

The development consent was issued subject to conditions, including a requirement to pay section 64 charges in accordance with the Weddin Shire Council Grenfell Sewer Contributions Plan.

The applicant has lodged an application to modify the development consent under section 4.55(1A) of the Environmental Planning and Assessment Act 1979. The applicant seeks to amend condition 12(2) of the Development Consent to require the applicable contributions to be paid prior to the issue of an Occupation Certificate or prior to the commencement of works, rather than prior to the issue of a construction certificate.

It is assessed that the modification of the condition to require the payment of the applicable contributions prior to the issue of an occupation certificate is appropriate in the circumstance and should be approved by Council. A list of the existing conditions of consent including the proposed modified condition 12(2) is included in **Appendix A**.

APPENDIX A – RECOMMENDED CONDITION OF CONSENT

1. MANDATORY GENERAL

- (1) Development is to take place in accordance with the attached stamped plans (Ref No. Design Wet Architecture Pages 1-8, 10 & 11 Job No 74/17), Documentation submitted with the application and subject to the conditions below, to ensure the development is consistent with Council's consent.

*NOTE: Any alterations to the approved development application plans must be clearly identified **WITH THE APPLICATION FOR A CONSTRUCTION CERTIFICATE**. The Principal Certifying Authority (PCA) for the project may request an application for modification of this consent or a new application in the event that changes to the approved plans are subsequently made.*

Reason: Statutory requirement and Public interest

- (2) Prior to commencement of any works, a Construction Certificate is to be obtained and where Council is not the PCA, a copy is submitted to council.

Reason: Statutory requirement

- (3) Prior to the occupation or use of the building an Occupation Certificate is to be obtained and where council is not the PCA a copy is submitted to council.

Reason: Statutory requirement

- (4) Provide a clearly visible sign to the site stating:
 - a) Unauthorised entry is prohibited;
 - b) Builders name and licence number; or owner builders permit number;
 - c) Street number or lot number;
 - d) Contact telephone number/after hours number;
 - e) Identification of Principal Certifying Authority.

Reason: Statutory requirement

- (5) The applicant is to submit to Council, at least two (2) days prior to the commencement of any works, a notice of commencement of building or subdivision works and Appointment of Principal Certifying Authority.

Reason: Public interest

- (6) Toilet Facilities
- a. Toilet facilities must be available or provided at the work site before works begin and must be maintained until the works are completed at a ratio of one toilet plus one additional toilet for every 20 persons employed at the site.
 - b. Each toilet must:
 - i. be a standard flushing toilet connected to a public sewer, or
 - ii. have an on-site effluent disposal system approved under the Local Government Act 1993, or
 - iii. be a temporary chemical closet approved under the Local Government Act 1993.

Reason: Statutory requirement

- (7) All rubbish and debris associated with the development, including that which can be wind blown, must be contained on site in a suitable container at all times. The container shall be erected on the development site prior to work commencing.

Materials, sheds or machinery to be used in association with the development must be stored and stacked wholly within the worksite unless otherwise approved by Council

Note 1: No rubbish or debris associated with the development will be placed or permitted to be placed on any adjoining public reserve, footway or road.

Note 2: Offenders are liable for prosecution without further warning.

Reason: Statutory requirement and Public interest

- (8) All the required commitments shown on the Basix Certificate (No: 937482M_02) and approved plans are implemented prior to issue of an occupation certificate.

Reason: Statutory requirement and Public interest

- (9) A final Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an occupation certificate, the Principle Certifying Authority must be satisfied that that the requirements of section 109H of the Environmental Planning and Assessment Act 1997 have been satisfied.

Reason: to ensure compliance with the Environmental Planning and Assessment Act 1979

- (10) The building works are to be inspected during construction by the Council or by an "Accredited Certifier" (as applicable) and documentary evidence of compliance with the relevant terms of the approval/standards of construction detailed in the Building Code of Australia and Council's established development standards (as listed under Advisory Conditions which form part of this consent), is to be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following key stages:-

- (i) Footings and Concrete Slabs: When the footings have been excavated and all steel reinforcement has been placed in position.
- (ii) Structural framework: When complete, all external walls and roof cladding must be in place prior to inspection. Internal plumbing should be in place and under pressure.
- (iii) Roof frame: Prior to the installation of the ceiling lining and eaves soffit lining.
- (iv) Internal House Drainage: When all internal drainage work is installed and prior to concealment. Drainage should be under water test.
- (v) External House Drainage: When all external drainage work is installed and prior to concealment.
- (vi) Wet area waterproofing: prior to lining or laying tiles.
- (vii) Stormwater Drainage: When the stormwater and roofwater drainage system has been completed.
- (viii) Completion: Upon compliance with all conditions of approval and prior to occupation.

Note: 48 Hours notice is required prior for all inspections

Reason: To comply with the Environmental Planning & Assessment Amendment (Quality of Construction) Act 2003.

- (11) The builder or person who does the residential building work must comply with the applicable requirements of Part 6 of the Home Building Act 1989.

Reason: to ensure compliance with the Home Building Act 1989

2. WATER SUPPLY, SEWAGE & STORM WATER DRAINAGE WORK

- (1) All plumbing and drainage work shall be carried out by a licensed plumber and drainer.

Reason: Statutory requirement

- (2) Prior to commencement of any construction works, the applicant should familiarise themselves with the requirements of the WorkCover Authority. It is the responsibility of the applicant to comply with the requirements of this Authority. The Construction Certificate is dependent upon compliance with the requirements of the Authority.

Reason: to ensure the provisions of the Occupational Health and Safety Act, 1983, are considered.

- (3) All Plumbing and Drainage works are to be carried out in accordance with Australian Standard 3500 – Plumbing and Drainage. It is noted that all plumbing and drainage work must be inspected by Council prior to backfilling.

Reason: to ensure compliance with Australian Standard 3500 – Plumbing and Drainage.

- (4) Prior to the commencement of plumbing and drainage works, a notice of work is to be submitted to Council.

Reason: to ensure compliance with the Plumbing and Drainage Act 2011.

- (5) Upon completion of the plumbing and drainage works and prior to the relevant inspections, a sewer drainage diagram and certificate of compliance are to be submitted to Council.

Reason: to ensure compliance with the Plumbing and Drainage Act 2011.

- (6) Drains attached to or emerging from the proposed slab shall incorporate flexible joints immediately outside the footing and commencing within 1 metre of the building perimeter in accordance with AS 2870 – Residential Slabs and Footings.

Reason: to ensure compliance with Australian Standard 2870 – 2011 – Residential Slabs and Footings.

3. NOISE

- (1) Construction or demolition work must only be carried out within the following times:
- a) Monday to Friday – 7:00 am to 7:00 pm;
 - b) Saturday – 8:00 am to 1:00 pm if audible on other residential premises, otherwise 7:00 am to 5:00 pm;
 - c) No work to be carried out on Sunday or Public Holidays if it is audible on other residential premises.

Note: The principal contractor shall be responsible to instruct and control their sub-contractors regarding the hours of work.

Reason: Statutory requirement and Public interest

4. DRAINAGE - BUILDING

- (1) All roofed and paved areas are to be drained and the water from those areas and from any other drainage must be conveyed to:

- (a) The gutter in Star/Parkes street

Storm water disposal drains shall be connected to all roof gutter down pipes within fourteen (14) days of installation of the down pipes and/or the construction of hard standing areas, as may be appropriate, to discharge roof water to the approved method of disposal.

Where kerb and gutter is constructed, an approved PVC or galvanised steel kerb adaptor (either roll over kerb adaptor or upright kerb adaptor) shall be installed in the kerb.

Note 1: Two copies of a plan showing the location of the storm water disposal system are to be submitted to Council before occupation.

Note 2: 'Pump-out' storm water drainage systems are not acceptable.

Reason: Statutory requirement and Public interest

5. PLUMBING - BUILDING

- (1) Access to any sewer manholes on the subject land or surrounding land is not to be obstructed in any way. The southernmost driveway on Parkes Street is at risk of encroaching on manhole M160/4 (Figure 1 – below). If the driveway access encroaches on the sewer manhole, it is to be lifted to the finished concrete level (Inspections required).

OPTIONAL NOTE: Any alteration to the existing manhole/s or adjustments in height to the existing manhole/s are to be at the applicant's cost. Reason: Statutory requirement and Public interest



Figure 1 - Risk of Sewer Manhole (M160/4) Encroaching on Driveway

Reason: Statutory requirement and Public interest

6. PLUMBING

- (1) The construction of sewer mains such that there is a separate and distinct sewer connection wholly within the boundary of each proposed residential lot, in accordance with the Local Government (Approvals) Regulation 1999 & Weddin Shire Council’s Policy number 7.1.5. The sewer mains SM167 & SM181 are both 150mm diameter (Figure 2 – below). Connection is to be to these sewer mains. (Inspection will be required before backfilling).

NOTE: The developer is to construct a 150 mm sewer riser at each property junction; each riser is to be constructed so that riser cap finishes 150 mm above the finished surface level of each allotment created. Reason: Statutory requirement and Public interest



Figure 2 - Sewer Main SM181 & SM167

Reason: Statutory requirement and Public interest

7. AMENITY

- (1) A landscape design plan in respect of the proposed development is to be prepared and submitted for the approval of Council prior to the issue of a construction certificate. The plan is to include botanical names, quantities and state of maturity of all proposed trees, shrubs and ground covers.

Note 1: Landscaping is to be carried out and maintained in perpetuity in accordance with the landscape design plan once approved.

Note 2: The landscaping is to be completed prior to the occupation of the building.

Reason: Public Amenity

8. ROADS

- (2) The construction and sealing of the road shoulder and the construction of kerbing and guttering, including the provision of street drainage where necessary, in:
 - Star Street for the full frontage of the subject land.
 - Parkes Street; From Star Street down to the last driveway south along Parkes Street.
 - Council will front 50% of the total cost for the ROAD SHOULDER, KERB AND GUTTER.
 - Council will provide one standard vehicular crossing per lot at half cost (50%) in conjunction with new kerb and gutter. As outlined in Policy Number 11.1.8 / Number 6 / Clause(s) (i), (iv), (v), (iv).

Reason: Statutory requirement and Public interest

9. ACCESS

- (1) The construction of a minimum 2.4 metres wide layback(s) in the existing kerb and gutter, adjacent to the proposed footway crossing(s)/Vehicle Crossing(s).

Reason: Statutory requirement and Public interest

- (2) A minimum 2.4-metre-wide vehicular crossing(s) over the footway adjacent to the proposed ingress/egress point(s) is to be designed and constructed. Further the applicant is to obtain a compliance certificate pursuant to Section 109C of the Environmental Planning and Assessment Act at the completion of construction of the footway crossing from Council or an accredited certifying authority certifying that the works have been completed and that the levels are in accordance with those issued.

Reason: Statutory requirement and Public interest

10. FLOODING

- (1) The finished floor level must have a minimum height RL 386 AHD. Confirmation that the 'as constructed' floor levels of the development satisfy this requirement, must be provided to the Principal Certifying Authority prior to placing of the concrete slab. This is to be done by submission of an Identification Survey, prepared by a Registered Surveyor. The relevant level is metres Australian Height Datum.

Reason: To reduce the likelihood of damage from floodwaters. Section 79C(1)(c) of the Environmental Planning and Assessment Act 1979, as amended.

- (2) The building is to be designed and constructed in such a manner and of such materials as to minimise the likelihood of damage to the building in the event of flooding.

NOTE 1: A list of suitable materials is shown in State Government Floodplain Development Manual, 2005.

NOTE 2: A list of suitable materials is shown in Appendix F of the NSW Floodplain Development Manual, 2005.

Reason: Statutory requirement and Public interest

- (3) The submission of a detailed report from a practising consulting engineer certifying that the proposed structure(s) is(are) able to safely withstand the force of flowing floodwaters, including debris and buoyancy forces as appropriate.

NOTE: For calculation of debris forces, assume a solid object of mass 250 kg travelling at a velocity of 2.0m/s.

Reason: Statutory requirement and Public interest

- (4) The site shall be managed so that:
- (a) No additional filling shall be placed on the land which may impede the flow of flood waters;
 - (b) Any clearing or drainage activities shall not alter the drainage patterns across the site;
 - (c) No landscaping or similar type structures shall be installed which will inhibit the flow of flood waters;
 - (d) Any plant or goods stored upon the site shall be stored in a manner which will not allow pollution of the flood waters;
 - (e) All actions shall be taken upon the site which will minimise the effect of the property upon the flood waters.

Reason: Statutory requirement and Public interest

11. BCA

- (1) The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia (BCA) – Housing Provisions

In this regard, the development consent plans do not show compliance with a number of the deemed-to-satisfy provisions of the BCA, including:

- b) Part 3.2- Footings and slabs
- c) Part 3.3- Masonry construction
- d) Part 3.4- Framing (Floors, walls and roofs)
- e) Part 3.5- Roof and wall cladding
- g) Part 3.7- Fire Safety
- h) Part 3.7.1 - Fire Separation
- i) Part 3.7.2 - Smoke alarms
- r) Part 3.11 - Structural design manuals

Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the construction certificate.

You are advised to ensure that the development is not inconsistent with Council's consent and if necessary consult with Council's Building Certification Services or an accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

- (2) The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia (BCA) – Housing Provisions

In this regard, the development consent plans do not show compliance with a number of the deemed-to-satisfy provisions of the BCA, including:

a) Part 3.3- Masonry Construction

cl 3.3.1.2 - External Walls

(Engaged piers which are located within the garage are to be increased in size to a minimum of 350mm x 230mm)

cl 3.3.1.4 - Isolated Piers

(Isolated piers which are located within the patio are to be at 3000mm maximum spacing and require either a galvanised iron strap or threaded rod located within the pier to the detail as noted in the BCA, 2009)

cl 3.3.1.8 - Vertical Articulation Joints

(Masonry expansion joints are to be installed in accordance with the structural engineering detail)

cl 3.3.3.2 - Wall Ties

(Masonry wall ties are to be installed in accordance with the to the detail as noted in the BCA, 2009 with particular attention given to the doubling of required ties in locations around doors, windows, articulation joints and internal walls)

b) Part 3.12 - Energy efficiency.

cl 3.12.3.3 - External Doors and Windows

(A weather strip (as detailed in the BCA, 2009) shall be installed on all edges on any door and window)

cl 3.12.3.4 - Exhaust Fans

(Should the kitchen exhaust fan dispose air into the roof space it shall be fitted with a self-closing damper)

cl 3.12.3.6 - Evaporative Coolers

(Evaporative cooler ceiling registers shall be fitted with self-closing dampers within all habitable rooms)

cl 3.12.5.0 - Insulation of Services

(Externally located hot and cold water service pipes shall be suitably insulated to resist the effects of extremes of ambient temperature in accordance with AS3500.4-2003)

cl 3.12.5.3 - Heating and Cooling Ductwork

(The evaporative cooling ductwork shall be insulated and sealed against air loss in accordance with BCA, 2009)

Details of compliance with the relevant provisions of the Building Code of Australia and conditions of development consent are to be provided in the plans and specifications for the construction certificate.

You are advised to ensure that the development is not inconsistent with Council's consent and if necessary consult with Council's Building Certification Services or an accredited certifier prior to submitting your construction certificate application to enable these matters to be addressed accordingly.

Reason: So as to ensure compliance with the Building Code of Australia.

- (3) An automatic fire detection and alarm system must be installed in a Class 1 building or dwelling under 3.7.2 , Volume 2 of the BCA. This requirement is satisfied by:-

smoke alarms:

- a complying with Australian Standard 3786-1993, and
- b where the building is provided with consumer mains power, connected to the mains and have a stand-by power supply; and
- c installed in suitable locations on or near the ceiling in -
 - i. any storey containing bedrooms -
 - between each part of the building containing bedrooms and the remainder of the dwelling, and
 - where bedrooms are served by a hallway, in that hallway; and
 - ii. any storey not containing bedrooms.
- d all alarms are to be interconnected.

Reason: to ensure compliance with the Building Code of Australia

12. MISCELLANEOUS

- (1) Where Council is nominated as the Principal Certifying Authority the applicant is to submit the following information prior to the issue of the Construction Certificate:
- i.) Soil report from suitably qualified Geotechnical firm indicating soil classification.
 - ii.) Proposed footing and slab design prepared by a practicing certified Structural Engineer designed in accordance with soil classification provided in Geotechnical report. (noting: flood liable land, construction on & certification of compacted fill).
 - iii.) Details of proposed boundary fencing (including style, materials, colour and dimensions).

Reason: So as to ensure compliance with the Building Code of Australia and Council's local policies.

- (2) Prior to the issue of an occupation certificate for the proposed multi dwelling housing development, the person acting on the consent must provide evidence to the Principal Certifier confirming 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. The payment of fees and charges for the provision of sewerage services will be payable based on the charges including in the Weddin Shire Council Operation Plan at the time of lodging a construction certificate application.

Reason: So as to comply with Council's Management Plan being the Fees and Charges policy.

Advisory Note

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 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.

14 DELEGATE(S) REPORTS

Nil

15 MINUTES OF COMMITTEE MEETINGS

15.1 COUNCIL COMMITTEE REPORT REQUIRING ACTION - MINUTES OF THE WEDDIN SHIRE WEEDS COMMITTEE MEETING HELD 7 SEPTEMBER 2023

File Number:

Author: Executive Assistant - Infrastructure

Authoriser: Director Infrastructure Services

Attachments: 1. **MINUTES - WEDDIN SHIRE WEEDS COMMITTEE MEETING | 7 SEPTEMBER 2023**

RECOMMENDATION

Except where otherwise dealt with, the Minutes of the Weddin Shire Weeds Committee Meeting held on 7 September 2023 be noted and adopted as presented.

RESOLUTION 300/23

Moved: Cr Best

Seconded: Cr McKellar

Except where otherwise dealt with, the Minutes of the Weddin Shire Weeds Committee Meeting held on 7 September 2023 be noted and adopted as presented.

THE MOTION WAS CARRIED

INFORMATION

The Minutes from the Weddin Shire Weeds Committee Meeting held on 7 September 2023 were confirmed at the Weddin Shire Weeds Committee Meeting held on 9 November 2023 and are attached for Council to note and adopt as presented.

15.2 COUNCIL COMMITTEE REPORT REQUIRING ACTION - MINUTES OF THE AUSTRALIA DAY EXECUTIVE MEETING HELD 21 NOVEMBER 2023
--

File Number: C1.4.2

Author: Arts, Tourism & Events Coordinator

Authoriser: General Manager

Attachments: 1. ATTACHMENT 1 | MINUTES_AUSTRALIA DAY EXECUTIVE COMMITTEE 21 NOVEMBER 2023

RECOMMENDATION

Except where otherwise dealt with, the Minutes of the Australia Day Executive Committee Meeting held 21 November 2023 be adopted as presented.

RESOLUTION 301/23

Moved: Cr Diprose

Seconded: Cr McKellar

Except where otherwise dealt with, the Minutes of the Australia Day Executive Committee Meeting held 21 November 2023 be adopted as presented.

THE MOTION WAS CARRIED UNANIMOUSLY

INFORMATION

The Australia Day Executive Committee Meeting was held on 21 November 2023. The Minutes from this meeting are attached for Council to note and adopt as presented.

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 MAYORAL MINUTE - GENERAL MANAGER'S PERFORMANCE AGREEMENT

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).

16.2 NOTICE OF MOTION | ALL COMMUNICATION ADDRESSED TO COUNCILLORS IS INCLUDED IN THE MONTHLY COUNCIL BUSINESS PAPERS

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).

16.3 NOTICE OF MOTION | COUNCIL QBR STATEMENTS; REQUEST FOR RESOURCE ENGAGEMENT AND AMENDED QBR CORRECTING ERRORS AND OMISSIONS BE PRESENTED.

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).

MOTION

Moved: Cr McKellar

Seconded: Cr Kenah

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 MAYORAL MINUTE - GENERAL MANAGER'S PERFORMANCE AGREEMENT

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).

16.2 NOTICE OF MOTION | ALL COMMUNICATION ADDRESSED TO COUNCILLORS IS INCLUDED IN THE MONTHLY COUNCIL BUSINESS PAPERS

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).

16.3 NOTICE OF MOTION | COUNCIL QBR'S STATEMENTS; REQUEST FOR RESOURCE ENGAGEMENT AND AMENDED QBR'S CORRECTING ERRORS AND OMISSIONS BE PRESENTED.

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).

5 minute break

Mckellar Frame

17 RETURN TO OPEN COUNCIL

RECOMMENDATION

That Council return to Open Council

RESOLUTION 302/23

Moved: Cr Kenah

Seconded: Cr Frame

That Council return to Open Council

CARRIED

18 REPORT ON CLOSED COUNCIL

16.1 MAYORAL MINUTE - GENERAL MANAGER'S PERFORMANCE AGREEMENT

RESOLUTION 303/23

Moved: Cr Frame

Seconded: Cr McKellar

That Council:

1. Note the information contained in this report.
2. Endorse the General Manager's Performance Agreement to July 2024.

THE MOTION WAS CARRIED

16.2 NOTICE OF MOTION | ALL COMMUNICATION ADDRESSED TO COUNCILLORS IS INCLUDED IN THE MONTHLY COUNCIL BUSINESS PAPERS

RESOLUTION 304/23

Moved: Cr Cook

Seconded: Cr Parlett

That the matter be moved to a workshop to be held at a later date.

THE MOTION WAS CARRIED

16.3 NOTICE OF MOTION | COUNCIL QBRs STATEMENTS; REQUEST FOR RESOURCE ENGAGEMENT AND AMENDED QBRs CORRECTING ERRORS AND OMISSIONS BE PRESENTED.

MOTION

Moved: Cr Cook

Seconded: Cr Diprose

The report presented to council on 16 November 2023 states “the QBRs has been prepared with limited capacity however noting that it is a statutory requirement to submit the QBRs to Council”. I put forward a motion that:

That:

1. Council employ or contract a suitable person or resource, to provide the skills and knowledge, and fulfil the statutory requirements for financial matters of Weddin Shire Council in the interim.
2. An amended September 2023 QBRs is presented to Council, correcting errors and omissions in the original document.

THE MOTION WAS DEFEATED

19 CLOSURE

The Meeting closed at 11:43am

Moved: Cr Diprose

Seconded: Cr Howell

THE MOTION WAS CARRIED

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 January 2024.

.....
CHAIRPERSON